



SPECIAL MEETING AGENDA

Date: 8/23/2016
Time: 6:30 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

6:30 p.m. Closed Session (City Hall Administration Building, 1st floor conference room)

Public comment will be taken on this item prior to adjourning to Closed Session.

CL1. Closed Session pursuant to Government Code Section §54957 to confer regarding employee performance evaluation: City Manager

Attendees: City Attorney Bill McClure, Human Resources Manager Lenka Diaz

7:00 p.m. Regular Session

A. Call To Order

B. Roll Call

C. Pledge of Allegiance

D. Report from Closed Session

E. Presentations and Proclamations

E1. Certificates of recognition for student ambassadors to Bizen, Japan

F. Commissioner Reports

F1. 2-Year Work Plan update and proposed goals for May 2016 to May 2018 (Attachment)

G. Study Session

G1. Study session on Willow Road transportation improvement options with a focus on emergency response and signal timing modifications (Staff Report# 16-142-CC)

H. Public Comment

Under "Public Comment," the public may address the City Council on any subject not listed on the agenda. Each speaker may address the City Council once under Public Comment for a limit of three minutes. Please clearly state your name and address or political jurisdiction in which you live. The City Council cannot act on items not listed on the agenda and, therefore, the City Council cannot respond to non-agenda issues brought up under Public Comment other than to provide general information.

I. Consent Calendar

- I1. Approve the Parks and Recreation Commission 2-Year Work Plan goals (Staff Report# 16-143-CC)
- I2. Adopt a resolution to install No Stopping zones on Oak Court, French Court, Elliott Drive, O'Connor Street, Byers Drive and Falk Court, appropriate \$20,000 from the Transportation Impact Fee fund and authorize the City Manager to amend agreements with Quality Striping, Inc. and Chrisp Company as part of the Citywide Street Signing and Striping Program to implement the Safety Improvements (Staff Report# 16-147-CC)
- I3. Adopt a resolution amending the Council's Community Funding Program Guidelines to include arts programs among the "verified community needs" eligible to apply for funding (Staff Report# 16-135-CC)
- I4. Adopt a resolution delegating authority to the City Manager to make and certify determinations of disability to the California Public Employees' Retirement System (Staff Report# 16-144-CC)
- I5. Introduce an ordinance correcting an error in the Municipal Code text for the R-1-S (FG) Zoning District (Staff Report# 16-136-CC)
- I6. Approve minutes for the City Council meetings of July 19, 2016 (Attachment)

J. Regular Business

- J1. Review and consider an amendment to Menlo Park Municipal Code Section 8.28.130 to prohibit drones and other unmanned aircraft systems (UAS) in City parks (Staff Report# 16-145-CC)
- J2. Request from Councilmember Mueller to form a subcommittee to investigate a regional solution for Ravenswood educational equity (Staff Report# 16-146-CC)

K. Informational Items

- K1. Update on approved Santa Cruz Street Cafes (Staff Report# 16-138-CC)

L. City Manager's Report

M. Councilmember Reports

N. Adjournment

Agendas are posted in accordance with Government Code Section 54954.2(a) or Section 54956. Members of the public can view electronic agendas and staff reports by accessing the City website at www.menlopark.org and can receive e-mail notification of agenda and staff report postings by subscribing to the "Notify Me" service at menlopark.org/notifyme. Agendas and staff reports may also be obtained by contacting City Clerk at 650-330-6620. (Posted: 08/18/2016)

At every Regular Meeting of the City Council, in addition to the Public Comment period where the public shall have the right to address the City Council on any matters of public interest not listed on the agenda, members of the public have the right to directly address the City Council on any item listed on the agenda at a time designated by the Mayor, either before or during the City Council's consideration of the item.

At every Special Meeting of the City Council, members of the public have the right to directly address the City Council on any item listed on the agenda at a time designated by the Mayor, either before or during consideration of the item.

Any writing that is distributed to a majority of the City Council by any person in connection with an agenda item is a public

record (subject to any exemption under the Public Records Act) and is available for inspection at the City Clerk's Office, 701 Laurel St., Menlo Park, CA 94025 during regular business hours.

Persons with disabilities, who require auxiliary aids or services in attending or participating in City Council meetings, may call the City Clerk's Office at 650-330-6620.

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MEMORANDUM

Date: 8/23/2016
To: Menlo Park City Council
From: Christopher Harris, Parks and Recreation Commission Chair
Re: 2-Year Work Plan Update and Proposed Goals for May 2016 to May 2018

Current work plan goals and achievements for 2014-2016:

1. Research and evaluate the social services and recreation opportunities in the Belle Haven neighborhood in support of the Belle Haven Visioning and Neighborhood Action Plan resulting in diverse, high quality programs meeting the needs of neighborhood residents.
 - Received update on the Belle Haven Neighborhood Action Plan and provided feedback to staff on future next steps.
 - Provided feedback to the Belle Haven Community Development Fund on the Belle Haven Mini-Grant Program. Commissioners were impressed with the program and look forward to the completion of more projects and seeing further improvements. The Commission supports the Mini-Grant Program for its high community benefit in building community and increasing pride in the neighborhood. The Commission would like to see the program continue next year and in future years.
 - The Commission received presentation by Brenda Villa from Menlo Swim and Sport and provided feedback on the programming out at Belle Haven Pool. The Commission was supportive of the expanded hours and year round programming and would like to see outdoor lighting at the pool to help with the pool operation.

2. Research and evaluate opportunities to support and increase arts program offerings for the community resulting in residents having a greater exposure to the arts and improved partnerships with new and existing arts groups and venues.
 - The Commission formed an arts subcommittee to address the topic of promoting the arts in Menlo Park.
 - Preliminary work is proceeding for a downtown outdoor or indoor exhibition of works of local artists. The Burning Man organization has been contacted and the concept of an exhibition in Menlo Park has been explored with local Burning Man artists. As a result of a short discussion with a representative of the Atherton Arts Foundation, we will explore the possibility of cooperating with Atherton in a joint exhibit in Menlo Park.
 - The Commission's Arts Sub-Committee met and identified two sources for public art in Menlo Park, the first was the Great Spirit Path restoration project in Bedwell-Bayfront Park, and second was identifying two areas in downtown as potential locations where local artists could display their work.

- The Commission also reviewed and approved the proposed Fremont Park tree repurposing and art project that was the result of creative problem-solving by the Public Works Department employees.
 - Reviewed and provided feedback on programs at the Menlo-Atherton Performing Arts Center (PAC) and Menlo Park Grant for the Arts. The Commission weighed in on the continued challenges in scheduling the PAC for programs although staff has made the most of the current arrangement.
 - Received a presentation from Jean at Kepler's Arts and Lectures who received a grant from the City's Grant for the Arts Program. They discussed the continued challenges with scheduling the PAC with the school which has made scheduling events difficult.
3. Study and evaluate City operated parks to ensure their short and long term vitality resulting in park structures and flora being properly maintained; parks being utilized by the community with greater frequency; and ensuring a proper balance of park usage and long term conservation.
- Reviewed and provided feedback on proposed next steps for community engagement activities supporting the 2015-16 Capital Improvement Projects for parks.
 - Addressed the topic of drones and other UAS at Bedwell-Bayfront Park at four separate meetings including a study session. Reviewed and considered options for regulating drone and RC aircraft use at Bedwell-Bayfront Park before making recommendation to the City Council. The Commission was split evening on the best course of action to take which included banning drones and RC aircraft from the park or allow the usage with significant regulation. The Commission was unanimous in the need to have a decision made on the issue given the increase drone usage and significant public feedback on the issue.
 - The Commission reviewed and considered a proposal from the Menlo Park Historical Association for the installation of storyboards at Fremont Park. The Commission accepted the proposal and recommended that City staff work with the Association on the installation of two storyboards which would cost approximately \$2,000 each. The Association would be required to work with the City's Public Works Department and coordinate the proposed project.
 - The Commission received a presentation from the Friends of Bedwell-Bayfront Park and heard public comment on a number of issues which include on-going park maintenance, security and code enforcement issues related to off-leash dogs, radio-controlled planes, parking enforcement etc. and long-term park usage.
 - Bedwell-Bayfront Park Sub-Committee was formed and composed of members of the Commission and Friends of Bedwell-Bayfront Park.
 - The Bedwell-Bayfront Park Sub-committee also met with City staff to discuss current park maintenance contracts which are set to expire, a proposal for a park master plan and the long-term sustainability of the park. The Commission supports moving forward with a park master plan and

plans to submit a proposal to the City Council to address these concerns at a later date.

- The Commission received a presentation from the San Mateo County Parks and Rec Department on the status of the County's Flood Park. The County expressed interest in a partnership with the City in helping manage the park and shaping its future. The County is doing a master plan for the park and would like the Commission and the City to help in informing residents to get their input into the process. The Commission supports potential joint-use of the park in order to increase the park's use and maximize the benefit to residents in Menlo Park.
- Supported the partnership between the San Mateo County Health System and the Community Services Department in the implementation of a Passport to Parks program that encourages residents to visit the City parks while supporting health and wellness.
- Bedwell-Bayfront Park Sub-Committee which includes Commission and Friends of Bedwell-Bayfront Park membership continue to advocate for increased enforcement of park rules and recommend that the City acquire the services of a Park Ranger. Other issues of concern include park maintenance and the increasing presence of drones in the park.
- The Commission reviewed and approved recommendations for placement and installation of two benches at Bedwell-Bayfront Park.
- Reviewed and provided feedback to the Environmental Programs Division on the draft Integrated Pest Management System (use of pesticides in City Parks).
- The Commission received a status update of the Menlo Park playgrounds as part of an independent audit that was conducted which provided recommendations on playground best practices and changing safety standards. The Commission also toured three playgrounds including those at Willow Oaks, Burgess and Nealon Parks.
- Commission toured three parks including Nealon, Jack Lyle and Willow Oaks and discussed usage, amenities and maintenance. Information gained from the tour was included in the annual CIP process.
- Prioritization of the restroom projects at Jack Lyle and Willow Oaks Park. On their parks tour in July 2014, the Commission indicated that both of these parks need public restroom facilities given the high usage by residents and field user groups that serve youth sports programs.
- The field condition and irrigation issues at Nealon Park Softball Field are a major concern for the Commission. Commission is supportive of relocating the existing dog park at Nealon Park to another location in the park if possible and timing the relocation along with the Sod Replacement project that is being proposed for Nealon in FY 2015-16. A new Dog Park with expanded hours and amenities is highly desirable while helping to preserve a highly used softball field by youth and adult field user groups.
- Received presentation and provided feedback to Public Works Department regarding the Fremont Park Pine Tree Removal and Replacement/Reuse project.
- Commission addressed the City's Facility Naming Policy and provided input with regard to monuments and memorials in parks.

Other areas and issues addressed by the Commission:

1. Commissioners attended the San Mateo County Parks and Recreation Commissioner Training that was held in June 2015.
2. Commissioners participated in a first-ever training retreat which focused on Community Services Department strategic planning, Commission work plan development and greater resident and stakeholder engagement strategies.
3. Reviewed and provided feedback on the Community Services Operational Review recommendations.
4. The Commission reviewed and recommended to the City Council the approval of a sponsorship policy for Community Services Department events and programs.
5. Supported the Community Services Department's Anti-Bullying Campaign and Unity Day during the month of October in collaboration with the Mayor's work on the Bully Project.
6. Commissioners began conducting park, program and recreation facility site visits in order to learn more about the programs and services the City provides and provide feedback to Community Services and Parks Division staff. The increased community engagement is one of the outcomes of the Commissioner retreat.
7. Reviewed and approved Sports Field User Groups FY's 2014-15 and 2015-16.
8. Reviewed and provided feedback on a pilot proposal to suspend non-subsidized rates for the Belle Haven After School Program and Camp Menlo Program in order to increase participation and improve cost-recovery.
9. The Commission received a presentation regarding recreational programming for disabled adults from Noria Zasslow, a former Parks and Recreation Commissioner who suggested recreational resources and opportunities for disabled adults or those with special needs is limited in Menlo Park. The Commission plans to work with City staff to determine the level of demand and significance of this issue, best practices in other Cities and determining the need for an Inclusion Policy for adults.
10. The Commission received the Aquatics Contractor Annual Report and a presentation by Menlo Swim and Sport at their February meeting. During the meeting the Commission reflected and discussed the performance of the pool contractor and the possibility of recommending a renewal of the lease agreement to City Council in lieu of an extensive RFP process. At their March meeting, the Commission received public comment and after further consideration approved a recommendation to develop a term sheet for a potential renewal of the pool lease agreement with Menlo Swim and Sport.
11. The Commission addressed the issue concerning non-resident fee policy and resident priority registration.

The Commission began to develop new work plan goals in March 2016 and approved them at their meeting on May 25, 2016. In developing their new 2-Year Work Plan, the Commission considered changes in the community over the past two years and those that may occur in the coming years as reflected in the General Plan Update process. In addition, the City will be embarking on two significant planning projects that include both the Bedwell-Bayfront Park Master Plan and the overall Parks and Recreation Facilities Master Plan which has not been updated since 1999.

Parks and Recreation Commission Work Plan Goals - Proposed for May 2016 to May 2018

1. Research and evaluate the social services and recreation opportunities in the City of Menlo Park, particularly in the Belle Haven Neighborhood resulting in high quality programs and services meeting the diverse and changing needs of residents throughout the City.
2. Study and evaluate, through such means as the Master Plan process, operational planning goals, utilization options, and guidelines for City park and community services facilities resulting in facilities and equipment being properly maintained, upgraded and/or expanded to meet community needs.
3. Research and evaluate improved offerings, new venues, and strengthened City partners and sponsorships that results in high quality educational, recreational, artistic, and cultural programs in the City of Menlo Park.

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STAFF REPORT

City Council

Meeting Date:

8/23/2016

Staff Report Number:

16-142-CC

Study Session:

Study session on Willow Road transportation improvement options with a focus on emergency response and signal timing modifications

Recommendation

Staff recommends the City Council provide direction on the following:

- Provide feedback on current traffic conditions, including identification of all key issues
- Provide feedback on potential emergency response support measures, and near-, mid-, and long-term improvement options

Following direction provided by the City Council in this study session, staff will bring back a follow up information item with a listing of priority projects and preliminary cost and schedule information.

Policy Issues

The City Council's 2016 Work Plan includes a project to study and prioritize Willow Road transportation improvement options. This Project is also consistent with the policies stated in the 1994 City General Plan Circulation Element. These policies seek to maintain a circulation system using the Roadway Classification System that will provide for a safe and efficient movement of people and goods throughout Menlo Park for residential and commercial purposes.

Background

On July 19, 2016, staff prepared an informational item for the City Council with the information below. For ease of reference, the background and analysis sections follow.

Willow Road is a two- to four-lane roadway connecting Alma Street with Bayfront Expressway. The City of Menlo Park and Caltrans have jurisdiction over different sections of Willow Road, and the City of East Palo Alto also has right-of-way along Willow near Newbridge Street. The section of Willow Road from Bay Road to Bayfront Expressway is under exclusive Caltrans jurisdiction and is classified as State Route (SR) 114.

This project was prioritized as part of the Fiscal Year (FY) 2015-16 Capital Improvement Program as a result of increasing traffic congestion along Willow Road and in the region. Residents and local employees, emergency responders including the Menlo Park Fire Protection District and observations from staff have identified traffic congestion on Willow Road as a significant concern. This project complements other ongoing work efforts to improve travel conditions along the Willow Road corridor:

- Bayfront Expressway/Willow Road Intersection Improvements – Facebook East & West Campus traffic mitigation to add a third northbound right-turn lane from Willow Road to Bayfront, add bicycle and pedestrian accommodations. Completed in June 2016.

- Willow Road Traffic Signal Interconnect – Federal grant funded project to install traffic signal interconnect at Gilbert Avenue and Coleman Avenue. Added emergency vehicle pre-emption at both intersections. Completed in August 2016, project acceptance anticipated in late August 2016.
- Newbridge Street/Willow Road Intersection Improvements – Facebook East & West Campus traffic mitigation to add a third southbound through lane on Willow Road approaching Newbridge Street connecting to US 101 North, replace bicycle lane and add pedestrian accommodations. Substantially complete in August 2016, final completion anticipated in early fall.

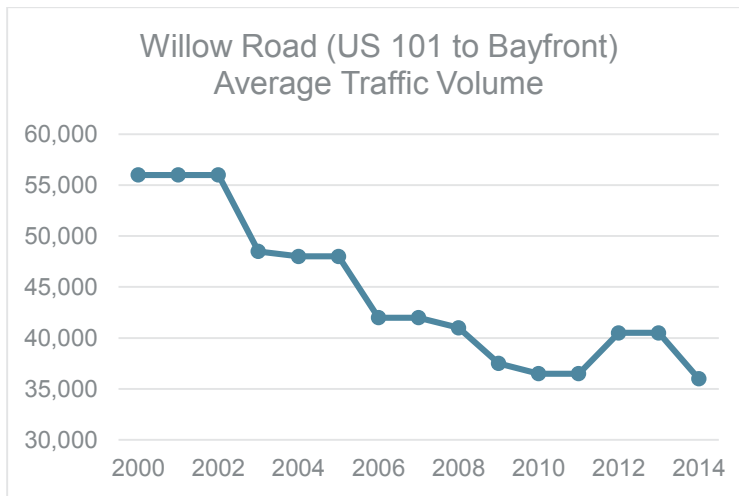
Analysis

Current Traffic Conditions

As already noted, Willow Road is a two- to four-lane roadway connecting Alma Street with Bayfront Expressway. The street classification and traffic volume varies along the street, lowest near Alma Street and increases towards US 101, as summarized below:

Table 1: Willow Road Traffic Volumes, 2014		
Roadway Segment	Street Classification	Average Daily Traffic (ADT) Volume ¹
Alma Street to Laurel Street	Collector	3,400
Laurel Street to Middlefield Road	Collector	5,200
Middlefield Road to Gilbert Avenue	Minor Arterial	24,300
Gilbert Avenue to Coleman Avenue	Minor Arterial	24,400
Coleman Avenue to Durham Street	Minor Arterial	41,200
Durham Street to US 101	Minor Arterial	34,100
US 101 to Bayfront Expressway	Primary Arterial	36,000
¹ Average 24-hour traffic volume. Counts obtained by the City of Menlo Park (fall 2014) or via Caltrans 2014 Traffic Census available: http://www.dot.ca.gov/trafficops/census/2014all/Route103-116.html		

As shown in Table 1, traffic volumes are highest on Willow Road approaching the US 101 interchange, near Durham Street. Historical trends in traffic volumes were also reviewed, dating back to 2000. The average daily traffic volume for Willow Road between US 101 and Bayfront Expressway annually is summarized in the chart below. The early 2000s were observed to have the highest traffic volumes, with decreases occurring through the late 2000s, and most recent increases as economic conditions improved in 2011 through current conditions.



As shown, the traffic volume based on most recent traffic counts is approximately 36,000 vehicles per day, significantly below the maximum traffic volume observed along this segment in the early 2000s. Based on staff observations, the traffic counts have decreased since 2012 due to congested conditions during commute hours along the corridor, US 101, and the approach to the Dumbarton Bridge.

Based on estimates prepared as part of the City’s work on ConnectMenlo, approximately 75-80 percent of peak traffic is regional in nature – i.e., the trip does not start or end in Menlo Park. Willow Road serves as a connection route between downtown Palo Alto and points south and US 101, as well as Bayfront Expressway and the Dumbarton Bridge. In the morning commute period, traffic congestion builds primarily in the southbound direction at each of the following points:

- US 101 interchange: short merging area for freeway traffic contributes to congestion
- Durham Street: Willow Road narrows from two lanes to one lane
- Middlefield Road: Heavy left-turn from southbound Willow to Middlefield Road towards Palo Alto

This congestion causes stop-and-go conditions on Willow Road, backing up to Bayfront Expressway, towards University Avenue and the Dumbarton Bridge, and limits access from the Belle Haven neighborhood towards US 101 and causes cut-through traffic in Belle Haven (primarily Carlton Avenue and streets paralleling Willow Road) and Willows neighborhoods, as well as on Bay Road, Coleman Avenue, and Ringwood Avenue.

In the evening commute period, traffic congestion builds primarily in the northbound direction at each of the following points:

- University Avenue and Willow Road intersections: heavy traffic on Bayfront Expressway merging with University and Willow traffic spills back on to each street
- US 101 interchange: short merging area for freeway traffic contributes to congestion
- Middlefield Road to Durham Street: Willow Road widens at Durham Street to two lanes, cut through traffic exits the Willows neighborhood at Durham Street and Chester Street exacerbating congestion on Willow Road

Staff will be conducting the City’s bi-annual traffic counts this coming fall, and will continue to monitor traffic patterns and conditions on Willow Road.

Potential Considerations for Improvement

Staff has identified a series of potential improvement options for Willow Road traffic conditions and secondary effects, which can be summarized in four (4) categories – emergency response support, near-term, mid-term, and long-term improvement options – as summarized in the following table.

Table 2: Summary of Potential Improvement Options		
Category	Description	Examples
1. Emergency Response Support	Measures that could help emergency vehicles maneuver Willow Road, especially during congested peak conditions	<p>A. Removal of four curb-side bulbouts between Middlefield Road and Nash Street</p> <p>B. Creation of rolled curb area at ends of median islands between Middlefield Road and Durham Street to allow large vehicles to maneuver better around congested conditions</p>
2. Near-Term Improvement Options	Measures that could be pursued in the short-term (next three to 12 months), either in the City’s jurisdiction or in collaboration with Caltrans	<p>City Jurisdiction</p> <p>A. Installation of protected left-turn signals at Gilbert Street and Coleman Avenue to improve access and safety to Willows neighborhood</p> <p>B. Expand free mid-day shuttle service to provide improved service on Willow Road</p> <p>Caltrans Jurisdiction</p> <p>C. Pursue signal timing and cycle length adjustments at Newbridge Street, O’Brien Drive, Ivy Drive and Hamilton Avenue to improve egress from Belle Haven neighborhood during congested conditions</p> <p>D. Evaluate Newbridge Street approach to Willow Road to modify Keep Clear area and improve traffic operations</p> <p>E. Hamilton Avenue intersection approach modifications to address queuing and safety</p>
3. Mid-Term Improvement Options	Measures that would require ongoing community engagement, coordination with Caltrans or other agencies for planning, permitting, design, or construction support	<p>City Jurisdiction</p> <p>A. Evaluate and identify neighborhood traffic calming in Belle Haven (proposed Facebook traffic mitigation)</p> <p>Caltrans or Others Jurisdiction</p> <p>B. Construction of the US 101/Willow Road interchange project</p> <p>C. Install adaptive signal interconnect between Bayfront Expressway and Middlefield Road</p> <p>D. Support ongoing work on Dumbarton Corridor Study, led by Samtrans</p> <p>E. Support for congestion pricing on the Dumbarton Bridge</p> <p>F. Support for improved Dumbarton Express Bus Service</p>

4. Long-Term Improvement Options	Measures that would require significant planning by the City or other efforts by other agencies	A. Install adaptive signal interconnect on Bayfront Expressway B. Evaluate grade separations at Bayfront Expressway at University Avenue and Willow Road C. Evaluate measures to expand capacity of Willow Road (see <i>2020 Peninsula Gateway Corridor Study</i> ¹) D. Evaluate measures to reduce travel time on Bayfront Expressway and US 101 to reduce demand on Willow Road
¹ 2020 Peninsula Gateway Corridor Study included evaluation and prioritization of traffic improvements on the approach to the Dumbarton Bridge. A copy of the study linked in Attachment A .		

Impact on City Resources

This project was funded in the City’s FY 2015-16 Capital Improvement Program (CIP), with a budget of \$150,000. These funds could be used for further study of improvements or capital expenditures, but would not be sufficient to fund all projects as proposed in this report. Following Council direction, staff will return to the Council with an informational report summarizing prioritized projects, including estimated costs of any future studies and construction efforts and anticipated schedules for each item. Mid- and long-term projects are anticipated to be incorporated in future CIP cycles for prioritization. Funding from local, state and federal grants may be explored for future projects as part of CIP programming efforts.

Environmental Review

Council direction on studying and prioritization of improvements to Willow Road does not require environmental review under the California Environmental Quality Act (CEQA). Any projects identified for further study or implementation would need to undergo CEQA review prior to construction.

Public Notice

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

A. Hyperlink to 2020 Peninsula Gateway Corridor Study (<http://ccag.ca.gov/wp-content/uploads/2014/05/2020-Gateway-Final-Report-Jul08c.pdf>)

Report prepared by:
Nicole H. Nagaya, P.E., Transportation Manager

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STAFF REPORT

City Council

Meeting Date: 8/23/2016
Staff Report Number: 16-143-CC

Consent Calendar: Approve the Parks and Recreation Commission 2-Year Work Plan Goals

Recommendation

Staff recommends that the City Council approve the Parks and Recreation Commission 2-Year Work Plan goals for the period including May 2016 to May 2018.

Policy Issues

The proposed work plan goals are consistent with Menlo Park Council Policy CC-01-0004 that defines the purpose for the commission which includes advising the City Council on matters related to City programs and facilities dedicated to recreation, i.e., those programs and facilities established primarily for the participation of and/or use by residents of the City.

Background

Commissions are responsible for establishing a 2-year work plan that is in line with the City Council's goals, which guides the commissions' activities and projects. Once finalized by the advisory body, it is formally presented to Council for direction and approval and then reported out on by the advisory body during the year and at the completion of the work plan. Advisory body's biennial plans will serve as a useful tool for both the advisory body and the Council to ensure that the work plan reflects the vision, mission, or priorities of the Council.

The Parks and Recreation Commission is charged with advising the City Council on matters related to City programs and facilities dedicated to recreation, i.e. those programs and facilities established primarily for the participation of and/or use by residents of the City. This general charge includes advising on:

- Adequacy and maintenance of such facilities as parks and playgrounds, recreation buildings, facilities, and equipment.
- Adequacy, operation, and staffing of recreation programs.
- Modification of existing programs and facilities to meet developing community needs.
- Long range planning and regional coordination concerning park and recreational facilities.

The Parks and Recreation Commission's Mission Statement: The City of Menlo Park Parks and Recreation Commission will strive for excellence in teamwork to: preserve and protect open space and parklands; be responsive to community needs for leisure, cultural, and social programs; affirm the diversity in the community; maintain its availability, visibility, and accessibility to the community and the media; promote safety in all facilities and programs; be financially responsible; and maintain a liaison between the community and city government.

Analysis

The City Council approved the current Commission work plan on February 25, 2014. Over the last two years the Commission worked steadily to address those goals and a summary of their achievements are included in the 2-Year Work Plan update as (Attachment A). The Commission began to develop new work plan goals in March 2016 and approved them at their meeting on May 25, 2016. The following are the proposed goals for Council approval:

1. Research and evaluate the social services and recreation opportunities in the City of Menlo Park, particularly in the Belle Haven Neighborhood resulting in high quality programs and services meeting the diverse and changing needs of residents throughout the City.
2. Study and evaluate, through such means as the Master Plan process, operational planning goals, utilization options, and guidelines for City park and community services facilities resulting in facilities and equipment being properly maintained, upgraded and/or expanded to meet community needs.
3. Research and evaluate improved offerings, new venues, and strengthened City partners and sponsorships that results in high quality educational, recreational, artistic, and cultural programs in the City of Menlo Park.

Impact on City Resources

There is no impact on City resources associated with this action.

Environmental Review

The proposed action does not require an environmental review.

Public Notice

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Attachments

- A. 2-Year Work Plan update and proposed goals for May 2016 to May 2018

Report prepared by:
Derek Schweigart
Assistant Community Services Director



MEMORANDUM

Date: 8/23/2016
To: Menlo Park City Council
From: Christopher Harris, Parks and Recreation Commission Chair
Re: 2-Year Work Plan Update and Proposed Goals for May 2016 to May 2018

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 - Received update on the Belle Haven Neighborhood Action Plan and provided feedback to staff on future next steps.
 - Provided feedback to the Belle Haven Community Development Fund on the Belle Haven Mini-Grant Program. Commissioners were impressed with the program and look forward to the completion of more projects and seeing further improvements. The Commission supports the Mini-Grant Program for its high community benefit in building community and increasing pride in the neighborhood. The Commission would like to see the program continue next year and in future years.
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 - The Bedwell-Bayfront Park Sub-committee also met with City staff to discuss current park maintenance contracts which are set to expire, a proposal for a park master plan and the long-term sustainability of the park. The Commission supports moving forward with a park master plan and

plans to submit a proposal to the City Council to address these concerns at a later date.

- The Commission received a presentation from the San Mateo County Parks and Rec Department on the status of the County's Flood Park. The County expressed interest in a partnership with the City in helping manage the park and shaping its future. The County is doing a master plan for the park and would like the Commission and the City to help in informing residents to get their input into the process. The Commission supports potential joint-use of the park in order to increase the park's use and maximize the benefit to residents in Menlo Park.
- Supported the partnership between the San Mateo County Health System and the Community Services Department in the implementation of a Passport to Parks program that encourages residents to visit the City parks while supporting health and wellness.
- Bedwell-Bayfront Park Sub-Committee which includes Commission and Friends of Bedwell-Bayfront Park membership continue to advocate for increased enforcement of park rules and recommend that the City acquire the services of a Park Ranger. Other issues of concern include park maintenance and the increasing presence of drones in the park.
- The Commission reviewed and approved recommendations for placement and installation of two benches at Bedwell-Bayfront Park.
- Reviewed and provided feedback to the Environmental Programs Division on the draft Integrated Pest Management System (use of pesticides in City Parks).
- The Commission received a status update of the Menlo Park playgrounds as part of an independent audit that was conducted which provided recommendations on playground best practices and changing safety standards. The Commission also toured three playgrounds including those at Willow Oaks, Burgess and Nealon Parks.
- Commission toured three parks including Nealon, Jack Lyle and Willow Oaks and discussed usage, amenities and maintenance. Information gained from the tour was included in the annual CIP process.
- Prioritization of the restroom projects at Jack Lyle and Willow Oaks Park. On their parks tour in July 2014, the Commission indicated that both of these parks need public restroom facilities given the high usage by residents and field user groups that serve youth sports programs.
- The field condition and irrigation issues at Nealon Park Softball Field are a major concern for the Commission. Commission is supportive of relocating the existing dog park at Nealon Park to another location in the park if possible and timing the relocation along with the Sod Replacement project that is being proposed for Nealon in FY 2015-16. A new Dog Park with expanded hours and amenities is highly desirable while helping to preserve a highly used softball field by youth and adult field user groups.
- Received presentation and provided feedback to Public Works Department regarding the Fremont Park Pine Tree Removal and Replacement/Reuse project.
- Commission addressed the City's Facility Naming Policy and provided input with regard to monuments and memorials in parks.

Other areas and issues addressed by the Commission:

1. Commissioners attended the San Mateo County Parks and Recreation Commissioner Training that was held in June 2015.
2. Commissioners participated in a first-ever training retreat which focused on Community Services Department strategic planning, Commission work plan development and greater resident and stakeholder engagement strategies.
3. Reviewed and provided feedback on the Community Services Operational Review recommendations.
4. The Commission reviewed and recommended to the City Council the approval of a sponsorship policy for Community Services Department events and programs.
5. Supported the Community Services Department's Anti-Bullying Campaign and Unity Day during the month of October in collaboration with the Mayor's work on the Bully Project.
6. Commissioners began conducting park, program and recreation facility site visits in order to learn more about the programs and services the City provides and provide feedback to Community Services and Parks Division staff. The increased community engagement is one of the outcomes of the Commissioner retreat.
7. Reviewed and approved Sports Field User Groups FY's 2014-15 and 2015-16.
8. Reviewed and provided feedback on a pilot proposal to suspend non-subsidized rates for the Belle Haven After School Program and Camp Menlo Program in order to increase participation and improve cost-recovery.
9. The Commission received a presentation regarding recreational programming for disabled adults from Noria Zasslow, a former Parks and Recreation Commissioner who suggested recreational resources and opportunities for disabled adults or those with special needs is limited in Menlo Park. The Commission plans to work with City staff to determine the level of demand and significance of this issue, best practices in other Cities and determining the need for an Inclusion Policy for adults.
10. The Commission received the Aquatics Contractor Annual Report and a presentation by Menlo Swim and Sport at their February meeting. During the meeting the Commission reflected and discussed the performance of the pool contractor and the possibility of recommending a renewal of the lease agreement to City Council in lieu of an extensive RFP process. At their March meeting, the Commission received public comment and after further consideration approved a recommendation to develop a term sheet for a potential renewal of the pool lease agreement with Menlo Swim and Sport.
11. The Commission addressed the issue concerning non-resident fee policy and resident priority registration.

The Commission began to develop new work plan goals in March 2016 and approved them at their meeting on May 25, 2016. In developing their new 2-Year Work Plan, the Commission considered changes in the community over the past two years and those that may occur in the coming years as reflected in the General Plan Update process. In addition, the City will be embarking on two significant planning projects that include both the Bedwell-Bayfront Park Master Plan and the overall Parks and Recreation Facilities Master Plan which has not been updated since 1999.

Parks and Recreation Commission Work Plan Goals - Proposed for May 2016 to May 2018

1. Research and evaluate the social services and recreation opportunities in the City of Menlo Park, particularly in the Belle Haven Neighborhood resulting in high quality programs and services meeting the diverse and changing needs of residents throughout the City.
2. Study and evaluate, through such means as the Master Plan process, operational planning goals, utilization options, and guidelines for City park and community services facilities resulting in facilities and equipment being properly maintained, upgraded and/or expanded to meet community needs.
3. Research and evaluate improved offerings, new venues, and strengthened City partners and sponsorships that results in high quality educational, recreational, artistic, and cultural programs in the City of Menlo Park.

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**STAFF REPORT****City Council**

Meeting Date: 8/23/2016
Staff Report Number: 16-135-CC

Consent Calendar: **Adopt a Resolution amending the Council's Community Funding Program Guidelines to include arts programs among the "verified community needs" eligible to apply for funding**

Recommendation

Staff recommends that the Council amend the Community Funding Program guidelines (Attachment A) to include arts programs among those eligible to receive funding.

Policy Issues

The City Council approved a Community Funding Program on June 4, 1996 with the goal of providing guidelines for the award of monetary support to local non-profit agencies whose programs responded to the human service needs of Menlo Park residents. Since that time, about \$150,000 per year has been awarded through contractual agreements with the City detailing the specific objectives to be accomplished as a result of these grants. Information about the application and selection process is included as Attachment B. A request was recently made by a local arts organization that the program be expanded to include arts programs among the list of "verified community needs" the policy currently supports, which include disabled, youth, seniors and emergency assistance and low income support.

Background

The City of Menlo Park adopted a formal policy in 1996 to respond to community needs and leverage City funds in response to the human service needs of Menlo Park residents.

The policy guidelines stipulate that eligible programs must address a verified community need and have a significant Menlo Park client base. Priority service areas include emergency assistance for those who are homeless or low-income; assistance to the disabled; help for seniors to be independent; senior daycare support; youth services including recreational and summer academic support; crisis and family counseling; and substance abuse prevention. Applicants must maintain accounting records with an independent audit at least once every two years.

Each fiscal year, according to the policy, no more than 1.7 percent of General Fund property tax revenue may be allocated to the Community Funding Program. This ceiling amounted to slightly under \$250,000 for the 2015-16 fiscal year. The General Fund budget for 2016-17 includes \$175,000 for eligible community programs selected for funding, consistent with the amount awarded last year. Annually, beginning in October, the City accepts applications which are screened by staff to ensure eligibility. A Council Subcommittee then reviews the applications and makes a recommendation to the Council that is generally approved in December. Funding contracts are then distributed to grantees in February.

The 2015-16 funding cycle resulted in seventeen agencies applying for funding with requests totaling

\$298,000. Applicant agencies provided services such as counseling, crisis intervention, employment assistance, shelter, hospice services, community health, risk reduction education, youth and senior services. All agencies that applied for funding in 2015-16 were allocated at least \$750 except one, a new applicant, Random Acts of Flowers, which was determined not to meet the Council Policy's funding targets. The largest grants, for \$30,000, were to Star Vista for youth counseling services at Menlo Atherton High School and \$25,000 to Peninsula Conflict Resolution Center for a youth restorative justice and leadership program at Beechwood School.

The table below outlines funding allocations approved by Council in FY 2014-15, requests for fiscal year 2015-16, and the final Council Subcommittee recommendation.

	2014-15 allocation	2015-16 request	2015-16 approved
Boys and Girls Club of the Peninsula	16,500	30,000	16,500
Community Overcoming Relationship Abuse	5,000	5,000	5,000
Family Connections	9,000	15,000	10,000
HIP Housing	17,500	20,000	17,500
Inn Vision Shelter Network	17,500	20,000	17,500
Legal Aid San Mateo County	3,500	5,000	3,500
Nuestra Casa	4,000	6,000	4,000
Ombudsman Services of San Mateo Co.	500	2,000	750
Peninsula Conflict Resolution Center	0	55,000	25,000
Peninsula Volunteers, Inc	14,500	40,000	18,000
Random Acts of Flowers	0	10,000	0
Ravenswood Education Foundation	7,000	10,000	9,000
Rebuilding Together	5,000	0	0
Service League of San Mateo County	3,000	3,000	3,000
Star Vista	30,000	30,000	30,000
Vista Center for the Blind	7,000	10,000	8,000
Youth Community Service	6,000	12,000	7,000
Total	\$146,000	\$273,000	\$172,750

Analysis

In 2012, the Community Services Department began the Menlo Park Grant for the Arts (MPGA) program, designed to address the increased costs of performances at the Menlo-Atherton Performing Arts Center (PAC) and allow local organizations that might otherwise not be able to, to utilize the PAC (see application

and guidelines, Attachment C). This program is funded in the Community Services Department at about \$5000 per year, which allows about five organizations to each fund one performance at the PAC (Attachment D outlines recipients since the program began in 2012). Since inception of the program, the City of Menlo Park has awarded roughly \$24,000 for programs occurring from January 2013 through June 2017 adding over 50 days use of the theater as a result. Organizations that have received grant funding since the MPGA launched include Menlowe Ballet, Menlo Park Chorus, West Bay Opera, Western Ballet, Peninsula Youth Orchestra, Peninsula Arts and Letters, iSing Silicon Valley, Magical Strings West and Master Sinfonia Chamber Orchestra. In February 2016, nine organizations submitted applications for grant funding for programs occurring in FY 2016-17, which was an increase from six applicants the year prior.

Recently, Menlowe Ballet, in an effort to make the PAC their “home” venue and offset the additional cost of renting that facility for performances and rehearsals, approached members of the City Council about the possibility of the Community Funding program expanding its eligible categories to include arts programs so that more performances and operations of arts programs could be included.

If Council wishes to amend the policy to include this category, staff suggests the following addition to section 2.11 of the policy (Attachment A):

ARTS emphasizes support of programs that provide arts programming to the Menlo Park community.

Impact on City Resources

The FY 2016-17 adopted budget includes an appropriation of \$175,000. Staff estimates that an additional \$25,000 would be needed to fund any eligible arts programs, bringing the total amount to \$200,000 and still within the property tax percentage (1.7% or approximately \$275,000) allowed by the Policy. If an additional allocation is needed, staff would include that request with the Subcommittee recommendations in December

Environmental Review

The Community Funding Program is not subject to California Environmental Quality Act requirements.

Public Notice

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

- A. Community Funding Program Guidelines Council Policy
- B. Community Funding Program Application
- C. Menlo Park Grant for the Arts Application
- D. Menlo Park Grant for the Arts Recipients since inception

Report prepared by:

Cherise Brandell, Community Services Director

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City of Menlo Park		COUNCIL POLICY
Department	Page 1 of 2	Effective Date: June 4, 1996
Finance	Approved by:	Procedure #
Subject	City Council	FIN-01-1996
Community Funding Program Guidelines	On	
	June 4, 1996	

PURPOSE

To provide guidelines for the award of monetary support to local non-profit agencies whose programs respond to the human service needs of Menlo Park residents. This funding is not intended for use as the sole support of any agency. All recipients of financial assistance grants enter into a contractual agreement with the City detailing the specific objectives to be accomplished as a result of the grant.

POLICY**1. GOALS AND PHILOSOPHY**

The City of Menlo Park recognizes that:

- 1.1 the availability of basic human service programs is a key determining factor in the overall quality of life of Menlo Park residents;
- 1.2 the most cost-effective and efficient manner to insure that these services are available to local residents is through the development of agreements with existing non-profit agencies;
- 1.3 contractual agreements with non-profit agencies allow the City to influence the human service programs offered to Menlo Park residents; and
- 1.4 financial assistance grants demonstrate the City's support of the activities of specific non-profits and make it possible for these agencies to leverage additional funds which will benefit local residents.

2. ELIGIBILITY

- 2.1 All applicants must be formally incorporated non-profit entities and must be tax exempt (under Section 501(c)(3) of the IRS Code, and Section 2370(d) of the California Revenue and Taxation Code).
- 2.2 All applicants must be agencies based in Menlo Park or agencies which provide services throughout the County of San Mateo who can demonstrate a significant Menlo Park client base.
- 2.3 All applications must provide a service that is not a duplication of an existing public sector program, OR if the service is duplicated, the applicant must show why it is not an unnecessary duplication of service.
- 2.4 All applicants shall maintain accounting records which are in accordance with generally accepted accounting practices. The agency must have an independent audit performed at least once every two years.
- 2.5 The agency must have bylaws which define the organization's purposes and functions, its organization and the duties, authority and responsibilities of its governing body and officers.

City of Menlo Park

COUNCIL POLICY

Department Finance	Page 2 of 2	Effective Date: June 4, 1996
Subject Community Funding Program Guidelines	Approved by: City Council On June 4, 1996	Procedure # FIN-01-1996

- 2.6 Governance of the agency should be vested in a responsible and active board which meets at least quarterly and establishes and enforces policies. The board should be large enough and so structured to be representative of the community it serves. It should have a specific written plan for rotation or other arrangements to provide for new members.
- 2.7 The agency must provide for adequate administration of the program to insure delivery of the services. The agency must provide that it has a written job description for each staff position and an organizational chart approved by the board. One individual should be designated as the full time director of the agency.
- 2.8 No less than 85% of City funds granted must be used for direct services as opposed to administrative costs.
- 2.9 City grants can represent no more that 20% of an applicant's total operating budget.
- 2.10 All recipients agree to actively participate in City efforts to coordinate and to improve human services within the City.
- 2.11 The program described must respond to a verified community need as defined by the City Council:
 - DISABLED** emphasizes support of programs that will allow the disabled to actively participate in their community and maintain independence from institutional support.
 - EMERGENCY ASSISTANCE AND LOW INCOME SUPPORT** emphasizes support of programs that can meet emergency needs for people in crisis such as victims of homelessness, rape, and domestic violence and the basic needs such as food, etc., for low income residents.
 - SENIORS** emphasizes support of programs which serve predominantly low income, frail and minority seniors; and those programs which make it possible for seniors to continue to be independent and active community participants.
 - YOUTH** emphasizes support of delinquency prevention services including recreation; crisis and family counseling; substance abuse prevention; child care and acculturation of ethnic minorities.

PROCEDURE

Any agency requesting financial assistance must complete the required application and submit it to the Finance Department. The City Council subcommittee is responsible for reviewing all proposals and submitting recommendations for funding to the City Council.

FUNDING

Grants are funded by the General Fund. Each fiscal year, no more than 1.7 % of general fund property tax will be allocated to the Community Funding Program.



**CITY OF MENLO PARK
COMMUNITY FUNDING PROGRAM
FISCAL YEAR 2015/16**

APPLICATION FORM INSTRUCTIONS

The following information is provided to assist you in completing the community Funding proposal form. Applications must be returned by October 30, 2015. Applications not received by the due date will be ineligible for 2015/16 funding. Applicants submitting applications which are incomplete will have five (5) working days from time of notification to correct any deficiencies in order to receive further evaluation.

Answer all of the questions included with these instructions. If you need additional space to respond to questions, you may use an additional page labeled “Continuation of #___”, i.e. “Continuation of 5b”. If you have questions regarding the Menlo Park Community Funding process, please contact Stephen Green, Financial Analyst at (650) 330-6646.

COVER SHEET/PAGE 1

- **Agency Name:** Provide the name of the primary agency who will carry out the activity being proposed.
- **Program Name:** If grant is requested to support a specific program, list the program name.
- **Service Category/Type:** Indicate which of the eligible categories best describes the type of service your program will be providing. If your program falls under more than one category, indicate the one that you feel best describes your proposed activity. Please mark only one category.
- **Service Population:** Indicate the total number of individuals OR families serviced by your program for fiscal year 2013/14. Also indicate the number of those served that were Menlo Park residents for that same year.
- **Organizational Structure:** Provide the information requested regarding your organization.
- **Fiscal:** Please complete all information requested.

PAGES 2 - 4

1. To give the City Council Subcommittee an overall picture of your agency, please provide a brief statement of your agency purpose.
2. Clearly describe how your agency will use the funds if awarded.
3. Describe the reasons that you have chosen to request financial assistance from the City of Menlo Park.
4. Describe how this program benefits the Menlo Park community and provide supporting documentation as evidence of stated results. Points are awarded based on this evidence.
5. Given that resources are becoming more limited, collaboration and coordination amongst agencies receiving funding from the City is critical. Therefore, please describe ways in which your agency collaborates, coordinates and networks with other agencies. Furthermore, if there are currently other agencies providing similar services, please describe how your agency collaborates and works with that agency to avoid an unnecessary duplication of services.

PAGE 5

Information on the overall financial status of applicants, in combination with program information, is extremely helpful to the proposal review process. Therefore, please provide the information requested regarding your projected revenues and expenditures for the current funding year and your expenditures from the previous funding year (July 1 - June 30). You will note that we are requesting information as it applies to both the specific program (if applicable) for which you are requesting funding and the entire agency.

Evaluation criteria for ranking the priority of programs for funding is attached as Page 7.

Return applications by October 30, 2015 to:

City of Menlo Park
Finance Department
Community Funding Program
701 Laurel Street
Menlo Park, CA 94025-3483

**CITY OF MENLO PARK
COMMUNITY FUNDING PROGRAM APPLICATION
FISCAL YEAR 2015/16**

AGENCY NAME _____

PROGRAM NAME _____
(if Menlo Park grant is requested to support a specific program)

ADDRESS _____

MAILING ADDRESS (if different) _____

TELEPHONE _____ CONTACT PERSON _____

SERVICE CATEGORY/TYPE:

(Please indicate a category and describe type of service to be provided)

- () DISABLED _____
- () EMERGENCY ASSISTANCE _____
- () SENIOR _____
- () YOUTH/TEENS _____

SERVICE POPULATION

Total # of individuals/families served in prior fiscal year _____

Total # of Menlo Park residents/families served in prior fiscal year _____

Comments:

ORGANIZATIONAL STRUCTURE

Non-Profit Status: ID # _____ Year Incorporated _____

- A. Number of members on governing board _____
- B. How often are director's meetings held? _____
- C. How many employees? _____ Full Time? _____ Part Time? _____
- D. How many volunteers? _____ How many volunteer hours per month? _____

FISCAL

FY 15/16 Community Funding request from Menlo Park \$ _____

This request represents _____% of agency projected 15/16 income

FY 14/15 City of Menlo Park Community Funding allocation \$ _____

FY 14/15 funding received from other cities \$ _____

1. Please provide a brief statement of your agency purpose.

2. Describe how your agency plans to use the requested funding if awarded.

3. Describe your reasons for requesting financial assistance from the City of Menlo Park.

4. Describe how your services or specific program benefits the Menlo Park Community and how it may be uniquely positioned to fill an identified community need. Attach supporting documentation or other evidence of stated results which demonstrate a change in the community caused by the services or program for which you are requesting funds.

**REVENUES AND EXPENDITURES
(July 1 - June 30)**

Agency Name _____

PROJECTED REVENUES AND EXPENDITURES 2015/16 BUDGET YEAR
(Current Funding Year)

REVENUES FY 2015/16 (by funding source)	PROGRAM (if grant is to support a specific program)		AGENCY	
	\$ AMOUNT	% OF TOTAL BUDGETED REVENUE	\$ AMOUNT	% OF TOTAL BUDGETED REVENUE
City of Menlo Park	_____	_____	_____	_____
All other sources	_____	_____	_____	_____
Total	_____	100%	_____	100%

EXPENDITURES FY 2015/16	PROGRAM (if grant is to support a specific program)		AGENCY	
	\$ AMOUNT	% OF TOTAL BUDGETED EXPENDITURES	\$ AMOUNT	% OF TOTAL BUDGETED EXPENDITURES
Direct Service Costs	_____	_____	_____	_____
Administrative Costs	_____	_____	_____	_____
Total	_____	100%	_____	100%

The requested grant from Menlo Park of \$ _____ would be _____ % of the total Agency operating budget.

EXPENDITURES FROM 2014/15 BUDGET YEAR
(Prior Funding Year)

EXPENDITURES FY 2014/15	PROGRAM (if grant is to support a specific program)		AGENCY	
	\$ AMOUNT	% OF TOTAL BUDGETED EXPENDITURES	\$ AMOUNT	% OF TOTAL BUDGETED EXPENDITURES
Direct Service Costs	_____	_____	_____	_____
Administrative Costs	_____	_____	_____	_____
Total	_____	100%	_____	100%

CERTIFICATION

The applicant hereby proposes to provide the services in accordance with the Community Funding policy of the City of Menlo Park. If this proposal is approved and funded, it is agreed that relevant federal, state and local regulations, and other assurances as required by the City of Menlo Park will be adhered to. Furthermore, as the duly authorized representative of the applicant organization, I certify that the applicant is fully capable of fulfilling its obligation under this proposal as stated herein.

Furthermore, applicant certifies that the agency making this application is: 1) Non-profit, 2) Tax exempt, 3) maintaining accounting records in accordance with generally accepted accounting practices and has had an independent audit with the last two years, and 4) incorporated in the state of California, and has complied with all applicable laws and regulations.

This application and the information contained herein are true and correct and complete, to the best of our knowledge.

By: _____ Date: _____
Executive Director

Organization Name

President of the Board on behalf of
the Board of Directors

Date: _____

Award Criteria (used for determining priority for funding, not funding amounts)

Criteria	Potential points
Admin <15% / city contribution, 20% or <	10
Previous funding recipient	5
Documentation of results	20
Impact on Menlo Park (# MP participants served, \$/MP participant, demonstrated community change)	20
Documented community need not filled by City	10
Unduplicated service / collaboration if duplicated	15
Priority use of tax dollars per Council goals	20
<i>Total possible points</i>	<i>100</i>

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Menlo Park Grant for the Arts Guidelines

701 Laurel Street, Menlo Park, CA 94025 (p) 650.330.2223 (f) 650.330-2242

CITY AND VENUE INFORMATION

Menlo Park is a city of roughly 30,000 people located in the South Bay Area, with San Francisco and Oakland to the north and San Jose to the south. In 2009, the City constructed the Menlo-Atherton Performing Arts Center (PAC) in conjunction with Menlo-Atherton High School. This facility is available to the City of Menlo Park 55 days out of the year including six weeks during the summer.

The Performing Arts Center seats 492 and contains professional-quality sound and lighting, an orchestra pit accommodating up to 80 musicians, and a full lobby and box office. Organizations may also rent the 150-seat multi-purpose space or other locations around the school during certain days.

The venue has mainly been used for musical performances. It has also hosted touring dance companies, author lectures, documentaries, and live chamber music. The venue is available for a wide variety of performances including dance, theatre, musicals, film screenings, and many other art forms.

GRANT INFORMATION

The Menlo Park Grant for the Arts (MPGA) is a grant designed for organizations looking to perform in a professional-grade theater. This grant is intended to help subsidize the cost of rental for new, small, and/or local organizations in an effort to support the Menlo Park artistic community. Five (5) organizations will be selected each year and will be awarded \$500-\$1000 to be used toward subsidizing the rental cost of the PAC. Organizations that are not awarded the grant can still use the PAC at its normal rate by contacting the City of Menlo Park.

This grant was created to increase the accessibility of the PAC by members of the community and to encourage the development of local artistic groups by providing a high-quality venue at a subsidized cost.

Groups utilizing the facility will be listed on the PAC and City of Menlo Park website. Additionally, the city can provide some resources to assist in marketing efforts to help promote the event(s), if requested.

MPGA applications will be accepted January 15th through March 6th, or until funds are no longer available. Grants are valid for performances held from July 2016 thru June 2017. Grants expire June 30th, 2017. No applications will be accepted once all funding is awarded, but any organization can reapply the following year.

QUALIFICATIONS

Applicants will be judged based on the following criteria:

1. Proximity to the City of Menlo Park (location/services/constituents).
2. If presenting in the PAC would greatly aid the organization.
3. The planned performance aligns with the values of the City of Menlo Park, including:
 - a. Fostering human development
 - b. Connecting people to others
 - c. Strengthening families, community, and providing a sense-of-place
 - d. Material appropriate for all ages, races, religions, etc.

The MPGA may not be used for: (1) Any religious purpose; (2) Political advocacy efforts; (3) Programs, projects or events not accessible to the general public; (4) Receptions and social activities.

RULES & REGULATIONS

Hours: Any time in the building, including set-up and clean-up, is chargeable to the renter. Facilities will be opened at a designated opening time and need to be vacated by an arranged closing time. Should it be necessary to extend the time beyond what is specified on the application, special permission can be obtained from the administrator in charge of the facility before the event convenes. In such instances, additional charges may be applied.

Fees: All renters will work with city staff and theater staff to complete a *Tech Worksheet* to determine the rental fees. If additional equipment or staff hours are needed for the rental, the renter will be invoiced for those charges or will be paid for by the grant.

Admission Fees: Facility users may charge an admission fee or entrance fee but require prior approval. Please note any entrance fees in the MPGA application.

Facility Attendant: A city-staff attendant can be made available to assist with your event, if requested, for additional cost. They would ensure the building is unlocked and locked, inform the renter the of equipment location, answer any questions, and enforce the rules of the facility. The attendant is there to assist the renter; however the renter is responsible for their own set-up and clean-up. Please report any facility issues to the attendant.

Ushers/Lobby Attendants: The renter will be responsible for providing all of the required ushers, box office, and lobby attendants. At least one person must remain in the lobby area for the **entire** rental time. The renter will be asked to complete a *Staffing Worksheet* to ensure the appropriate numbers of staff or volunteers will be available for the size and type of event.

Renter Conduct: The renter is responsible for any and all accidents or injuries to persons or property resulting from the use of the facility. The renter is responsible for the control and supervision of all people in attendance. The renter shall take care that no damage is done to the facility and that all of the attendees conduct themselves in an orderly manner in and around the facility, including the surrounding areas and parking lot. If damages or behavior of the group are deemed inappropriate or unsafe for any reason, the function may be stopped in progress and denied further use of the facilities. In addition, if it becomes necessary during the course of the function to summon the police for any reason, all or part of the security deposit will be forfeited. Groups composed of minors (under the age of 18) must be supervised by 1 adult for every 20 minors. Minors must be under adult supervision at all times.

- **Decorations:** There is no adhering anything to the walls, doors, windows or other parts of the building without permission of the Theater Manager. If permission is granted, only blue painters tape will be permitted. Use gaffers or appropriate stage tape only on or around the stage area (absolutely no duct tape, scotch tape, screws or other unauthorized fasteners will be allowed). No open flames, candles, or pyrotechnics are allowed. The renter is responsible for taking down all decorations and removing trash to the proper area.
- **Damages:** Any damage incurred to the walls, windows, tables, chairs, stage, lights, AV or sound system, or any of the property will be deducted from the deposit and is the responsibility of the renter. This includes litter in the parking lot, patio area, and lobby or any excessive cleaning done by our staff. Renter will be billed for damages, cleaning expenses, and staff overtime in excess of the deposit or for total damages.
- **Storage:** Storage may be available either before or after the rental; however, requires prior approval by the school.

- *Opening/Closing Checklist:* If the renter finds anything to their dissatisfaction upon entering the building, staff should be notified immediately so that prompt action can be taken to correct the situation. Failure to do so may result in all or partial withholding of the security deposit. In addition, the renter must check with staff before leaving and after cleaning up to ensure everything on the checklist has been completed.
- *Hours of Reservation:* In the event that the renter has not exited the building within the time parameters noted on the contract, a penalty will be assessed. It is not an option for the renter to add additional time to their reservation on the day of the event itself. Any and all time changes must be made at least one week in advance. There are no partial refunds/prorated fees if an event ends earlier than the scheduled time.

Food & Drink: No food or drink is allowed in the theater. Food and drinks may be served in the lobby or patio areas but requires prior approval. Menlo-Atherton Arts Program reserves the right to run the concession area for events as fundraising for their department.

Alcohol: No alcohol will be allowed at any time on school premise.

Smoking: Smoking is not allowed on any premises, including patios and entry areas.

School District: All renters are subject to comply with all of the Sequoia Union High School District rules and regulations.

FACILITY FEE SCHEDULE

ITEM	FEE	REQUIRED/OPTIONAL
Theater Manager	\$50/hr	Required
Custodial Personnel	\$55/hr + 1 hr	Required
City Staff Coordinator	Varies	Optional
Student Technicians	\$10/hr	Optional
Wireless, Hanging, or Boundary Microphones	\$50 each	Optional
LCD Projector	\$75	Optional
VCR/DVD with screen	\$25	Optional
Laptop	\$50	Optional
Overhead projector	\$25	Optional
Rehearsal Stairs	\$50 each	Optional
Choral Risers	\$20 each	Optional
Chairs	\$1 each	Optional
Tables	\$5 each	Optional
Dance Flooring	\$65 per roll(installed) \$40 per roll (uninstalled)	Optional
Band Shell	\$1600	Optional
Follow Spot	\$50 each	Optional

Please Note: These fees are subject to change.

COMMUNITY SERVICES DEPARTMENT

Menlo Park Grant for the Arts Application

701 Laurel Street, Menlo Park, CA 94025 (p) 650.330.2223 (f) 650.330-2242



Organization Name:			
Organization Website:			
Contact Name:			
Address:	City:	State:	Zip:
Phone:	Alternate Phone:		
E-mail:	501(c)(3) Organization: Yes <input type="checkbox"/> No <input type="checkbox"/>		
Estimated Attendance:	Type of Use:		

Proposed Dates/Times for Performance (include any rehearsal dates)

	Date	Start Time	End Time	Total Hours
1				
2				
3				
4				
5				

Please tell us about your organization.

What does your organization typically perform? Where?

What is your intended use of the PAC if the grant is awarded?

What is the target audience for your presentation? Will there be an admission fee?

How do you intend to market your performance to the Menlo Park community?

In what ways would your presentation educate the audience?

How will performing at the PAC aid your organization?

Any additional information you wish to share?

Required Materials:

- I have read and understand the Menlo Park Grant for the Arts Guidelines.
- I have completed the Menlo Park Grant for the Arts Application in its entirety.

Optional Materials:

- I have included any brochures, media kits, or information sheet on the organization.
- I have included sample marketing materials of previous performances.

I hereby certify and agree that I shall be personally responsible on behalf of myself/organization for any damage sustained by the facility, equipment, or premises as a result of the occupancy of said facility by my group/organization. Approval is dependent upon the intended use, availability and the applicant's agreement to facility rental terms. The City of Menlo Park is not responsible for arrangements made and expenses incurred if your application is not approved. I hereby waive, release, discharge and agree to indemnify, defend and hold harmless the City, its officers, employees, and agents from and against any and all claims by any person or entity, demands, causes of action or judgments for personal injury, death, damage or loss of property, or any other damage and/or liability occasioned by, arising out of, or resulting from this reservation or use of the facilities. I hereby declare that I have read and understand and agree to abide by and to enforce the rules, regulations, and policies affecting the use of the facilities.

Signature of Applicant

Date

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Summary:

In 2009, the City constructed the Menlo-Atherton Performing Arts Center (PAC), a professional-grade theater, in conjunction with Menlo-Atherton High School. This facility is available to the City of Menlo Park a minimum of 55 days out of the year. However, after the construction of the theater, staff recognized the barriers preventing local community organizations from using the PAC and therefore created the Menlo Park Grant for the Arts (MPGA) in 2012. The MPGA was designed for organizations looking to perform in the PAC by awarding grant funds intended to help subsidize the cost of rental for new, small, and/or local organizations in an effort to support the Menlo Park artistic community and programs that benefit our local residents. Each year, roughly five organizations are awarded \$500-\$1000 to be used toward subsidizing the rental cost of the PAC. Since the inception of the program, the City of Menlo Park has awarded roughly \$24,000 for programs occurring from January 2013 thru June 2017 adding over 50 days use of theater as a result. Organizations that have received grant funding since the MPGA launched include Menlowe Ballet, Menlo Park Chorus, West Bay Opera, Western Ballet, Peninsula Youth Orchestra, Peninsula Arts and Letters, iSing Silicon Valley, Magical Strings West and Master Sinfonia Chamber Orchestra, to name a few. In February 2016, nine organizations submitted applications for grant funding for programs occurring in FY 2016-17, which was an increase from six applicants the year prior.

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STAFF REPORT

City Council
Meeting Date: 8/23/2016
Staff Report Number: 16-144-CC

Consent Calendar: **Adopt Resolution delegating authority to the City Manager to make and certify determinations of disability to the California Public Employees' Retirement System**

Recommendation

Adopt a resolution to delegate authority to the City Manager under Government Code Section 21152(C), 21156, and 21173 to make and certify determinations of disability to the California Public Employees' Retirement System (CalPERS).

Policy Issues

The City is required to make and certify determinations of disability, on the basis of competent medical opinion, under our contractual obligation with CalPERS.

Background

The City of Menlo Park, as a contract member of CalPERS, has available to its employees the provision for a disability retirement. If an employee has a disabling injury or illness that prevents the employee from performing his/her usual job duties, the employee may be eligible for a disability retirement (non-work-related), or an industrial (work-related) disability retirement.

To qualify for a disability retirement, the employee must have at least five years of service credit, and be mentally or physically incapacitated from performing his/her usual job duties. There is no minimum age requirement for a disability retirement, and the injury or disease causing the incapacity does not need to be job-related. An application for a disability retirement may be made either by City or by the employee. Following filing of the application, CalPERS requests for the City to determine whether or not the employee is incapacitated to perform his or her duties.

For an industrial disability retirement, there is no minimum service credit or age requirement, however the disabling injury or illness must be due to the employee's job. The City's contract with CalPERS allows that only public safety members ("local safety members") are eligible for an industrial disability retirement.

In all cases where an employee is applying for a disability or industrial disability retirement, the employee is required to submit all medical information provided by the employee, employer and/or workers' compensation carrier.

The determination on a disability or industrial disability retirement for public safety members is made by the local governing body – not CalPERS. As a contracting agency of CalPERS, the City has the authority to make disability or industrial disability decisions for its local safety employees only. The decision is then

submitted by resolution to CalPERS in order to process the application for the local safety member.

Analysis

CalPERS recently began reviewing their paper documents and files to update their information system. During the review, CalPERS discovered some documents on file needed updating and begin contacting various agencies for the required documents.

CalPERS recently notified the City of Menlo Park that CalPERS does not have a current City of Menlo Park "Resolution of Delegation of Authority" signed by the Mayor who is the "highest authority" of the City Council on file. In order to process disability and industrial disability applications for local safety members, the City must provide CalPERS with an updated resolution.

The Menlo Park City Council adopted Resolution No. 3414 on February 23, 1982 authorizing processing of disability and industrial disability applications for local safety members. This resolution outlines the administrative procedures for the disability retirement process of local safety employees of CalPERS. As authorized by Government Code Section 21034 and the resolution, the City Council has delegated to the City Manager the authority to make a determination for public safety employees whether the employee is disabled and if it was caused by a work-related injury for the purposes of CalPERS.

Although CalPERS has Resolution No. 3414 on file, the signature on the resolution was the current Menlo Park City Clerk at the time, and not the Mayor who is the "highest authority" of the City Council. CalPERS is requiring an updated resolution signed by the Mayor.

Should the Council adopt the Resolution of Delegation of Authority, the Mayor will then sign the resolution, and a certified copy will be sent to CalPERS to be filed. If the resolution is not adopted, the City would be unable to make a determination on disability retirement applications for employees who are unable to work.

Impact on City Resources

There is no fiscal impact to adopting the resolution.

Environmental Review

No environmental review is required.

Public Notice

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

- A. Resolution No. 3414, Resolution for Delegation of Authority
- B. Proposed Resolution for Delegation of Authority

Report prepared by:
Lenka Diaz, Human Resources Manager

RESOLUTION NO. 3414

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
 MENLO PARK AUTHORIZING THE CITY MANAGER TO MAKE
 CERTAIN DETERMINATIONS RELATIVE TO DISABILITY-RETIREMENT
 OF LOCAL SAFETY EMPLOYEES

WHEREAS the City of Menlo Park, a municipal corporation, hereinafter referred to as Agency, is a contracting Agency of the Public Employees Retirement System, and

WHEREAS the Public Employees Retirement law requires that a contracting Agency determine whether an employee of such agency, in employment in which he or she is classified as a local safety member, is disabled for purposes of the Public Employees Retirement law.

AND WHEREAS the City Council of the City of Menlo Park has determined, upon legal advice, that it may delegate authority to make such determinations to the incumbent of the office of City Manager.

Now, THEREFORE, BE IT RESOLVED that the City Council of the City of Menlo Park delegate, and it does hereby delegate, to the incumbent of the position of City Manager authority to make such determinations under Section 21034 of the Government Code on behalf of the City Council of the City of Menlo Park of retirement for disability of local safety employees.

BE IT FURTHER RESOLVED that Resolution 2897 is rescinded and that the City Manager is authorized, upon application by or on behalf of a local safety member, to set a date for a hearing, either before himself or an independent Hearing Officer, to hear evidence relative to any such determination, to take a record of the evidence, and to make findings of fact.

The City Manager will review the evidence presented at the hearing and the final action taken by the City Manager shall thereafter be deemed in compliance with the provisions of this Resolution.

BE IT FURTHER RESOLVED that such City Manager be and is authorized to make applications on behalf of the City of Menlo Park for disability-retirement of local safety employees, and to initiate requests for reinstatement of such employees who are retired for disability.

I, MARGARET E. SNOWDEN, City Clerk of the City of Menlo Park, do hereby certify that the above and foregoing Resolution was duly and regularly passed and adopted by said Council of the City of Menlo Park at a meeting held by said Council on the 23rd day of February, 1982, by the following vote:

AYES:	Councilmembers:	ANDEEN, DUPEN, GUNN, PAAR, WHITE.
NOES:	Councilmembers:	NONE.
ABSENT:	Councilmembers:	NONE.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City of Menlo Park this 23rd day of February, 1982.


 Margaret E. Snowden, City Clerk

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RESOLUTION NO.

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK TO DELEGATE AUTHORITY TO THE CITY MANAGER UNDER GOVERNMENT CODE SECTION 21152 (C), 21156, AND 21173 TO MAKE AND CERTIFY DETERMINATIONS OF DISABILITY TO THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

WHEREAS, the City of Menlo Park (herein referred to as Agency) is a contracting agency of the California Public Employees' Retirement System;

WHEREAS, the Public Employees' Retirement Law requires that a contracting agency determine whether an employee of such agency in employment in which he/she is classified as a local safety member is disabled for purposes of the Public Employees' Retirement Law and whether such disability is "industrial" within the meaning of such Law;

WHEREAS, the City Council of the City of Menlo Park has determined upon legal advice that it may delegate authority under Government Code Section 21173 to make such determinations to the incumbent in the position of the City Manager of the City of Menlo Park;

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Menlo Park delegate and it does hereby delegate to the incumbent in the position of the City Manager of the City of Menlo Park authority to make applications on behalf of the Agency pursuant to Government Code Section 21152 (c) for disability retirement of all employees and to initiate requests for reinstatement of such employees who are retired for disability;

BE IT FURTHER RESOLVED that the City Council of the City of Menlo Park delegate and it does hereby delegate to the incumbent in the position of City Manager of the City of Menlo Park authority to make determinations of disability on behalf of the Agency under Government Code Section 21156 and whether such disability is industrial and to certify such determinations and all other necessary information to the California Public Employees' Retirement System.

I, Pamela Aguilar, City Clerk of the City of Menlo Park, do hereby certify that the above and foregoing Resolution was duly and regularly passed and adopted at a meeting by said Council on the twenty-third day of August 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this twenty-third day of August 2016.

Pamela Aguilar
City Clerk

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STAFF REPORT

City Council

Meeting Date: 8/23/2016
Staff Report Number: 16-136-CC

Consent Calendar: Introduce an Ordinance correcting an error in the Municipal Code text for the R-1-S (FG) Zoning District

Recommendation

Staff recommends that the City Council introduce an Ordinance to correct an inadvertent error in the Municipal Code text for the R-1-S (FG) [Single Family Suburban Residential District (Felton Gables)] zoning district. The draft Ordinance is included as Attachment A.

Policy Issues

The correction of this minor error would enable the R-1-S (FG) development regulations to be applied as previously adopted by the City Council, and would not raise any new policy issues.

Background

In 1989, the R-1-S (FG) zoning district was added to the Zoning Ordinance by the City Council to provide unique development regulations for the Felton Gables neighborhood, in particular changes to the daylight plane and floor area limit (FAL) standards, which were desired by property owners in the neighborhood in order to preserve the area's unique character. In 2005, the City Council made a number of changes to single-family residential development regulations, including the introduction of a unique R-1-S (FG) standard for building coverage, to align with that district's unique FAL limit. Staff understands that these building coverage and FAL limits have generally functioned as intended for the neighborhood.

Analysis

In 2014, the City Council amended the Zoning Ordinance to make clearer distinctions between secondary dwelling units and accessory buildings, which required changes to associated daylight plane regulations. During the course of the 2014 revisions to the R-1-S (FG) daylight plane regulations, staff inadvertently omitted that district's unique FAL and building coverage specifications, and this omission was subsequently codified in the Municipal Code.

At this time, staff wishes to correct this error through the City Council formally correcting this section of the Zoning Ordinance to include the original R-1-S (FG) FAL and building coverage regulations. Per standard requirements for Ordinances, if the draft Ordinance (Attachment A) is introduced at the August 23, 2016 meeting, formal adoption would follow at a second meeting, tentatively scheduled for August 30, 2016.

Impact on City Resources

The correction of this type of Municipal Code error is a relatively minor task and can be accommodated

within the existing budgets of the Planning Division and City Clerk.

Environmental Review

The correction of a typographical error is not a “project” as defined by the California Environmental Quality Act (CEQA), in that the correction would not have a potential for resulting in a physical change to the environment.

Public Notice

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

- A. Draft Ordinance of the City Council of the City of Menlo Park, Amending Chapter 16.15 [R-1-S (FG) Single Family Suburban Residential District (Felton Gables) of Title 16 [Zoning] of the Menlo Park Municipal Code]

Report prepared by:
Thomas Rogers, Principal Planner

DRAFT - ORDINANCE NO. ____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO PARK, AMENDING CHAPTER 16.15 [R-1-S (FG) SINGLE FAMILY SUBURBAN RESIDENTIAL DISTRICT (FELTON GABLES)] OF TITLE 16 [ZONING] OF THE MENLO PARK MUNICIPAL CODE

The City Council of the City of Menlo Park does ordain as follows:

SECTION 1. The City Council of the City of Menlo Park hereby finds and declares as follows:

- A. In 1989, the R-1-S (FG) zoning district was added to the Zoning Ordinance by the City Council to provide unique development regulations for the Felton Gables neighborhood, in particular changes to the daylight plane and floor area limit (FAL) standards that were desired by property owners in the neighborhood in order to preserve the area's unique character.
- B. In 2005, the City Council made a number of changes to single-family residential development regulations, including the introduction of a unique R-1-S (FG) standard for building coverage, to align with that district's unique FAL limit.
- C. In 2014, the City Council amended the Zoning Ordinance to make clearer distinctions between secondary dwelling units and accessory buildings, which required changes to associated daylight plane regulations.
- D. During the course of the 2014 revisions to the R-1-S (FG) daylight plane regulations, staff inadvertently omitted that district's unique FAL and building coverage specifications, and this typographical error was subsequently codified in the Municipal Code.
- E. The City wishes to correct this accidental error through the City Council formally correcting this section of the Zoning Ordinance to include the original R-1-S (FG) FAL and building coverage regulations.

SECTION 2. Section 16.15.030 [Development regulations] of Chapter 16.15 [R-1-S (FG) SINGLE FAMILY SUBURBAN RESIDENTIAL DISTRICT (FELTON GABLES)] of Title 16 [Zoning] of the Menlo Park Municipal Code is hereby amended to read as follows (with the added text shown in underline):

16.15.030 Development regulations. Development regulations in the R-1-S (FG) district shall be the same as those in the R-1-S district except for the following:

- (1) Maximum building coverage: 35 percent;
- (2) Maximum Floor Area Limit (FAL): 2,800 square feet plus 20 percent times (lot area minus 7,000 square feet);
- (3) Daylight plane: A daylight plane for the main dwelling unit shall begin at each side property line, shall extend directly upwards above the natural grade of each side property line for a distance of 20 feet minus the width of the adjacent required yard, and shall then slope inwards towards the interior of the lot at a 34-degree angle. As used in this section, the natural grade of a side property line is the average grade of the highest and lowest points of the natural grade of the lot at the side property line. No portion of the structure shall intrude beyond the daylight plane except for dormers and gables as provided below and chimneys, vents, antennae, flues, and solar collectors.

Gables and dormers may intrude into the daylight plane of a lot that is 10,000 square feet or less. The permitted intrusion shall decrease on an even gradient from 10 feet in the case of a 5 foot required side setback to no permitted intrusion in the case of an 8 foot required side setback. Thus the permitted intrusion will be 6 feet, 8 inches in the case of a 6 foot required side setback, 5 feet in the case of a 6.5 foot required side setback, and 3 feet, 4 inches in the case of a 7 foot required side setback. Calculations of the permitted intrusion shall include fractional computations when necessary to maintain the even gradient. Gables and dormers may intrude into the daylight plane on one side of a lot only. The gable or dormer must not extend beyond a triangle described as follows:

- (a) The base of the triangle is the line formed by the intersection of the building wall with the daylight plane;
- (b) The aggregate length of the bases of all triangles intruding into a daylight plane shall not exceed 30 feet; and
- (c) The triangle must be entirely within the maximum building height.

SECTION 3. The correction of a typographical error is not a “project” as defined by the California Environmental Quality Act (CEQA), in that the correction would not have a potential for resulting in a physical change to the environment.

SECTION 4. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

SECTION 5. This ordinance shall become effective thirty (30) days after the date of its adoption. Within fifteen (15) days of its adoption, the ordinance shall be posted in three (3) public places within the City of Menlo Park, and the ordinance, or a summary of the ordinance prepared by the City Attorney, shall be published in a local newspaper used to publish official notices for the City of Menlo Park prior to the effective date.

INTRODUCED on the 23rd day of August, 2016.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of the City Council of the City of Menlo Park on the ___ day of ____, 2016 by the following vote:

AYES: TBD

NOES: TBD

ABSENT: TBD

ABSTAIN: TBD

ATTEST:

APPROVED:

Pamela Aguilar
City Clerk

Richard Cline
Mayor

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SPECIAL AND REGULAR MEETING MINUTES - DRAFT

Date: 7/19/2016
Time: 6:00 p.m.
City Council Chambers
701 Laurel St., Menlo Park, CA 94025

6:00 p.m. Closed Session (City Hall Administration Building, 1st floor conference room)

Mayor Pro Tem Keith called the Closed Session to order at 6:00 p.m. Mayor Cline was absent. There was no public comment.

- CL1.** Closed Session pursuant to Government Code Section §54957 to confer regarding employee performance evaluation: City Manager

7:00 p.m. Regular Session

- A.** Mayor Pro Tem Keith called the meeting to order at 7:08 p.m.

B. Roll Call

Present: Carlton, Keith, Mueller, Ohtaki
Absent: Cline
Staff: City Manager Alex McIntyre, City Attorney Bill McClure, City Clerk Pamela Aguilar

C. Pledge of Allegiance

Mayor Pro Tem Keith led the pledge of allegiance

D. Report from Closed Session

Mayor Pro Tem Keith stated that there is no reportable action from the Closed Session held earlier.

E. Presentations and Proclamations

- E1.** Proclamation and presentation regarding Parks and Recreation Month ([Attachment](#))

Parks and Recreation Commission Chair Christopher Harris, Vice Chair Tucker Stanwood, and Commissioner Jennifer Baskin accepted the proclamation.

Community Service Manager Derek Schweigart presented a short video highlighting the department's activities.

F. Study Session

- F1.** Study Session to review draft Nexus Studies for Below Market Rate Housing Impact Fees ([Staff Report# 16-134-CC](#))([Presentation](#))

Housing and Economic Development Manager Jim Cogan introduced the item and introduced Consultant Sujata Srivastava who made a presentation.

Public Comment

- Christin Evans encouraged Council to listen to the community's stories of hardship regarding affordable housing
- Evelyn Stivers, Housing Leadership Council, spoke in favor of adopting fees and sharing resources with neighboring jurisdictions and seeking more appropriate sites for affordable housing
- Steve Elliott, Stanford University, stated that imposing fees will result in building less housing and therefore increased housing costs
- Meg McGraw-Sherer spoke in support of the nexus study and adopting residential impact fees and increasing commercial linkage fees
- Ernesto Reyes spoke in support of preserving the diversity in Belle Haven neighborhood and small businesses
- Maya Perkins spoke in support of adopting fees that are fair to both home seekers and developers and that fees go towards affordable housing in Menlo Park and the surrounding region
- Tim Tosta spoke encouraged the Council to consider the cumulative effect of the various fees being proposed
- Keith Ogden, Community Legal Services, encouraged Council to consider long term impacts and spoke in support of adopting a residential linkage fee
- Penelope Huang, Silicon Valley Association of Realtors, read a prepared statement ([Attachment](#))
- Michelle Tate spoke in support of residential impact fees and potentially imposing fees on projects currently in the pipeline

Staff was directed to bring back additional information from surrounding cities in San Mateo County regarding rental residential fees, potential impacts, and waivers to incentivize development of more affordable housing.

G. Public Comment

- Jen Wolosin spoke regarding safety for children walking and biking to school and making safe routes a priority and to conduct a walking/biking audit
- Whitney McKiernan spoke regarding aligning the Bicycle Commission goals with community values, particularly regarding safe routes to schools
- Pamela Jones requested a visual plan or model that incorporates all the planned city projects and a compilation of data that can potentially affect the make up of the city
- Rose Bickerstaff spoke regarding traffic and safety in Belle Haven
- Rachel Bickerstaff expressed concern regarding rising housing costs in Belle Haven and requested information regarding funds spent in the Belle Haven area
- Donald Gardner spoke regarding airport noise and gave a brief presentation
- Anne Moser spoke regarding the congestion in the Belle Haven area and recognized Facebook for its support of Belle Haven and Bedwell Bayfront Park
- Adina Levin spoke regarding the housing crisis shared information on the jobs-housing balance and affordable housing

H. Consent Calendar

- H1. Authorize the City Manager to enter into an agreement with IEC for the Emergency Wells 2 & 3 project ([Staff Report# 16-125-CC](#))
- H2. Adopt **Resolution 6330** authorizing the City Manager to execute a contract with the State of California Department of Education to reimburse the City up to \$796,890 for child care services at the Belle Haven Child Development Center for fiscal year 2016-17 ([Staff Report# 16-124-CC](#))
- H3. Authorize the City Manager to enter into a contract with Cardinal Rules in an amount not to exceed \$68,013.00 for youth and adult sports officials for fiscal year 2016-17 ([Staff Report# 16-123-CC](#))
- H4. Adopt a resolution requesting action from the Federal Aviation Administration to reduce aircraft noise in Menlo Park ([Staff Report# 16-131-CC](#))([Presentation](#))
- H5. Approve **Resolution 6331** to amend the City-wide salary schedule effective July 10, 2016 ([Staff Report# 16-132-CC](#))
- H6. Approve minutes for the City Council meetings of June 1, June 21 and July 12, 2016 ([Attachment](#))

ACTION: Motion and second (Ohtaki/Carlton) to approve all items on the Consent Calendar, except H4 with Councilmember Carlton abstaining on the July 12 minutes only because she was not present, passes 4-0-1 (Mayor Cline was absent).

Regarding H4, Councilmember Ohtaki commented that Menlo Park is being impacted by a convergence of routes over the city.

ACTION: Motion and second (Carlton/Ohtaki) to adopt **Resolution 6332** requesting action from the Federal Aviation Administration to reduce aircraft noise in Menlo Park passes 4-0-1 (Mayor Cline was absent).

I. Regular Business

- I1. Provide direction on Facebook Campus Expansion Project and ConnectMenlo (General Plan and M-2 Area Zoning update) schedules ([Staff Report# 16-133-CC](#))

Principal Planner Deanna Chow presented the item.

Public Comment:

- Charles Schmuck recognized Facebook for its contributions to the Peninsula College Fund and Rotary and being a good community partner
- Camille Kennedy spoke in support of an all-in review process and to stay on purpose regarding this project
- Nora Sobolor, Job Train, spoke regarding Facebook as a partner in providing job opportunities for Job Train clients
- Siosiva Ve, Job Train, shared remarks from Junior Ascuna regarding the partnership between Job Train and Facebook which provided him his current position at Facebook
- John William Templeton spoke regarding Roy Clay and his efforts in providing opportunities to Belle Haven and East Palo Alto residents in technology and expressed concerns regarding environmental justice and equity issues

- Patti Fry spoke in support of more community meetings regarding jobs, housing, traffic and the direction of the city
- Maya Perkins encouraged more deliberation in this process and additional studies on housing, traffic and congestion, particularly in Belle Haven
- Adina Levin spoke regarding a thoughtful deliberation process
- Javanne Murguia-Brown spoke regarding public benefit and collaboration regarding jobs and housing
- David Laurance, Beechwood School, spoke regarding affordable housing and preserving diversity in Belle Haven
- Rosemary Steele, Mount Olive Crime Prevention and Narcotics Drug Educational Center, supports the expansion project and recognized the contributions of Facebook to their organization

ACTION: Motion and second (Ohtaki/Carlton) to approve the Facebook Campus Expansion Project and Connect Menlo schedules with a friendly amendment by Councilmember Mueller to allow flexibility for change passes 4-0-1 (Mayor Cline was absent)

12. Consider the Term Sheet for the Development Agreement for the Facebook Campus Expansion Project located at 301-309 Constitution Drive and authorize City Manager to modify Project Schedule and execute contracts with EIR consultants ([Staff Report# 16-127-CC](#))([Presentation](#))

City Manager Alex McIntyre made a presentation.

Public Comment:

- Annel Aguayo, Rebuilding Together Peninsula, spoke regarding its partnership with Facebook and its contributions
- Susan Lamkin, Allied Arts Skilled Auxillary, spoke regarding its partnership with Facebook and its support
- Eric Tassio, Plumbers and Pipefitters Local 467, spoke in support of the project and the union job opportunities
- Tony Rodriguez, Fire Sprinklers Local 43, spoke in support of the project and union job opportunities
- James Ruigomez, San Mateo County Build Trade Council, spoke in support of the project and the public benefit it will bring
- Chris Collins, Plumbers and Pipefitters Local 467, spoke in support the project and Facebook's culture of giving
- Bill Nack spoke in support of the project and outlined the benefits it will bring
- Mark Burri spoke in support of the project and the housing and jobs it will bring to support families
- Laura Tolkoff, SPUR, spoke in support of Facebook and its efforts to add jobs, housing and community amenities
- Kyra Brown expressed concerns regarding affordable housing and who will benefit
- Matt Franklin, Mid Pen Housing, spoke in favor of adopting the term sheet and meeting affordable housing needs
- Adina Levin spoke in support of Facebook's transportation demand management efforts and traffic mitigation along the Dumbarton Corridor, and housing
- Shani Kleinhaus, Santa Clara Valley Audubon Society, spoke in support of the project and that Facebook's designs consider the impact on birds
- Maya Perkins encouraged the Council to advocate for reasonable contributions to off-set

impacts

- Jesse Huro, Future Profits, spoke regarding upward mobility for students in Belle Haven and the need for additional post-secondary educational opportunities
- Keith Ogden, Community Legal Services, spoke regarding affordable housing, clarifying who benefits from housing and an expedited timeframe for completion
- John Tennanes, Vice President of Real Estate at Facebook, thanked staff and Council for its work on the term sheet and outlined the community benefits the project will bring and stated Facebook's ongoing commitment to partner with the community
- Rachel Bickerstaff spoke in support of the project
- Fran Dehn spoke in support of the project and Facebook's investment in the community
- John William Templeton spoke regarding affordable housing and decreasing use of contractors for this project and encouraging diversity
- Rose Bickerstaff spoke in support of Facebook and stated they cannot bear all responsibility for fixing problems

Mayor Pro Tem Keith read comments from Mayor Cline recognizing impacts on and concerns of the community, thanking Council and staff for their work and in support of the project.

Discussion ensued regarding education equity, workforce housing and who would qualify, the community engagement undertaken for developing the term sheet, and leveraging more BMR units.

ACTION: Motion and second (Ohtaki/Carlton) approve the term sheet for the Development Agreement for the Facebook Campus Expansion Project located at 301-309 Constitution Drive and authorize the City Manager to modify the project schedule and execute contracts with EIR consultants passes 4-0-1 (Mayor Cline was absent).

At this point, City Attorney Bill McClure recused himself from participating in the next item and exited the Council chambers due to a conflict of interest that his business location is in proximity to the subject matter property. Special Counsel Barbara Kautz was present.

13. Appoint a City Council Subcommittee to assist with negotiation of a development agreement for the Station 1300 Project, and provide direction for the consideration of the subcommittee ([Staff Report# 16-129-CC](#))

Principal Planner Thomas Rogers presented the item.

ACTION: Motion and second (Mueller/Keith) to appoint Councilmembers Carlton and Ohtaki to a City Council subcommittee to assist with negotiations of a development agreement for the Station 1300 Project and provide direction for consideration by the subcommittee passes 4-0-1 (Mayor Cline was absent).

J. Informational Items

- J1. Update on proposed process to establish a new citywide crosswalk policy ([Staff Report# 16-128-CC](#))
- J2. Update on Willow Road transportation improvement options ([Staff Report# 16-130-CC](#))
- J3. Update on the Oak Grove Avenue, Crane Street and University Drive bicycle improvement project

([Staff Report# 16-126-CC](#))

K. City Manager's Report

There was no report.

L. Councilmember Reports

- L1. Confirm voting delegate for the League of California Cities Annual Conference ([Attachment](#))

Mayor Cline was confirmed as the voting delegate and Councilmember Carlton as the alternate.

Councilmember Mueller reported on creating an educational equity joint powers authority for the Ravenswood district and that this item be agendaized for the next meeting for discussion.

Councilmember Carlton reported on her recent cultural exchange trip to Bizen, Japan with 9 Menlo Park school children.

M. Adjournment

Mayor Pro Tem Keith adjourned the meeting at 12:22 a.m. on July 20, 2016.

Pamela Aguilar, CMC
City Clerk



STAFF REPORT

City Council

Meeting Date:

8/23/2016

Staff Report Number:

16-145-CC

Regular Business:

Review and consider an amendment to Menlo Park Municipal Code Section 8.28.130 to prohibit drones and other unmanned aircraft systems (UAS) in City parks

Recommendation

Staff recommends that City Council consider an amendment to Menlo Park Municipal Code Section 8.28.130 to prohibit drones and other unmanned aircraft systems (UAS) in City parks and direct the City Manager take the necessary actions to enforce this prohibition.

Policy Issues

Should drones and unmanned aircraft systems (UAS) be allowed to operate in City parks and if so what rules and regulations will be imposed to manage this activity. If not allowed, City Council would need to adopt an ordinance amending the list of activities prohibited in parks.

Background

The issue of drones and Radio Controlled (RC) aircraft, otherwise referred to as Unmanned Aircraft Systems (UAS), at Bedwell-Bayfront Park came to the attention of the City Council on November 9, 2013, when the Council received a letter from a concerned citizen about the risks to park users from model airplane fliers. Since this time, the Parks and Recreation Commission has addressed this topic at four regular meetings, beginning with their meeting on January 22, 2014 and more recently during their meeting on January 27, 2016 when the Commission was divided on how best to address the issue. Commission staff reports are included (Attachment A). During their meeting on September 23, 2015, the Commission conducted a study session where they received information concerning the Bedwell-Bayfront Master Plan, City Municipal Code, Bay Area Unmanned Aircraft Systems (UAS), field locations, environmental impacts, complaint history of drones and RC aircraft at the park, and legal concerns. The Commission also received feedback from RC model aircraft enthusiasts, members of the Friends of Bedwell-Bayfront Park, pilots from San Carlos and Palo Alto Airports, Sequoia Audubon Society, representatives from National Wildlife Refuge and the South Bay Salt Pond Restoration Project, and other park users. Commission heard the following from the various park users and stakeholders:

In support of drones and RC Aircraft:

- Do not ban drones and RC aircraft but provide more pilot education
- Regulate and require permits to fly in the park rather than a ban
- RC aircraft hobbyists report that they currently comply with FAA guidelines and AMA requirements for flying below 400 ft. and notifying local airports when they fly
- Pilots are self-regulating
- Pilots are interested in working with the City to regulate use and reduce impacts on other park users

- RC aircraft hobbyists are just one of the many park user groups and have been using the park for many years
- Flying RC aircraft and drones is a passive recreation activity that is consistent with the intended use of the park which also allows for biking, kite flying and similar activities

In opposition of drones and RC Aircraft:

- Park users have expressed concern over noise and the disturbance to their enjoyment of the park
- There is concern with the compatibility of drones and RC aircraft with other park uses
- Residents expressed concern over fire danger at the park which they cited from an instance in another park
- Concern over wildlife habitat impacts in and around the park
- Those in opposition argue that this usage is not consistent with the intended “passive” use for the park
- We have heard concerns from pilots at San Carlos and Palo Alto airports regarding near misses and other dangers resulting from drone usage in altitudes greater than 500 feet
- Other users report that drone users do not comply with Federal Aviation Administration (FAA) guidelines for their use which requires that they fly no higher than 400 feet and not within 5 miles of any airport without notifying the airport of their use

During the study session the Commission discussed their desire to balance the competing interests of all park users including those in the drone and RC aircraft community. The Commission deliberated on whether drones and RC aircraft pose more or less danger to other park users and wildlife than do bikes and off leash dogs and considered a proposal from a Commissioner which would accommodate but more strictly regulate the usage.

On January 27, 2016, the Commission considered the following options for regulation of drones and UAS at the park:

- A. Take no action at this time (continue to “allow” these uses).
- B. Approve a recommendation to the City Council banning all use of drones and RC aircraft
- C. Approve a recommendation to the City Council restricting use of drones and RC aircraft at Bedwell-Bayfront Park including:

Operators of electric powered Drones and R/C Aircraft have limited access to the Park including (a) a maximum number of operators permitted at any one time, (b) specified times and specified days of permitted operation and (c) an exclusive designated area of the Park for take-off, landing and flight. No craft may leave the designated area of the Park while in flight. All Federal Aviation Administration (FAA) Regulations must be complied with. During the specified times, all other park visitors would be barred from entering the designated area. Operators would avoid wildlife as much as possible. Other restrictions would be imposed as designated by Staff and approved by Commission. The Commission would receive and review evidence and public comment on the experience of the Regulations in 12 months.

After receiving significant public feedback on the topic, the Commission deliberated the various options and in the end was equally split on the best course of action. Some Commissioners were supportive of the proposal to allow but strictly regulate usage citing the desire to not disenfranchise any park user group, while others cited concerns over impacts to other park users and wildlife, fire concerns and the passive-oriented open space nature of the park. The Commission was unanimous in their desire to have the City Council address the issue stating that inaction is not recommended given the number of impacted users and the significant growth in drone usage at the park.

Analysis

Bedwell-Bayfront Park has been an unsanctioned site for model aircraft enthusiasts for a number of years. In staff experience, most model aircraft pilots, those that fly two-wing planes, do so with care and consideration of other park users. Many of them are members of the Academy of Model Aeronautics (AMA) which has established guidelines (Attachment B) for safe operation of their aircraft. However, the recent surge of drones and other unmanned aircraft systems (UAS) in the park has become an issue. The FAA Aerospace Forecast projected sales of small UAS would increase from 2.5 million in 2016 to 7 million in 2020. While some drone flyers follow AMA guidelines and those UAS regulations established by the FAA, there are a large number who are either unaware or neglect to follow these rules. We expect the issues associated with drones will continue to increase at Bedwell-Bayfront Park without action by the Council. Potential issues are summarized below.

Drones, Local Airports and National Airspace System (NAS)

The FAA has reported nationally that unauthorized and unsafe use of small, remote-controlled aircraft has risen dramatically from 238 sightings in all of 2014 to 780 through August of 2015. Pilots from the Palo Alto and San Carlos airport have reported a near miss between a drone and a full-scale aircraft near Bedwell-Bayfront Park, which is strategically located below the landing and take-off path and within 5 miles of both these airports. Current guidelines require recreational drone users to notify the FAA prior to flying within 5 nautical miles of an airport and although it is clear that many users follow this guideline, others do not. The FAA has continued to update their guidelines and rules for UAS including a licensing and registration requirement and recently amended its regulations to adopt specific rules for operation of UAS in the National Airspace System (NAS) through a final rule which is covered in the Summary of Small Unmanned Aircraft Rule (Part 7) and Advisory Circular by US Department of Transportation regarding UAS (Attachment C). The section that is applicable to drones and other UAS is summarized here:

CHAPTER 4. PART 107 SUBPART A, GENERAL

4.1 Applicability. This chapter provides guidance regarding the applicability of part 107 to civil small UA operations conducted within the NAS. However, part 107 does not apply to the following:

1. Model aircraft that are operated in accordance with part 101 subpart E, (Model Aircraft), which applies to model aircraft meeting all of the following criteria:
 - The aircraft is flown strictly for hobby or recreational use;
 - The aircraft is operated in accordance with a community-based set of safety guidelines and within the programming of a nationwide community-based organization;
 - The aircraft is limited to not more than 55 pounds unless otherwise certified through a design, construction, inspection, flight test, and operational safety program administered by a community-based organization;
 - The aircraft is operated in a manner that does not interfere with and gives way to any manned aircraft;
 - When flown within 5 miles of an airport, the operator of the aircraft provides the airport operator and the airport air traffic control (ATC) tower (when an air traffic facility is located at the airport) with prior notice of the operation;
 - The aircraft is capable of sustained flight in the atmosphere; and
 - The aircraft is flown within Visual Line of Sight (VLOS) of the person operating the aircraft.

The criteria are similar to the guidelines established by the AMA (nationwide community-based organization) and are adhered to by some of the hobbyists but not all. The FAA does not cover enforcement of these rules and is complicated for restrictions like the 400 foot above ground or building

flying ceiling, the notification of local airports prior to flight, visual line of sight requirements etc.

Environmental Concerns

Bedwell-Bayfront Park borders the Don Edwards National Wildlife Refuge and the Refuge lands that are a part of the South Bay Salt Pond Restoration Project. The City of Menlo Park is working in partnership with both the Refuge and the Project and is expected to do so long into the future. Take-off and landing of UAS is prohibited on Refuge lands as they produce significant disturbance to wildlife, which react to such craft as potential predators. This is true whether the disturbance occurs over to-be-restored ponds, the healthy marshes of Greco Island or within the Park. The Refuge is jurisdictionally-constrained when these aircraft take-off and land from the Park. Staff has heard from the public that they have witnessed drone pilots engaging birds on some occasions. Drones and other UAS have been banned from National Parks and are also banned in nearby Rancho Corral de Tierra which is a part of the Golden Gate National Recreation Area, as well as regional parks including East Bay Regional Park District which cites the increasing safety hazard to aviation, disruptions to wildlife, as well as safety threats and annoying intrusions upon other park visitors. <http://www.ebparks.org/about/news/enjoy-your-drones-just-not-in-the-parks>

Intended Passive Use at Bedwell-Bayfront Park

It has been argued by some opponents to drones and other UAS in the Park that when the original park master plan was created that “The Park will be a passive recreation area. There will not be any formal sports fields. It is designed for activities such as: bird watching, bicycling, hiking, kite-flying etc.” However, supporters of UAS usage at the park argue that this type of activity is passive in nature and does not cause more harm than bicyclists, off-leash dogs and kites. A concern of UAS opponents is the sound nuisance which is addressed under current City Municipal Code Section, 8.28.060 Sound Standard. Also applicable and quoted in relevant part below is Municipal Code Section 8.28.130, Prohibited activity in parks or facilities.

8.28.060 Sound Standard - *In recognition of the rights of residents in the vicinity of parks to enjoy the comfort of their homes in normal peace and quiet, as well as the right of citizens to enjoy a reasonable peace and quiet in appropriately designed parks, the use of any radio receiving set, musical instrument, machine or device for producing or reproducing sound, or any device which produces noise in such a manner as to unreasonably disturb the peace, quiet, and comfort of persons is prohibited in all parks with the exception of Burgess and Kelly Parks. Use of said equipment in Burgess and Kelly Parks shall be subject to the following conditions: (1) No amplifiers with a power output exceeding thirty-five watts may be used; (2) Number, location, direction and hours of use of loudspeakers shall be subject to written approval of the director of recreation, as set forth in the permit hereafter referred to.*

8.28.130 Prohibited activity in parks or facilities - The following activities are prohibited in any park or recreational facility:

- (3) Commercial activities for private profit except by express written permit and on payment of appropriate fee;
- (5) Motor-driven vehicles or models, except in designated areas;
- (15) To cause, create, encourage, or threaten to cause any disturbance which may reasonably result in injury or property damage, or disturb the peace, comfort and security of the park patrons or employees.

Other Safety Concerns

Two specific hazards exist with drones and other UAS including “fly aways” or loss of control of these devices related to where drones may go and where they may end up. Battery failure might mean a device drops out of the sky near people enjoying the park. Technology exists to prevent such disasters but as the technology evolves there is still uncertainty.

Legal Concerns

California law provides some protection for the City from liability if a UAS or other remote control aircraft causes injury on the ground or the air. However, if the City prohibits their use, the City must take reasonable action to enforce its prohibition or this protection from liability is greatly reduced.

The City, through its land use regulatory authority, can: choose to ban take-off, landing and operation of UAS from and over the Park; regulate the operation of UAS in the Park, limiting hours or days of use, locations, etc.; or take no action. However, any regulations the City adopts may not be more lenient than the recently adopted FAA regulations.

Enforcement of park rules is an ongoing concern for park users; particularly since the park ranger was eliminated from the park operation in 2011 in order to reduce park operation costs and extend the life of the Bedwell Bayfront Park Operations Sinking Fund. Enforcement of such things as park hours, parking, loitering, off-leash dogs and other prohibitive activity has required park users notifying the Menlo Park Police who may or may not be able to respond to a request for service. The issue of drones and other UAS exacerbates the problem of enforcement resulting in increased complaints from some park users. If drones and UAS were prohibited, Menlo Park Police would expect a spike in calls on those individuals who initially do not comply with the prohibition, but after a few citations the enforcement effort would be minimal.

It is for the above concerns that City staff is recommending that Council consider an amendment to Municipal Code Section 8.20.130 to include a prohibition on the use of drones and UAS in City parks until a master plan process is completed for Bedwell-Bayfront Park which was approved by Council at their meeting on June 21, 2016 when it approved the Fiscal Year 2016-17 Budget and Capital Improvement (CIP). The master plan project is timely as the original plan was created in 1974 followed by an environmental impact report in 1976 and management study in 1982. A new master plan can help provide a long-term vision and general development guide for the park and its facilities, including how to protect park resources, provide quality visitor experiences, manage visitor use and plan for future park development. The plan will also identify infrastructure needs related to the methane gas and leachate collection systems and other issues associated with managing the closed landfill. The master plan was initiated in part by the Parks and Recreation Commission Bedwell-Bayfront Park Sub-committee which has underscored many of the park's issues and needs. The master plan process will include an extensive community engagement process and is the appropriate setting to address concerns over current and future park uses. Although there are no documented complaints in other parks, a prohibition on drones and UAS is necessary for all City parks since drones and other UAS hobbyists will only go where it is allowed. If the master plan process determines that use of drones or other UAS are appropriate the prohibition can be changed through a subsequent ordinance.

Impact on City Resources

If Council approves an amendment to the Municipal Code to prohibit UAS use in City parks, the fiscal impact is expected to be minimal. There may be a spike in calls for service to the Menlo Park Police, but after citations are given to individuals who do not comply with the prohibition initially, enforcement efforts are expected to reduce over time.

Environmental Review

This subject is not deemed a project under the California Environmental Quality Act.

Public Notice

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

- A. Parks and Recreation Commission Staff Reports
- B. Academy of Model Aeronautics (AMA) Guidelines
- C. Summary of Small Unmanned Aircraft Rule (Part 7) and Advisory Circular by US Department of Transportation regarding UAS
- D. Ordinance amending prohibited activities in parks to include drones or unmanned aircraft systems

Report prepared by:
Derek Schweigart
Assistant Community Services Director



STAFF REPORT

Parks and Recreation Commission

Meeting Date: 1/27/2016
Staff Report Number: 16-001-PRC

Regular Business: Review and consider options for regulating drone and RC Aircraft use at Bedwell-Bayfront Park before making a recommendation to City Council

Recommendation

Staff recommends that the Parks and Recreation Commission review and consider options for regulating drone and RC Aircraft use at Bedwell-Bayfront Park before making a recommendation to City Council.

Policy Issues

Any recommended change to current regulations on drone and RC Aircraft at City parks will require action by City Council to modify existing Municipal Code.

Background

The issue of drones and Radio Controlled (RC) aircraft otherwise referred to as Unmanned Aircraft Systems (UAS) at Bedwell-Bayfront Park came to the attention of the City Council on November 9, 2013, when the Council received a letter from a concerned citizen about the risks to park users from model airplane fliers. Since this time, the Parks and Recreation Commission addressed this topic at three of their regular meetings including meetings held on January 22, 2014, May 27, 2015 and, most recently, on September 23, 2015 when the Commission conducted a study session on the topic. During this study session Commission received information concerning the Bedwell-Bayfront Master Plan, City Municipal Code, Bay Area Unmanned Aircraft Systems (UAS) field locations, environmental impacts, complaint history of drones and RC aircraft at the park, and legal concerns. The Commission also received feedback from RC model aircraft enthusiasts, members from the Friends of Bedwell-Bayfront Park, pilots from San Carlos and Palo Alto Airports, Sequoia Audubon Society, representatives from National Wildlife Refuge and the South Bay Salt Pond Restoration Project, and other park users. Commission heard the following from the various park users and stakeholders:

In support of drones and RC Aircraft:

- Do not ban drones and RC aircraft but provide more pilot education
- Regulate and require permit to fly in the park rather than a ban
- RC aircraft hobbyists report that they currently comply with FAA guidelines and AMA requirements for flying below 400 ft. and notifying local airports when they fly
- Pilots are self-regulating
- Pilots are interested in working with the City to regulate use and reduce impacts on other park users
- RC aircraft hobbyists are just one of the many park user groups and have been using the park for many years
- Flying RC aircraft and drones is a passive recreation activity that is consistent with the intended use of the park which also allows for biking, kite flying and similar activities

In opposition of drones and RC Aircraft:

- Park users have expressed concern over noise and the disturbance to their enjoyment of the park
- There is concern with the compatibility of drones and RC aircraft with other park uses
- Residents expressed concern over fire danger at the park which they cited from an instance in another park
- Concern over wildlife habitat impacts in and around the park
- Those in opposition argue that this usage is not consistent with the intended “passive” use for the park
- We have heard concerns from pilots at San Carlos and Palo Alto airports regarding near misses and other dangers resulting from drone usage in altitudes greater than 500 feet
- Other users report that drone users do not comply with FAA guidelines for their use which requires that they fly no higher than 400 feet and not within 5 miles of any airport without notifying the airport of their use

During the study session the Commission discussed their desire to balance the competing interests of all park users including those in the drone and RC aircraft community, deliberated on whether drones and RC aircraft pose any more or less danger to other park users and wildlife than do bikes and off leash dogs and considered a proposal from fellow Commissioner Tucker Stanwood which accommodates for this type of use in the park but strictly regulates the usage more than is currently done.

Analysis

Staff is recommending that the Commission review and consider the following options and approve a recommendation that will be presented to the City Council. It is further recommended that the Commission select the option that they most agree with and, through further discussion, come to a consensus on a proposal that the majority of the Commission would want to present to the Council. The proposals are as follows:

- A. It is recommended that the Commission take no action on this topic at this time.
- B. It is recommended that the Commission approve a recommendation to the City Council which would ban all use of drones and RC aircraft at Bedwell-Bayfront Park.
- C. It is recommended that the Commission approve a recommendation to the City Council which would allow restricted use of drones and RC aircraft at Bedwell-Bayfront Park and would include the following types of restrictions:

Operators of electric powered Drones and R/C Aircraft have limited access to the Park including (a) a maximum number of operators permitted at any one time, (b) specified times and specified days of permitted operation and (c) an exclusive designated area of the Park for take-off, landing and flight. No craft may leave the designated area of the Park while in flight. All FAA Regulations must be complied with. During the specified times, all other park visitors would be barred from entering the designated area. Operators would avoid wildlife as much as possible. Other restrictions would be imposed as designated by Staff and approved by Commission. The Commission would receive and review evidence and public comment on the experience of the Regulations in 12 months.

If the Commission chooses Option C to approve restricted use of drones and RC aircraft at the park, staff would recommend that the Commission appoint a sub-committee to work with City staff on refining the specifics of the proposal before a formal recommendation is made to the City Council. It would also be necessary to work with staff from various City departments that would be involved in the implementation of the proposed changes.



Impact on City Resources

If Council approves changes to current UAS regulation at City parks, it is recommended that the Council approve a budget allocation that will provide for sufficient enforcement of the new regulations.

Environmental Review

This subject is not deemed a project under the California Environmental Quality Act

Public Notice

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

- A. January 22, 2014 PRC Staff Report – Radio Controlled (RC) flying aircraft at Bedwell-Bayfront Park
- B. May 27, 2015 PRC Staff Report – Drones at Bedwell-Bayfront Park
- C. September 23, 2015 PRC Study Session – Drone and RC Aircraft Use at Bedwell-Bayfront Park

Report prepared by:
Derek Schweigart
Community Services Manager

Memo

To: Parks and Recreation Commission
From: Derek Schweigart, Assistant Director Community Services
Date: January 22, 2014
Re: Radio Controlled (RC) flying aircraft at Bedwell-Bayfront Park

OVERVIEW

Recently the City Council received a complaint from a park user at Bedwell-Bayfront Park regarding Radio Controlled (RC) helicopters and planes in City parks. The following are letters the City Council received:

November 9, 2013

Dear City Council members,

I am hoping you will look into the issue of risks to park users of Bayfront Bedwell park at end of Marsh Rd. There is no problem with most of the model airplane fliers. However there are a few irresponsible model helicopter fliers who insist on flying right along the walking path even when requested to move to the center of the field. The attached article described the accidental death of a New York teen in a park 2 months ago, whose head was sliced partially off by an out of control toy helicopter. Though rare, this is not the first, in US or Europe.

The article describes the danger of these model choppers when any slight thing goes wrong. It also states the overall organization of model fliers has a major principle of safe flying. Which means at a distance from the public.

Not necessary to prohibit them, but please consider making such 'safe distance' (maybe 50 yds?) an ordinance so it can be enforced if necessary. (If they are "not breaking any laws" they ignore passerby's requests to move away from the path.) If this url does not directly connect, you can google teen model helicopter death. It occurred Sept this year.

<http://abcnews.go.com/m/story?id=20182547>

Kathryn Sobieski MD
kasobie@bresnan.net
(307) 200-1825

Dear Counselors,

Happy Holidays to all. I hope you are on vacation and have a great new year.

I am just now waiting for the helicopter battery to run out so that I can proceed without worry as it swoops above the pathways and am thus prompted to jot this note. I know you are investigating the issue. I do hope a designated flying area (with over flight boundaries as well) can be chosen and posted. I understand there is a model flying club across the Dumbarton in Fremont which uses closed to public space for safety. They may have some info. No one wants an accident to be the instigating factor that creates safety for the pedestrians. Certainly chance of accident is small but consequence potentially horrific.

Please put this on your agenda for 2014.

Sincerely,
Kathryn Sobieski MD
Menlo Park

The ABC News story that the park user sited was regarding a New York teen that was fatally injured while piloting his remote-controlled helicopter that experienced a mechanical failure leading to the fatal crash. Many believe the crash was the result of reckless flying of the helicopter. It was also noted in the article that it was the second such death as a result of a remote-controlled helicopter in the United States. The full story can be found here:

<http://abcnews.go.com/m/story?id=20182547>

http://www.nytimes.com/2013/09/06/nyregion/remote-controlled-copter-fatally-strikes-pilot-at-park.html?_r=0

The sport of Radio Controlled (RC) flying aircraft is governed by the [Academy of Model Aeronautics National Model Aircraft Safety Code](#). Hobbyists participating in the activity are supposed to follow guidelines describing the manner in which the aircraft must be operated and include restrictions for locations where model aircraft activities are prohibited. In addition, there are a number of RC clubs throughout the San Francisco Bay Area which require that their members meet certain qualifications and follow additional regulations in flying their aircraft. There are several links to many of these RC clubs and organizations provided in this report for the Commission's consideration.

The City of Menlo Park is not aware of any reported injuries as a result of Radio-Controlled aircraft in City parks and there have not been other complaints or concerns expressed by park users regarding their use. Given the recent concern expressed by one City park user as well as the recent incident in New York, the Parks and Recreation Commission is being asked to consider the issue of Radio Controlled Aircraft (helicopters and planes) in City parks and to advise staff on how to proceed with the issue.

In addressing the issue at Bedwell-Bayfront Park, City staff has determined there are a few options to consider, all of which have their own pros and cons. There may

be other options and considerations and this is only a partial list for the purposes of this initial discussion.

Options	Pros	Cons
1. City ordinance to ban RC aircraft at Bedwell-Bayfront Park and other City parks.	This potentially eliminates the RC aircraft activity in the park.	<p>Difficult to enforce ordinance without the existence of a park ranger and limited capacity by the Menlo Park PD.</p> <p>Eliminates positive recreational experience by hobbyists.</p> <p>This action may not be warranted given the limited reporting of the activity in the park.</p>
2. City designates space at Bedwell-Bayfront Park for RC aircraft activity.	<p>Would reduce potential impact to other park users.</p> <p>Would provide rules and guidelines to RC aircraft hobbyists with the posting of pertinent information to promote safe use of the park.</p>	<p>Potential for Bedwell-Bayfront Park to become a destination for RC aircraft hobbyists which may have a negative impact on other park users.</p> <p>Potential liability exposure for the City to dedicate park space for activity.</p>
3. City takes no action.	No immediate financial impact to the City.	May not be an option since City is aware of the activity in one of its parks.

The following questions will help guide the discussion:

1. Given the pros/cons presented, what strategy should the City take in addressing the issue of RC aircraft, which may include providing designated space for the recreation activity, banning the activity in public parks by a City ordinance or taking no action?

2. What other information does the Commission require to move forward with a decision on the issue?
3. Does this issue require a public meeting, study session or park user survey?
4. What role would the Commission like to play in this issue moving forward?

The following are useful links to the sport of Radio Controlled (RC) flying aircraft which include the Academy of Model Aeronautics National Model Aircraft Safety Code and links to local RC clubs:

<http://www.modelaircraft.org/files/105.PDF>

<http://www.rc-airplane-world.com/california-rc-airplane-clubs.html>

<http://www.sacrc.org/>

<http://www.sccmas.org/>

<http://www.baysidercclub.com/>

<http://www.baysidercclub.com/club-info/field-rules/>

<http://wavemastersrc.org/>

<http://www.dvrc.org/>

ATTACHMENTS

[A. Academy of Model Aeronautics National Model Aircraft Safety Code](#)



PUBLIC WORKS DEPARTMENT

Council Meeting Date: May 27, 2015

Staff Report #: xx-xxx

REGULAR BUSINESS: **Review and consider the usage of drones at Bedwell-Bayfront Park with a recommendation to City Council to prohibit such use**

RECOMMENDATION

Staff recommends the Parks and Recreation Commission to support a ban on drones at Bedwell Bayfront Park and recommend the ban to the City Council.

BACKGROUND

One of the roles and responsibilities of the Parks and Recreation Commission is to promote safety in all facilities and programs. In March, 2015 a safety concern was brought to the Department of Public Works.

On March 11, 2015 The Department of Public Works was contacted by the San Carlos Airport Association (SCAA). The SCAA representative stated that pilots were concerned about the increase in recreational drone activity at Bedwell-Bayfront Park and reported a “near miss” between a drone and full-scale aircraft.

An article published in PC World described Bedwell-Bayfront Park as “a popular weekend location for Silicon Valley drone enthusiasts despite its proximity to both Palo Alto and San Carlos airports” (Attachment A). Bedwell-Bayfront Park is located between the San Carlos Airport (SQL) and the Palo Alto Airport (PAO) (Attachment B). The location is near the landing path for SQL and the take-off path for PAO, the critical phases of flight for pilots. A YouTube search on May 18, 2015 revealed multiple videos of drones flying much higher than recommended, including one drone flying above 3,400 feet (Attachment C).

On April 23, 2015 Menlo Park staff met with staff from the FAA and the Palo Alto airport. The use of remote controlled devices including planes and quadcopters is banned at the City of Palo Alto’s Baylands Nature Preserve near PAO. FAA staff stated that stricter regulations were being developed to ban drones within 5 nautical miles of an airport, but it was unclear when the new regulation would be instated. Current guidelines require recreational drone users to notify the FAA prior to flying within 5 nautical miles of an airport. The FAA staff have never received notification from drone users at Bedwell-Bayfront Park and echoed safety concerns with recreational drone use at the Park.

ANALYSIS

Recreational drones flown at Bedwell-Bayfront Park are “aircraft” and subject to regulation by the FAA (Attachment D). They are categorized as “Model Aircraft” because they are:

- (1) Capable of sustained flight in the atmosphere;
- (2) Flown within visual line of sight of the person operating the aircraft; and
- (3) Flown for hobby or recreational purposes.

The FAA strongly encourages individuals flying for hobby to follow the safety guidelines below.

- Fly below 400 feet and remain clear of surrounding obstacles
- Keep the aircraft within visual line of sight at all times
- Remain well clear of and do not interfere with manned aircraft operations
- Don't fly within 5 miles of an airport unless you contact the airport and control tower before flying
- Don't fly near people or stadiums
- Don't fly an aircraft that weighs more than 55 lbs
- Don't be careless or reckless with your unmanned aircraft – you could be fined for endangering people or other aircraft

Currently, these safety measures are guidelines.

In April 2015, The Menlo Park Police Department began to regularly check drone activity at the Park. Officers on the assignment did not witness any users violating the FAA guidelines. When users were approached, they all seemed aware of the rules and nearby airports.

The FAA safety guidelines are recommendations. The 5 mile regulation under development by the FAA would eliminate drones within the majority of Menlo Park city limits, but it is not clear when the new regulations will be established (Attachment E). In order to address this pressing safety issue, staff recommends the proactive ban of drones at Bedwell-Bayfront Park. The ban will not impact flying kites at the Park. The ban will apply to unpiloted, remote controlled, aerial vehicles.

PUBLIC NOTICE

Public Notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting.

ATTACHMENTS

- A. PC World Article
- B. Aviation Map of the Area
- C. Screenshot of YouTube Search
- D. Law Enforcement Guidance for Suspected Unauthorized UAS Operations
- E. Map of FFA Five Mile Zones

Report prepared by:

Brian Henry

Public Works Superintendent



Home (/) / Legal (/Category/Legal/)

Facebook's impressive aerial photo highlights confusion over drone regulations

[Martyn Williams \(/author/Martyn-Williams/\)](#)

IDG News Service

Apr 24, 2015 1:40 PM

When Facebook expanded into a new campus in late March, the company released a stunning aerial photo of the site captured from a drone. In taking the picture, Facebook almost certainly broke two FAA regulations governing drone use.

The social network isn't alone in its carelessness. Drone use has taken off quickly among both businesses and individuals, and many people—even sophisticated technology companies—apparently are not fully aware of the rules.

The Facebook image was captured by a DJI drone at what appears to be several hundred feet above a corner of its new campus in Menlo Park, California. The building sits about 2 miles from Palo Alto Airport—easily within the 5-mile zone in which drone operators must obtain permission from an airport before conducting a flight.

Palo Alto Airport's air traffic control tower said it received no such request or notification of the flight.

Even if it had, current FAA regulations also prohibit any commercial use of drones unless a company has obtained a waiver, and Facebook isn't among the handful of companies that have.

Asked about the image, Facebook said "the photos were taken for non-commercial use on our property." But the FAA is clear that only flights conducted for "purely hobby" purposes are permitted without a waiver. Whether the flight is over public or private land is irrelevant.

"There's a lot of confusion over the rules," said Patrick Egan, who runs [sUAS News \(http://www.suasnews.com/\)](http://www.suasnews.com/), a website specializing in drone news.

There's confusion around the use of drones to shoot video as well. The FAA recently said it won't go after people who post drone flights on YouTube and collect advertising money from the site. Some had worried that would constitute commercial use.

But conversely, flights conducted by businesses aren't non-commercial just because no money changes hands.

A lawyer specializing in drone rules said she advises clients to be extremely conservative about how they conduct flights while the FAA is considering new, longer-term rules.

Perhaps as a result of the confusion, the list of illicit drone flights is getting longer by the week.

In December, fans attending a San Francisco Giants NFL game [flew a drone over Levi's Stadium](http://www.nbcbayarea.com/news/local/Drone-Operators-Get-Warning-After-Flying-Unmanned-Aircraft-Over-Levis-Stadium-286619331.html) (<http://www.nbcbayarea.com/news/local/Drone-Operators-Get-Warning-After-Flying-Unmanned-Aircraft-Over-Levis-Stadium-286619331.html>) in nearby Santa Clara. The airspace above most major sporting events is off limits to drones.

In January, a drunk federal worker [flew and crashed a drone](http://www.nytimes.com/2015/01/28/us/white-house-drone.html?_r=0) (http://www.nytimes.com/2015/01/28/us/white-house-drone.html?_r=0) into the White House lawn. The entire airspace of Washington, D.C., is federally restricted.

In March, a drone was [spotted flying at about 1,500 feet above a TV news helicopter](http://www.kirotv.com/news/news/faa-investigating-drone-flying-near-news-helicopter/nkYk7/) (<http://www.kirotv.com/news/news/faa-investigating-drone-flying-near-news-helicopter/nkYk7/>) in Seattle, and well above the allowed 400 feet maximum altitude.

For every flight that is noticed, it's likely that many take place that don't attract attention.

Indeed, Bedwell Bayfront Park near Facebook's campus is a popular weekend location for Silicon Valley drone enthusiasts despite its proximity to both Palo Alto and San Carlos airports. Some YouTube videos show drones flying from the park to over 3,000 feet—much higher than permitted and close to the altitude of jets on approach paths to nearby San Francisco International Airport.

The FAA has [proposed a new set of regulations](https://www.faa.gov/uas/hprm/) (<https://www.faa.gov/uas/hprm/>) that would allow companies to fly drones, but they are not expected to be enacted until late 2016 or early 2017. A public comment period on the proposal [ends on Friday](http://www.pcworld.com/article/2914892/friday-is-your-last-chance-to-comment-on-the-faas-drone-regulations.html) (<http://www.pcworld.com/article/2914892/friday-is-your-last-chance-to-comment-on-the-faas-drone-regulations.html>).

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Martyn Williams covers mobile telecoms, security, Silicon Valley, and general technology breaking news for the IDG News Service, and is based in San Francisco.

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(https://ssl.www8.hp.com/hpmatter/issue-no-4-spring-2015/byod-uptick-sparks-security-concerns-enterprise?utm_source=taboola&utm_medium=referral)

Risks of Using Personal Mobile Devices at Work
Hewlett-Packard

11:40 AM PDT





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RESULTS



FPV 3,432ft Above Bedwell BayFront Park - Not Anot...

Jim Russell

1 year ago · 992 views



Aerial Footage of Bedwell Bayfront Park - Menlo Park, CA

Peter Dinh

1 week ago · 62 views



Flying at Marsh Rd Bedwell Bayfront Park # 2

mike Ponce de Leon

5 months ago · 60 views



Bedwell Bayfront Park Menlo Park

Brandon Vaccaro

3 months ago · 16 views



FPV Over Bedwell Bayfront Park

Jim Russell

1 year ago · 100 views



Radian FPV At Bedwell Bayfront





LAW ENFORCEMENT GUIDANCE FOR SUSPECTED UNAUTHORIZED UAS OPERATIONS

Issue

There is evidence of a considerable increase in the unauthorized use of small, inexpensive Unmanned Aircraft Systems (UAS) by individuals and organizations, including companies. The FAA retains the responsibility for enforcing Federal Aviation Regulations, including those applicable to the use of UAS. The agency recognizes though that State and local Law Enforcement Agencies (LEA) are often in the best position to deter, detect, immediately investigate,¹ and, as appropriate,² pursue enforcement actions to stop unauthorized or unsafe UAS operations. The information provided below is intended to support the partnership between the FAA and LEAs in addressing these activities.

Discussion

The general public, a wide variety of organizations, including private sector (e.g., commercial companies), non-governmental (e.g., volunteer organizations), and governmental entities (e.g., local agencies) continue to demonstrate significant interest in UAS. The benefits offered by this type of aircraft are substantial and the FAA is committed to integrating UAS into the National Airspace System (NAS). This introduction, however, must address important safety and security considerations. The increasing number of cases of unauthorized use of UAS is a serious concern for the FAA and, in terms of safety and security challenges, many of its interagency partners.

This document is intended to assist LEAs in understanding the legal framework that serves as the basis for FAA legal enforcement action against UAS operators for unauthorized and/or unsafe UAS operations (Section 1) and to provide guidance regarding the role of LEAs in deterring, detecting, and investigating unauthorized and/or unsafe UAS operations (Section 2).

SECTION 1.

Basic Legal Mandates

The FAA's safety mandate under 49 U.S.C. § 40103 requires it to regulate aircraft operations conducted in the NAS,³ which include UAS operations, to protect persons and property on the

¹ At least in terms of initial contact with the suspected offender.

² Applying any laws falling within the enforcement authority of the LEA in question.

³ The NAS is "the common network of U.S. airspace; air navigation facilities, equipment and services, airports or landing areas Included are system components shared jointly with the military." See FAA Pilot/Controller Glossary (Apr. 3, 2014), available at http://www.faa.gov/air_traffic/publications/media/pcg_4-03-14.pdf.

ground, and to prevent collisions between aircraft and other aircraft or objects. In addition, 49 U.S.C. § 44701(a) requires the agency to promote safe flight of civil aircraft in air commerce by prescribing, among other things, regulations and minimum standards for other practices, methods, and procedures the Administrator finds necessary for safety in air commerce and national security.⁴

A UAS is an Aircraft that Must Comply with Safety Requirements

A UAS is an “aircraft” as defined in the FAA’s authorizing statutes and is therefore subject to regulation by the FAA. 49 U.S.C. § 40102(a)(6) defines an “aircraft” as “any contrivance invented, used, or designed to navigate or fly in the air.” The FAA’s regulations (14 C.F.R. § 1.1) similarly define an “aircraft” as “a device that is used or intended to be used for flight in the air.” Because an unmanned aircraft is a contrivance/device that is invented, used, and designed to fly in the air, it meets the definition of “aircraft.” The FAA has promulgated regulations that apply to the operation of all aircraft, whether manned or unmanned, and irrespective of the altitude at which the aircraft is operating. For example, 14 C.F.R. § 91.13 prohibits any person from operating an aircraft in a careless or reckless manner so as to endanger the life or property of another.

Model Aircraft Operations

An important distinction to be aware of is whether the UAS is being operated for hobby or recreational purposes or for some other purpose. This distinction is important because there are specific requirements in the FAA Modernization and Reform Act of 2012, Public Law 112-95, (the Act) that pertain to “Model Aircraft” operations, which are conducted solely for hobby or recreational purposes. While flying model aircraft for hobby or recreational purposes does not require FAA approval, all model aircraft operators must operate safely and in accordance with the law. The FAA provides guidance and information to individual UAS operators about how they can operate safely under current regulations and laws. Guidance may be found at: http://www.faa.gov/uas/publications/model_aircraft_operators/

Section 336(c) of the Act defines “Model Aircraft” as an unmanned aircraft that is –

- (1) Capable of sustained flight in the atmosphere;
- (2) Flown within visual line of sight of the person operating the aircraft; and
- (3) Flown for hobby or recreational purposes.

Each element of this definition must be met for a UAS to be considered a Model Aircraft under the Act. Under Section 336(a) of the Act the FAA is restricted from conducting further rulemaking specific to Model Aircraft as defined in section 336(c) so long as the Model Aircraft operations are conducted in accordance with the requirements of section 336(a). Section 336(a) requires that—

⁴ FAA action on these security concerns support and are informed by the national defense, homeland security, and law enforcement statutory responsibilities and authorities of our interagency partners.

- (1) The aircraft is flown strictly for hobby or recreational use;
- (2) The aircraft is operated in accordance with a community-based set of safety guidelines and within the programming of a nationwide community-based organization;
- (3) The aircraft is limited to not more than 55 pounds unless otherwise certified through a design, construction, inspection, flight test, and operational safety program administered by a community-based organization;
- (4) The aircraft is operated in a manner that does not interfere with and gives way to any manned aircraft; and
- (5) When flown within 5 miles of an airport, the operator of the aircraft provides the airport operator and the airport air traffic control tower (when an air traffic facility is located at the airport) with prior notice of the operation (model aircraft operators flying from a permanent location within 5 miles of an airport should establish a mutually-agreed upon operating procedure with the airport operator and the airport air traffic control tower (when an air traffic facility is located at the airport)).

Model Aircraft that Operate in a Careless or Reckless Manner

Section 336(b) of the Act, however, makes clear that the FAA has the authority under its existing regulations to pursue legal enforcement action against persons operating Model Aircraft when the operations endanger the safety of the NAS, even if they are operating in accordance with section 336(a) and 336(c). So, for example, a Model Aircraft operation conducted in accordance with section 336(a) and (c) may be subject to an enforcement action for violation of 14 C.F.R. § 91.13 if the operation is conducted in a careless or reckless manner so as to endanger the life or property of another.

UAS Operations that are not Model Aircraft Operations

Operations of UAS that are not Model Aircraft operations as defined in section 336(c) of the Act and conducted in accordance with section 336(a) of the Act may only be operated with specific authorization from the FAA. The FAA currently authorizes non-hobby or recreational UAS operations through one of three avenues:

- (1) The issuance of a Certificate of Waiver or Authorization, generally to a governmental entity operating a public aircraft;
- (2) The issuance of an airworthiness certificate in conjunction with the issuance of a Certificate of Waiver or Authorization; or
- (3) The issuance of an exemption under part 11 of title 14, Code of Federal Regulations that relies on section 333 (Special Rules for Certain Unmanned Aircraft Systems) of the Act for relief from the airworthiness certificate requirement, also in conjunction with the issuance of a Certificate of Waiver or Authorization.

It is important to understand that all UAS operations that are not operated as Model Aircraft under section 336 of the Act are subject to current and future FAA regulation. At a minimum, any such flights are currently required under the FAA's regulations to be operated with an

authorized aircraft (certificated or exempted), with a valid registration number (“N-number”), with a certificated pilot, and with specific FAA authorization (Certificate of Waiver or Authorization).

Regardless of the type of UAS operation, the FAA’s statutes and the Federal Aviation Regulations prohibit any conduct that endangers individuals and property on the surface, other aircraft, or otherwise endangers the safe operation of other aircraft in the NAS. In addition, States and local governments are enacting their own laws regarding the operation of UAS, which may mean that UAS operations may also violate state and local laws specific to UAS operations, as well as broadly applicable laws such as assault, criminal trespass, or injury to persons or property.

UAS Compliance with Airspace Security Requirements

As an aircraft, UAS operations (including those involving Model Aircraft) must be conducted in accordance with the airspace-centric security requirements prescribed by the FAA’s regulations and various implementation tools used by the FAA, specifically including airspace with special flight rules and Notices to Airmen (NOTAM) that define Temporary Flight Restrictions (TFR). It is important that UAS operators and LEAs be familiar with the airspace restrictions respectively relevant to their operations and their enforcement area of responsibility.

Flight restrictions are used to protect, but are not limited to, special security events, sensitive operations (e.g., select law enforcement activity, space flight operations, etc.), and Presidential movement. The most up-to-date list of TFRs is available at <http://tfr.faa.gov/tfr2/list.html>.

See Attachment A for reference resources.⁵

SECTION 2.

The Role of Law Enforcement

The FAA promotes voluntary compliance by educating individual UAS operators about how they can operate safely under current regulations and laws. The FAA also has a number of enforcement tools available including warning notices, letters of correction, and civil penalties. The FAA may take enforcement action against anyone who conducts an unauthorized UAS operation or operates a UAS in a way that endangers the safety of the national airspace system. This authority is designed to protect users of the airspace as well as people and property on the ground.

However, as noted above, State and local Law Enforcement Agencies (LEA) are often in the best position to deter, detect, immediately investigate,⁶ and, as appropriate,⁷ pursue

⁵ Attachment A also includes a NOTAM concerning avoidance (including no loitering) over power plants, dams, refineries, industrial complexes, and military facilities. Although not a restriction, this TFR urges aircraft operators to avoid these locations.

⁶ At least in terms of initial contact with the suspected offender.

⁷ Applying any laws falling within the enforcement authority of the LEA in question.

enforcement actions to stop unauthorized UAS operations. Although the FAA retains the responsibility for enforcing FAA's regulations, FAA aviation safety inspectors, who are the agency's principal field elements responsible for following up on these unauthorized and/or unsafe activities, will often be unable to immediately travel to the location of an incident.

While the FAA must exercise caution not to mix criminal law enforcement with the FAA's administrative safety enforcement function, the public interest is best served by coordination and fostering mutual understanding and cooperation between governmental entities with law enforcement responsibilities. Although there are Federal criminal statutes that may be implicated by some UAS operations (see 49 U.S.C. § 44711), most violations of the FAA's regulations may be addressed through administrative enforcement measures. As with any other civil or criminal adjudication, successful enforcement will depend on development of a complete and accurate factual report contemporaneous with the event.

Although certainly not an exhaustive list, law enforcement officials, first responders and others can provide invaluable assistance to the FAA by taking the actions outlined below:

- (1) **Witness Identification and Interviews.** Local law enforcement is in the best position to identify potential witnesses and conduct initial interviews, documenting what they observed while the event is still fresh in their minds. In addition, local law enforcement is in an optimum position to secure all information necessary for our safety inspectors to contact these witnesses in any subsequent FAA investigation. Administrative proceedings often involve very technical issues; therefore, we expect our own safety inspectors will need to re-interview most witnesses. We are mindful that in many jurisdictions, state law may prohibit the transmission of witness statements to third parties, including the FAA. In those circumstances it is extremely important that the FAA be able to locate and conduct independent interviews of these individuals.
- (2) **Identification of Operators.** Law enforcement is in the best position to contact the suspected operators of the aircraft, and any participants or support personnel accompanying the operators. Our challenges in locating violators are marked in that very few of these systems are registered in any federal database and rarely will they have identifiable markings such as used for conventional manned aircraft. Likewise, information on few of the UAS operators will be archived in a pilot data base. Many operators advertise openly on the internet. However, in our enforcement proceedings, we bear the burden of proof, and showing who actually is operating the unmanned aircraft is critical. Therefore, evidentiary thresholds must be met even when using data or video acquired via the internet. Likewise, the purpose for the operation (such as in support of a commercial venture, to further some business interest, or to secure compensation for their services) may become an important element in determining what regulations, if any, may have been violated by the operation. Identification and interview of suspected operators early on will help immeasurably to advance enforcement efforts.
- (3) **Viewing and Recording the Location of the Event.** Pictures taken in close proximity to the event are often helpful in describing light and weather conditions, any damage or injuries, and the number and density of people on the surface,

particularly at public events or in densely populated areas. During any witness interviews, use of fixed landmarks that may be depicted on maps, diagrams or photographs immeasurably help in fixing the position of the aircraft, and such landmarks also should be used as a way to describe lateral distances and altitude above the ground, structures or people (e.g. below the third floor of Building X, below the top of the oak tree located Y, anything that gives reference points for lay witnesses).

- (4) **Identifying Sensitive Locations, Events, or Activities.** The FAA maintains a variety of security-driven airspace restrictions around the country to help protect sensitive locations, events, and activities through Temporary Flight Restrictions (TFR), Prohibited Areas, and other mechanisms such as the Washington, DC Flight Restricted Zone (DC FRZ). UAS operations, including Model Aircraft flights, are generally prohibited within these defined volumes of airspace. LEAs should become familiar with the steady-state airspace restrictions active within their area of responsibility, along with as-needed TFRs, which could be instituted to help protect sensitive events (e.g., major gatherings of elected officials) and activities (e.g., Presidential movements). If there is any question as to whether a TFR has been established in a given location, contact the nearest air traffic facility or flight service station for further information or visit <http://tfr.faa.gov/tfr2/list.html> for a graphic representation of TFRs locatable by state and effective dates.
- (5) **Notification.** Immediate notification of an incident, accident or other suspected violation to one of the FAA Regional Operation Centers (ROC) located around the country is valuable to the timely initiation of the FAA's investigation. These centers are manned 24 hours a day, 7 days a week with personnel who are trained in how to contact appropriate duty personnel during non-business hours when there has been an incident, accident or other matter that requires timely response by FAA employees. A list of these centers and telephone numbers is included as Attachment B to this letter.
- (6) **Evidence Collection.** Identifying and preserving any public or private security systems that may provide photographic or other visual evidence of UAS operations, including video or still picture security systems can provide essential evidence to the FAA. Many times these systems do not permanently store information but erase it as the system recycles at a given interval. Local law enforcement is in the best position to inquire and make initial requests to identify and preserve this form of evidence or obtain legal process for securing this evidence in the context of an investigation of a possible violation of state criminal law. In addition, some UAS may be marked with identification numbers ("N-numbers") signifying FAA registration. The presence or lack of these identification numbers may be significant in an FAA investigation. For example, an operator may state that he or she is conducting an approved commercial activity, which usually requires registered aircraft. However, the absence of registration markings on the UAS may indicate that the aircraft is not registered, meaning the operation may not be authorized. Note that identification numbers may not be conspicuous from a distance because of the size and non-traditional configuration of some UAS. The registered owners

of UAS bearing identification numbers can be found by searching for the N-number on the FAA's website: www.faa.gov.

Virtually all of the items listed above are already in the tool box for law enforcement officers. Other investigative methods also may prove useful, such as consensual examination of the UAS, equipment trailers and the like. However, other law enforcement processes, such as arrest and detention or non-consensual searches almost always fall outside of the allowable methods to pursue administrative enforcement actions by the FAA unless they are truly a by-product of a state criminal investigation. We do not mean to discourage use of these methods and procedures where there is an independent basis for them under state or local law. We simply wish to emphasize that work products intended for FAA use generally should involve conventional administrative measures such as witness interviews, "stop and talk" sessions with suspected violators, consensual examination of vehicles and equipment, and other methods that do not involve court orders or the potential use of force by law enforcement personnel.

It is extremely difficult to provide a "one size fits all" guide to cooperative investigation of unauthorized UAS operations considering the myriad jurisdictions and the associated statutory and constitutional restraints and requirements. State and local officials are always urged to use their governmental unit's legal resources and their own management chain to develop acceptable protocols for dealing with these instances. In some situations, there may be legal bars to the sharing of some information or the use of databases designed for conventional law enforcement. However, with appropriate data collection during first responses and early reporting to the FAA, Federal, State and local agencies will be in the best position to both collect and share information that may be of interest to each jurisdiction. FAA aviation safety inspectors are adept at coordination with our own legal resources to ensure unauthorized operators are properly accountable for the potential risk they create to both people and property. In addition, we have specially trained inspectors within the FAA UAS Integration office who can provide expertise in this area.

If you have any questions or your agency would like to pursue advance planning on how to address these situations, please feel free to contact your local FAA Law Enforcement Assistance Special Agent or the FAA's Law Enforcement Assistance Program Office at (202) 267-4641 or (202) 267-9411.

Attachment A.

Excerpts**Presidential
Movements**

FDC 4/7607 ZBW RI..AIRSPACE PROVIDENCE, RHODE ISLAND..TEMPORARY FLIGHT RESTRICTIONS. OCTOBER 16, 2014 LOCAL. THIS NOTAM REPLACES NOTAM 4/7600 DUE TO SCHEDULE CHANGE. PURSUANT TO 49 USC 40103(B THE FEDERAL AVIATION ADMINISTRATION (FAA) CLASSIFIES THE AIRSPACE DEFINED IN THIS NOTAM AS 'NATIONAL DEFENSE AIRSPACE'. PILOTS WHO DO NOT ADHERE TO THE FOLLOWING PROCEDURES MAY BE INTERCEPTED DETAINED AND INTERVIEWED BY LAW ENFORCEMENT/SECURITY PERSONNEL. ANY OF THE FOLLOWING ADDITIONAL ACTIONS MAY ALSO BE TAKEN AGAINST A PILOT WHO DOES NOT COMPLY WITH THE REQUIREMENTS OR ANY SPECIAL INSTRUCTIONS OR PROCEDURES ANNOUNCED IN THIS NOTAM:

A) THE FAA MAY TAKE ADMINISTRATIVE ACTION, INCLUDING IMPOSING CIVIL PENALTIES AND THE SUSPENSION OR REVOCATION OF AIRMEN CERTIFICATES; OR

B) THE UNITED STATES GOVERNMENT MAY PURSUE CRIMINAL CHARGES, INCLUDING CHARGES UNDER TITLE 49 OF THE UNITED STATES CODE, SECTION 46307; OR

C) THE UNITED STATES GOVERNMENT MAY USE DEADLY FORCE AGAINST THE AIRBORNE AIRCRAFT, IF IT IS DETERMINED THAT THE AIRCRAFT POSE AN IMMINENT SECURITY THREAT.

...

C. THE FOLLOWING OPERATIONS ARE NOT AUTHORIZED WITHIN THIS TFR: FLIGHT TRAINING, PRACTICE INSTRUMENT APPROACHES, AEROBATIC FLIGHT, GLIDER OPERATIONS, SEAPLANE OPERATIONS, PARACHUTE OPERATIONS, ULTRALIGHT, HANG GLIDING, BALLOON OPERATIONS, AGRICULTURE/CROP DUSTING, ANIMAL POPULATION CONTROL FLIGHT OPERATIONS, BANNER TOWING OPERATIONS, SIGHTSEEING OPERATIONS, MAINTENANCE TEST FLIGHTS, **MODEL AIRCRAFT OPERATIONS, MODEL ROCKETRY, UNMANNED AIRCRAFT SYSTEMS (UAS),** AND UTILITY AND PIPELINE SURVEY OPERATIONS.

DC FRZ

FDC 0/8326 ZDC PART 1 OF 10 FLIGHT RESTRICTIONS, WASHINGTON, DC, EFFECTIVE 1012010401 UTC UNTIL FURTHER NOTICE. THIS NOTICE WILL REPLACE NOTAM 0/9477 DUE TO A CHANGE IN RESTRICTIONS. THIS NOTAM AND A NOTAM FOR THE LEESBURG MANEUVERING AREA SUPPLEMENT SUBPART V, 14 CFR PART 93 FOR THE WASHINGTON, D.C. SPECIAL FLIGHT RULES AREA (DC SFRA). PURSUANT TO 49 USC 40103(B), THE FAA HAS ESTABLISHED THE DC SFRA AREA AS 'NATIONAL DEFENSE AIRSPACE. ANY PERSON WHO DOES NOT COMPLY WITH THE REQUIREMENTS APPLICABLE TO THE DC SFRA MAY BE INTERCEPTED, DETAINED AND INTERVIEWED BY LAW ENFORCEMENT/SECURITY PERSONNEL. ANY OF THE FOLLOWING ADDITIONAL ACTIONS MAY ALSO BE TAKEN AGAINST A PILOT WHO DOES NOT COMPLY WITH THE REQUIREMENTS OR ANY SPECIAL INSTRUCTIONS OR PROCEDURES ANNOUNCED IN THIS NOTAM: A) THE FAA MAY TAKE ADMINISTRATIVE ACTION, INCLUDING IMPOSING CIVIL PENALTIES AND THE SUSPENSION OR REVOCATION OF AIRMEN CERTIFICATES; B) THE UNITED STATES GOVERNMENT MAY PURSUE CRIMINAL CHARGES, INCLUDING CHARGES UNDER TITLE 49 OF THE UNITED STATES CODE, SECTION 46307; C) THE UNITED STATES GOVERNMENT MAY USE DEADLY FORCE AGAINST THE AIRBORNE AIRCRAFT, IF IT IS DETERMINED THAT THE AIRCRAFT POSE AN IMMINENT SECURITY THREAT.

...

A. THE FOLLOWING OPERATIONS ARE NOT AUTHORIZED WITHIN THE DC FRZ: FLIGHT TRAINING, AEROBATIC FLIGHT, PRACTICE INSTRUMENT APPROACHES, GLIDER OPERATIONS, PARACHUTE OPERATIONS, ULTRA LIGHT, HANG GLIDING, BALLOON OPERATIONS, TETHERED BALLOONS, AGRICULTURE/CROP DUSTING, ANIMAL POPULATION CONTROL FLIGHT OPERATIONS, BANNER TOWING OPERATIONS, MAINTENANCE TEST FLIGHTS, **MODEL AIRCRAFT OPERATIONS, MODEL ROCKETRY, FLOAT PLANE OPERATIONS, UNMANNED AIRCRAFT SYSTEMS (UAS)** AND AIRCRAFT/HELICOPTERS OPERATING FROM A SHIP OR PRIVATE/CORPORATE YACHT. B. IT IS HIGHLY RECOMMENDED THAT A PILOT CONTINUOUSLY MONITOR VHF FREQUENCY 121.5 OR UHF FREQUENCY 243.0 FOR EMERGENCY INSTRUCTIONS WHEN OPERATING AN AIRCRAFT IN THE DC FRZ, EITHER IN AN AIRCRAFT THAT IS SUITABLY EQUIPPED, OR BY USE OF PORTABLE EQUIPMENT.

Avoidance of Power Plans Etc. *(Applied to all Aircraft, including UAS)*

FDC 4/0811 SPECIAL NOTICE. THIS IS A RESTATEMENT OF A PREVIOUSLY ISSUED ADVISORY NOTICE. IN THE INTEREST OF NATIONAL SECURITY AND TO THE EXTENT PRACTICABLE, PILOTS ARE STRONGLY ADVISED TO AVOID THE AIRSPACE ABOVE, OR IN PROXIMITY TO SUCH SITES AS POWER PLANTS (NUCLEAR, HYDRO-ELECTRIC, OR COAL), DAMS, REFINERIES, INDUSTRIAL COMPLEXES, MILITARY FACILITIES AND OTHER SIMILAR FACILITIES. PILOTS SHOULD NOT CIRCLE AS TO LOITER IN THE VICINITY OVER THESE TYPES OF FACILITIES.

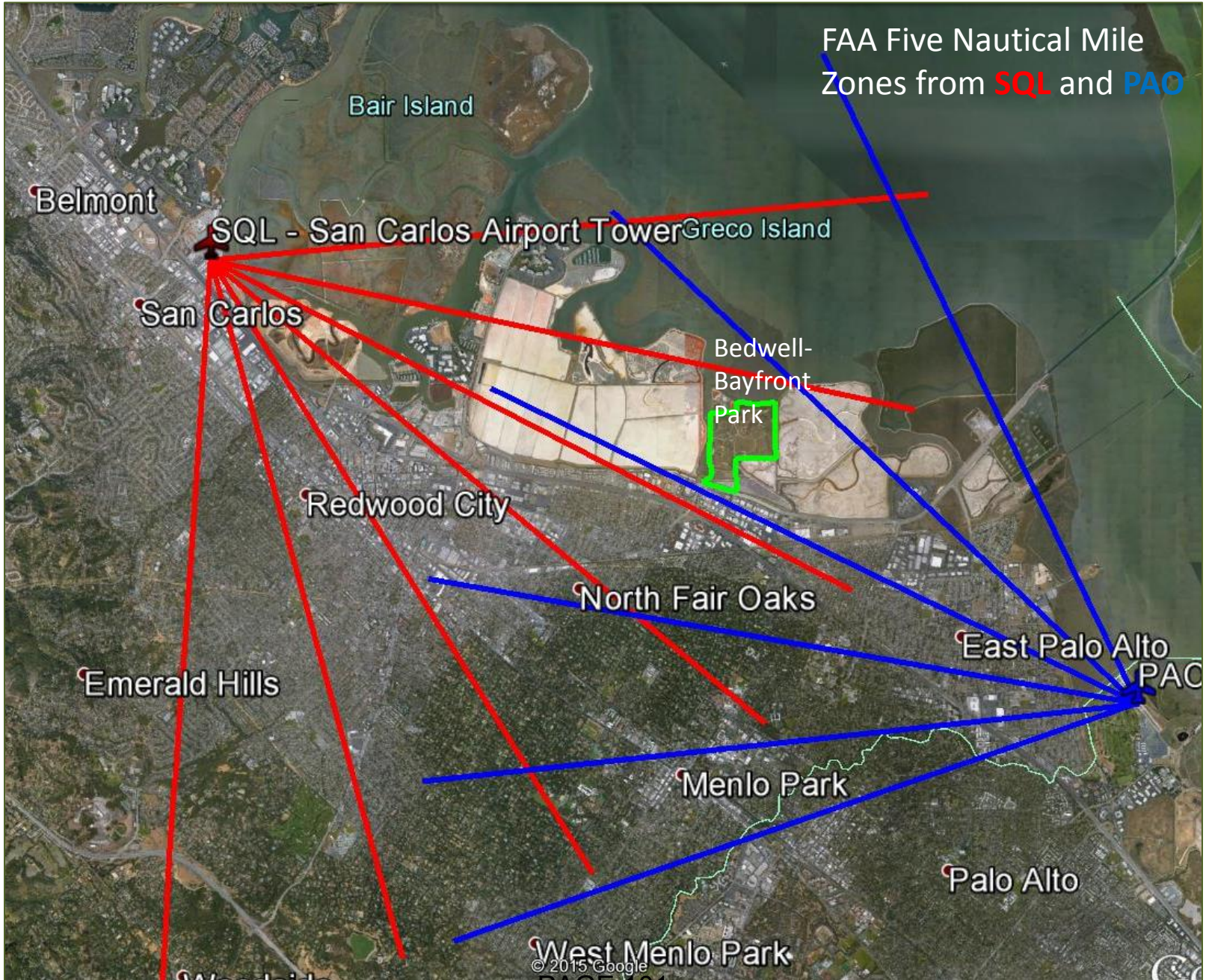
Select Sporting Events FDC 4/3621 FDC SPECIAL SECURITY NOTICE. SPORTING EVENTS. THIS NOTAM REPLACES FDC NOTAM 9/5151 TO REFLECT A TSA WEBSITE UPDATE AND ADDITIONAL INFORMATION CONCERNING AIRSPACE WAIVERS. FLIGHT RESTRICTIONS IN THIS NOTAM COMPLY WITH STATUTORY MANDATES DETAILED IN SECTION 352 OF PUBLIC LAW 108-7 AS AMENDED BY SECTION 521 OF PUBLIC LAW 108-199. PURSUANT TO 49 USC 40103(B), THE FEDERAL AVIATION ADMINISTRATION (FAA) CLASSIFIES THE AIRSPACE DEFINED IN THIS NOTAM AS 'NATIONAL DEFENSE AIRSPACE'. ANY PERSON WHO KNOWINGLY OR WILLFULLY VIOLATES THE RULES PERTAINING TO OPERATIONS IN THIS AIRSPACE MAY BE SUBJECT TO CERTAIN CRIMINAL PENALTIES UNDER 49 USC 46307. PILOTS WHO DO NOT ADHERE TO THE FOLLOWING PROCEDURES MAY BE INTERCEPTED, DETAINED AND INTERVIEWED BY LAW ENFORCEMENT/SECURITY PERSONNEL. PURSUANT TO 14 CFR SECTION 99.7, SPECIAL SECURITY INSTRUCTIONS, COMMENCING ONE HOUR BEFORE THE SCHEDULED TIME OF THE EVENT UNTIL ONE HOUR AFTER THE END OF THE EVENT. ALL AIRCRAFT OPERATIONS; INCLUDING PARACHUTE JUMPING, **UNMANNED AIRCRAFT AND REMOTE CONTROLLED AIRCRAFT**, ARE PROHIBITED WITHIN A 3 NMR UP TO AND INCLUDING 3000 F AGL OF ANY STADIUM HAVING A SEATING CAPACITY OF 30,000 OR MORE PEOPLE WHERE EITHER A REGULAR OR POST SEASON MAJOR LEAGUE BASEBALL, NATIONAL FOOTBALL LEAGUE, OR NCAA DIVISION ONE FOOTBALL GAME IS OCCURRING. THIS NOTAM ALSO APPLIES TO NASCAR SPRINT CUP, INDY CAR, AND CHAMP SERIES RACES EXCLUDING QUALIFYING AND PRE-RACE EVENTS. FLIGHTS CONDUCTED FOR OPERATIONAL PURPOSES OF ANY EVENT, STADIUM OR VENUE AND BROADCAST COVERAGE FOR THE BROADCAST RIGHTS HOLDER ARE AUTHORIZED WITH AN APPROVED AIRSPACE WAIVER. AN FAA AIRSPACE WAIVER DOES NOT RELIEVE OPERATORS FROM OBTAINING ALL OTHER NECESSARY AUTHORIZATIONS AND COMPLYING WITH ALL APPLICABLE FEDERAL AVIATION REGULATIONS. THE RESTRICTIONS DESCRIBED ABOVE DO NOT APPLY TO THOSE AIRCRAFT AUTHORIZED BY AND IN CONTACT WITH ATC FOR OPERATIONAL OR SAFETY OF FLIGHT PURPOSES, DEPARTMENT OF DEFENSE, LAW ENFORCEMENT, AND AIR AMBULANCE FLIGHT OPERATIONS. ALL PREVIOUSLY ISSUED WAIVERS TO FDC NOTAM 9/5151 REMAIN VALID UNTIL THE SPECIFIED END DATE BUT NOT TO EXCEED 90 DAYS FOLLOWING THE EFFECTIVE DATE OF THIS NOTAM. INFORMATION ABOUT AIRSPACE WAIVER APPLICATIONS AND TSA SECURITY AUTHORIZATIONS CAN BE FOUND AT [HTTP://WWW.TSA.GOV/STAKEHOLDERS/AIRSPACE-WAIVERS-0](http://www.tsa.gov/stakeholders/airspace-waivers-0) OR BY CALLING TSA AT 571-227-2071. SUBMIT REQUESTS FOR FAA AIRSPACE WAIVERS AT [HTTPS://WAIVERS.FAA.GOV](https://waivers.faa.gov)

Disney Theme Parks

FDC 4/XXXX ZZZ SECURITY SPECIAL NOTICE DISNEY WORLD THEME PARK ORLANDO FL THIS NOTAM REPLACES NOTAM 9/4985 TO REFLECT A TSA WEBSITE UPDATE AND ADDITIONAL INFORMATION CONCERNING AIRSPACE WAIVERS. FLIGHT RESTRICTIONS IN THIS NOTAM COMPLY WITH STATUTORY MANDATES DETAILED IN SECTION 352 OF PUBLIC LAW 108-7 AS AMENDED BY SECTION 521 OF PUBLIC LAW 108-199. PURSUANT TO 49 USC 40103(B), THE FEDERAL AVIATION ADMINISTRATION (FAA) CLASSIFIES THE AIRSPACE DEFINED IN THIS NOTAM AS 'NATIONAL DEFENSE AIRSPACE'. AN PERSON WHO KNOWINGLY OR WILLFULLY VIOLATES THE RULES PERTAINING TO OPERATIONS IN THIS AIRSPACE MAY BE SUBJECT TO CERTAIN CRIMINAL PENALTIES UNDER 49 USC 46307. PILOTS WHO DO NOT ADHERE TO THE FOLLOWING PROCEDURES MAY BE INTERCEPTED, DETAINED AND INTERVIEWED BY LAW ENFORCEMENT/SECURITY PERSONNEL. PURSUANT TO 14 CFR SECTION 99.7, SPECIAL SECURITY INSTRUCTIONS, **ALL AIRCRAFT FLIGHT OPERATIONS TO INCLUDE UNMANNED AND REMOTE CONTROLLED AIRCRAFT ARE PROHIBITED** WITHIN A 3 NMR OF 282445N/0813420W OR THE ORL238014.8 UP TO AND INCLUDING 3000 FT AGL. THE RESTRICTIONS DO NOT APPLY TO THOSE AIRCRAFT AUTHORIZED BY AND IN CONTACT WITH ATC FOR OPERATIONAL OR SAFETY OF FLIGHT PURPOSES, AND DEPARTMENT OF DEFENSE, LAW ENFORCEMENT, AND AIR AMBULANCE FLIGHT OPERATIONS. FLIGHTS CONDUCTED FOR OPERATIONAL PURPOSES OF ANY DISNEY WORLD EVENT AND VENUE ARE AUTHORIZED WITH AN APPROVED WAIVER. AN FAA AIRSPACE WAIVER DOES NOT RELIEVE OPERATORS FROM OBTAINING ALL OTHER NECESSARY AUTHORIZATIONS AND COMPLYING WITH ALL APPLICABLE FEDERAL AVIATION REGULATIONS. ALL PREVIOUSLY ISSUED WAIVERS TO FDC NOTAM 4/4985 REMAIN VALID UNTIL THE SPECIFIED END DATE BUT NOT TO EXCEED 90 DAYS FOLLOWING THE EFFECTIVE DATE OF THIS NOTAM. INFORMATION ABOUT AIRSPACE WAIVER APPLICATIONS AND TSA SECURITY AUTHORIZATIONS CAN BE FOUND AT [HTTP://WWW.TSA.GOV/STAKEHOLDERS/AIRSPACE-WAIVERS-0](http://WWW.TSA.GOV/STAKEHOLDERS/AIRSPACE-WAIVERS-0) OR BY CALLING TSA AT 571-227-2071. SUBMIT REQUESTS FOR FAA AIRSPACE WAIVERS AT [HTTPS://WAIVERS.FAA.GOV](https://waivers.faa.gov)

Attachment B.

Facility	States	Office	EMail
Western ROC	AK, AZ, CA, CO, HI, ID, MT, NV, OR, UT, WA and WY	425-227-1999	9-ANM-ROC@faa.gov
Central ROC	AR, IA, IL, IN, KS, LA, MI, MN, MO, ND, NE, NM, OH, OK, SD, TX and WI	817-222-5006	9-asw-operation-center@faa.gov
Southern ROC	AL, FL, GA, KY, MS, NC, PR, SC, TN and VI	404-305-5180	9-ASO-ROC@faa.gov
Eastern ROC	DC, DE, MD, NJ, NY, PA, VA and WV	718-553-3100	7-AEA-ROC@faa.gov
New England ROC	CT, MA, ME, NH, RI and VT	404-305-5156	7-ANE-OPSCTR@faa.gov
Washington WOC		202-267-3333	9-awa-ash-woc@faa.gov





STAFF REPORT

Parks and Recreation Commission

Meeting Date: 9/23/2015

Staff Report Number: 15-001-PRC

Study Session: Review and provide general direction to City staff on Drone and RC Aircraft Use at Bedwell-Bayfront Park

Recommendation

Staff recommends that the Commission review and consider Drone and RC Aircraft Use at Bedwell-Bayfront Park and provide staff feedback and general direction on possible next steps to address the issue.

Policy Issues

Any recommended change to current regulations on Drone and RC Aircraft at City parks will require action by City Council to modify existing Municipal Code.

Background

The issue of drones and Radio Controlled (RC) aircraft otherwise referred to as Unmanned Aircraft Systems (UAS) at Bedwell-Bayfront Park came to the attention of the City Council on November 9, 2013, when the Council received a letter from a concerned citizen about the risks to park users from model airplane fliers. The letter cited an article concerning the accidental death of a New York teen that was reported to have flown his model helicopter recklessly. The citizen expressed concern over the many UAS hobbyists flying models close to other park users and requested that the Council either prohibit them or require safe distances be enforced. The letter and article are contained in the Parks and Recreation Commission staff report for January 22, 2014 (Attachment A). After a lengthy discussion, the Commission took no action on this topic noting there have not been any documented complaints on the issue and any changes to existing City ordinances or park rules would require substantial enforcement for which capacity does not currently exist.

On March 11, 2015, the City's Department of Public Works was contacted by the San Carlos Airport Association (SCAA) which shared pilots' concerns about the increase in recreational drone activity at Bedwell-Bayfront Park and reported a "near miss" between a drone and a full-scale aircraft. It was learned that the park had become a hub for drone enthusiasts despite its proximity to the Palo Alto and San Carlos airports and their landing and take-off paths, both of which are critical flight phases. City staff met with representatives from the Federal Aeronautics Association (FAA) and the Palo Alto Airport and learned that the FAA is developing stricter regulations that would ban UAS within 5 nautical miles of an airport but representatives were unclear at that time about when new regulations would go into effect.

On May 27, 2015, the Parks and Recreation Commission received a staff presentation and public

comment on a proposal to ban UAS usage at Bedwell-Bayfront Park. Several members of the Radio Controlled (RC) aircraft hobbyist community were present and spoke in opposition to the ban, while members of the Friends of Bedwell-Bayfront Park urged the Commission to recommend it to the City Council. The Commission did not take action on this topic and requested staff provide additional information for their consideration at a future meeting. The staff report for this presentation is included as (Attachment B).

During this meeting, the Commission requested City staff provide the following:

1. Review original Bedwell-Bayfront Master Plan for its original design and purpose.
2. Review current City code and ordinances concerning UAS in City parks.
3. Provide information on locations around the bay area where UAS are allowed and what rules and restrictions govern their usage.
4. What impacts or concerns exist for wildlife at the park?
5. What is the history of complaints received by the Commission and the Menlo Park Police Department on this issue?
6. What are the legal concerns for the City regarding this issue?

Analysis

1. Bedwell-Bayfront Master Plan

In September 1974, the Bayfront Park Master Plan was prepared by Mr. Kaz Abey of Royston, Hanamoto, Alley and Abey, landscape architects. Although City staff was unable to locate the original Master Plan for Bedwell-Bayfront Park, there are documents that reference the master plan including the Environmental Impact Report and the Management Recommendations Report. According to these documents, "Bayfront Park will be a passive recreation area. There will not be any formal sports fields. It is designed for activities such as: bird watching, bicycling, hiking, kite-flying etc."

While identifying those activities that the park was meant to accommodate it was also necessary to determine what kinds of activities the City does not wish to occur at the park based on master plan assumptions. The first step was to review existing municipal code and determine if there were any revisions necessary. There are several sections in the municipal code pertinent to the operation of the Park but Title 8 was, and is, the most important for this discussion.

2. City Municipal Code

The Menlo Park Municipal Code is current through Ordinance 1000, passed June 11, 2013.

8.28.060 Sound Standard *In recognition of the rights of residents in the vicinity of parks to enjoy the comfort of their homes in normal peace and quiet, as well as the right of citizens to enjoy a reasonable peace and quiet in appropriately designed parks, the use of any radio receiving set, musical instrument, machine or device for producing or reproducing sound, or any device which produces noise in such a manner as to unreasonably disturb the peace, quiet, and comfort of persons is prohibited in all parks with the exception of Burgess and Kelly Parks. Use of said equipment in Burgess and Kelly Parks shall be subject to the following conditions: (1) No amplifiers with a power output exceeding thirty-five watts may be used; (2) Number, location, direction and hours of use of loudspeakers shall be subject to written approval*

of the director of recreation, as set forth in the permit hereafter referred to. (Ord. 685 § 1(a), 1983; Ord. 483 (part), 1969; Prior code § 18A.402).

8.28.130 Prohibited activity in parks or facilities

The following activities are prohibited in any park or recreational facility according to the Menlo Park Municipal Code Chapter 8.28 PARKS AND RECREATION Page 236/748:

- (3) Commercial activities for private profit except by express written permit and on payment of appropriate fee;
- (5) Motor-driven vehicles or models, except in designated areas;
- (13) To ride, drive, lead or keep a saddle horse, pony, mule, or other such animal;
- (15) To cause, create, encourage, or threaten to cause any disturbance which may reasonably result in injury or property damage, or disturb the peace, comfort and security of the park patrons or employees. (Ord. 794 § 2, 1989; Ord. 685 § 1(b), 1983; Ord. 515 § 1, 1971; Ord. 483 (part), 1969; Prior code § 18A.7).

Although revisions are needed to update the current municipal code, the current regulations would apply to all of the City's parks, including Bedwell-Bayfront.

3. Bay Area UAS Field Locations

There are a number of UAS field locations in the Bay Area which can be found on RC aircraft club web sites and blogs (<http://bayrc.net/flying-sites>; <http://www.rcgroups.com/forums/index.php>), many of which appear to be self-regulated, including:

- Redwood Shores by Radio Road – Hiller Aviation Museum (special events only)
- San Mateo County Fairgrounds Parking Lot
- Bay Meadows Race Track
- Baylands Park, Sunnyvale

Two other locations have more formalized guidelines for UAS pilots:

- Santa Clara County Model Aircraft Skypark, Morgan Hill
- Rancho San Antonio Preserve, Cupertino

At Rancho San Antonio Preserve, for instance, UAS are welcome to fly in a designated area. The rules and conditions for flying model aircraft (listed below) were developed during a series of public meetings which included input from model flyers, adjacent neighbors and other park users such as hikers and equestrians.

1. Models must take off and land in designated areas only.
2. Pilots are required to stay within the designated area.
3. Models must stay within designated flight area, and maintain at least 100' vertical and horizontal clearance from parking lots, trails, structures, and visitors.
4. Maximum of 5 models flying at a time.
5. Maximum model weight - 5 lbs.
6. Maximum model speed - 50 mph.
7. Maximum model noise - 80 dB at 25' Front propeller models only.
8. Current Academy of Model Aeronautics (AMA) membership is required to fly.

9. Information is available at: <https://www.modelaircraft.org/joinrenew.aspx>
10. Gas powered models, rockets, and video piloting are prohibited.
11. Remote control helicopters are prohibited.

4. Environmental Impacts

One concern discussed at the May Commission meeting was the impact that UAS would have to park wildlife. Shortly after this meeting City staff received an email from Eileen McLaughlin of the Citizens Committee to Complete the Refuge (www.bayrefuge.org). Ms. McLaughlin reminded staff that Bedwell-Bayfront Park borders, on three sides, the Don Edwards National Wildlife Refuge and, on two sides, the Refuge lands that are part of the South Bay Salt Pond Restoration Project. The City of Menlo Park has been working in partnership with both the Refuge and the Project and this is expected to continue long into the future. Ms. McLaughlin pointed out that take-off and landing of UAS is prohibited on Refuge lands as they produce significant disturbance to wildlife, i.e. reacting to such craft as potential predators. This is true whether the disturbance occurs over to-be-restored ponds, the healthy marshes of Greco Island or within the Park. McLaughlin noted that there are wildlife in these areas year-round including the federally-endangered Ridgeway's Rail and the threatened Snowy Plover. The Refuge has the charge to protect wildlife if UAS fly over Refuge lands but would be jurisdictionally-constrained if the aircraft took off and landed within Bedwell-Bayfront Park. There are current regulations in place concerning the use of UAS over Refuge lands which are included in (Attachment C).

5. Complaint History

Concerns over UAS usage at the Park have recently come to the attention of City staff, likely due to the substantial increase of commercial and private drone usage being reported. In response to heightened concerns, the Menlo Park Police conducted periodic checks at the Park over a period of 4-5 weeks. During these checks there was no evidence of UAS activity outside of what is currently allowed. A number of users were approached and all appeared to be aware of nearby airport flight paths and were also aware of current FAA regulations governing drone usage. It was also evident that it is difficult to enforce maximum height regulations given current tools available to law enforcement.

6. Legal Concerns

Regarding legal concerns over UAS at the Park, there is existing California law providing some protection for the City from liability if a UAS or other remote control aircraft causes injury on the ground or the air. However, if the City prohibits their use, the City must take reasonable action to enforce its prohibition or this protection from liability is greatly reduced.

Concerning the City's jurisdiction and responsibility over land use and airspace of Bedwell-Bayfront Park, the City, through its land use regulatory authority, can: choose to ban take-off and landing of UAS from the Park; strictly regulate UAS; or take no action. However, any regulations the City adopts may be preempted by the FAA unless the City's regulations are more restrictive and the City cannot take action that conflicts with FAA regulations. Regulations around UAS are relatively new and are likely to change in the near future. Based on recent media statements emphasizing the FAA's responsibility over all civil airspace and its current and future oversight of UAS, it is likely any local regulation will be preempted by the FAA.

Discussion

Staff recommends the following questions to assist in guiding the Commission discussion:

1. Does the Commission have sufficient information to come to a decision on UAS usage at Bedwell-Bayfront Park? And, if not, what other questions or additional information does the Commission require?
2. What role would the Commission like to have if the issue continues to move forward?
3. How would the Commission like to proceed on the issue of UAS usage at Bedwell-Bayfront Park?
Some options may include:
 - Proposing a recommendation to the City Council on a ban of UAS at the Park with adequate regulation and enforcement of Municipal Code.
 - Proposing new regulations and restrictions to the City Council on UAS usage at the Park with adequate regulation and enforcement of Municipal Code.
 - Taking no action on this issue at this time.

Impact on City Resources

If Council approves changes to current UAS regulation at City parks, it is recommended that the Council approve a budget allocation that will provide for sufficient enforcement of the new regulations.

Environmental Review

This subject is not deemed a project under the California Environmental Quality Act.

Public Notice

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

- A. January 22, 2014 PRC Staff Report - Radio Controlled (RC) flying aircraft at Bedwell-Bayfront Park
- B. May 27, 2015 PRC Staff Report – Drones at Bedwell-Bayfront Park
- C. Memo – Current unmanned aircraft regulations over refuges

Report prepared by:
Derek Schweigart, Community Services Manager

ATTACHMENT B **Academy of Model Aeronautics National Model Aircraft Safety Code**

Effective January 1, 2014

- A. **GENERAL:** A model aircraft is a non-human-carrying aircraft capable of sustained flight in the atmosphere. It may not exceed limitations of this code and is intended exclusively for sport, recreation, education and/or competition. All model flights must be conducted in accordance with this safety code and any additional rules specific to the flying site.
1. Model aircraft will not be flown:
 - (a) In a careless or reckless manner.
 - (b) At a location where model aircraft activities are prohibited.
 2. Model aircraft pilots will:
 - (a) Yield the right of way to all human-carrying aircraft.
 - (b) See and avoid all aircraft and a spotter must be used when appropriate. (AMA Document #540-D.)
 - (c) Not fly higher than approximately 400 feet above ground level within three (3) miles of an airport without notifying the airport operator.
 - (d) Not interfere with operations and traffic patterns at any airport, heliport or seaplane base except where there is a mixed use agreement.
 - (e) Not exceed a takeoff weight, including fuel, of 55 pounds unless in compliance with the AMA Large Model Airplane program. (AMA Document 520-A.)
 - (f) Ensure the aircraft is identified with the name and address or AMA number of the owner on the inside or affixed to the outside of the model aircraft. (This does not apply to model aircraft flown indoors.)
 - (g) Not operate aircraft with metal-blade propellers or with gaseous boosts except for helicopters operated under the provisions of AMA Document #555.
 - (h) Not operate model aircraft while under the influence of alcohol or while using any drug that could adversely affect the pilot's ability to safely control the model.
 - (i) Not operate model aircraft carrying pyrotechnic devices that explode or burn, or any device which propels a projectile or drops any object that creates a hazard to persons or property.
Exceptions:
 - Free Flight fuses or devices that burn producing smoke and are securely attached to the model aircraft during flight.
 - Rocket motors (using solid propellant) up to a G-series size may be used provided they remain attached to the model during flight. Model rockets may be flown in accordance with the National Model Rocketry Safety Code but may not be launched from model aircraft.
 - Officially designated AMA Air Show Teams (AST) are authorized to use devices and practices as defined within the Team AMA Program Document. (AMA Document #718.)
 - (j) Not operate a turbine-powered aircraft, unless in compliance with the AMA turbine regulations. (AMA Document #510-A.)
 3. Model aircraft will not be flown in AMA sanctioned events, air shows or model demonstrations unless:
 - (a) The aircraft, control system and pilot skills have successfully demonstrated all maneuvers intended or anticipated prior to the specific event.
 - (b) An inexperienced pilot is assisted by an experienced pilot.
 4. When and where required by rule, helmets must be properly worn and fastened. They must be OSHA, DOT, ANSI, SNELL or NOCSAE approved or comply with comparable standards.
- B. **RADIO CONTROL (RC)**
1. All pilots shall avoid flying directly over unprotected people, vessels, vehicles or structures and shall avoid endangerment of life and property of others.
 2. A successful radio equipment ground-range check in accordance with manufacturer's recommendations will be completed before the first flight of a new or repaired model aircraft.
 3. At all flying sites a safety line(s) must be established in front of which all flying takes place. (AMA Document #706.)
 - (a) Only personnel associated with flying the model aircraft are allowed at or in front of the safety line.
 - (b) At air shows or demonstrations, a straight safety line must be established.
 - (c) An area away from the safety line must be maintained for spectators.
 - (d) Intentional flying behind the safety line is prohibited.
 4. RC model aircraft must use the radio-control frequencies currently allowed by the Federal Communications Commission (FCC). Only individuals properly licensed by the FCC are authorized to operate equipment on Amateur Band frequencies.
 5. RC model aircraft will not knowingly operate within three (3) miles of any pre-existing flying site without a frequency-management agreement. (AMA Documents #922 and #923.)
 6. With the exception of events flown under official AMA Competition Regulations, excluding takeoff and landing, no powered model may be flown outdoors closer than 25 feet to any individual, except for the pilot and the pilot's helper(s) located at the flightline.
 7. Under no circumstances may a pilot or other person touch an outdoor model aircraft in flight while it is still under power, except to divert it from striking an individual.
 8. RC night flying requires a lighting system providing the pilot with a clear view of the model's attitude and orientation at all times. Hand-held illumination systems are inadequate for night flying operations.
 9. The pilot of an RC model aircraft shall:
 - (a) Maintain control during the entire flight, maintaining visual contact without enhancement other than by corrective lenses prescribed for the pilot.
 - (b) Fly using the assistance of a camera or First-Person View (FPV) only in accordance with the procedures outlined in AMA Document #550.
 - (c) Fly using the assistance of autopilot or stabilization system only in accordance with the procedures outlined in AMA Document #560.
- C. **FREE FLIGHT**
1. Must be at least 100 feet downwind of spectators and automobile parking when the model aircraft is launched.
 2. Launch area must be clear of all individuals except mechanics, officials, and other fliers.
 3. An effective device will be used to extinguish any fuse on the model aircraft after the fuse has completed its function.
- D. **CONTROL LINE**
1. The complete control system (including the safety thong where applicable) must have an inspection and pull test prior to flying.
 2. The pull test will be in accordance with the current Competition Regulations for the applicable model aircraft category.
 3. Model aircraft not fitting a specific category shall use those pull-test requirements as indicated for Control Line Precision Aerobatics.
 4. The flying area must be clear of all utility wires or poles and a model aircraft will not be flown closer than 50 feet to any above-ground electric utility lines.
 5. The flying area must be clear of all nonessential participants and spectators before the engine is started.

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FAA News



Federal Aviation Administration, Washington, DC 20591

June 21, 2016

SUMMARY OF SMALL UNMANNED AIRCRAFT RULE (PART 107)

<p>Operational Limitations</p>	<ul style="list-style-type: none"> • Unmanned aircraft must weigh less than 55 lbs. (25 kg). • Visual line-of-sight (VLOS) only; the unmanned aircraft must remain within VLOS of the remote pilot in command and the person manipulating the flight controls of the small UAS. Alternatively, the unmanned aircraft must remain within VLOS of the visual observer. • At all times the small unmanned aircraft must remain close enough to the remote pilot in command and the person manipulating the flight controls of the small UAS for those people to be capable of seeing the aircraft with vision unaided by any device other than corrective lenses. • Small unmanned aircraft may not operate over any persons not directly participating in the operation, not under a covered structure, and not inside a covered stationary vehicle. • Daylight-only operations, or civil twilight (30 minutes before official sunrise to 30 minutes after official sunset, local time) with appropriate anti-collision lighting. • Must yield right of way to other aircraft. • May use visual observer (VO) but not required. • First-person view camera cannot satisfy "see-and-avoid" requirement but can be used as long as requirement is satisfied in other ways. • Maximum groundspeed of 100 mph (87 knots). • Maximum altitude of 400 feet above ground level (AGL) or, if higher than 400 feet AGL, remain within 400 feet of a structure. • Minimum weather visibility of 3 miles from control station. • Operations in Class B, C, D and E airspace are allowed with the required ATC permission. • Operations in Class G airspace are allowed without ATC permission. • No person may act as a remote pilot in command or VO for more than one unmanned aircraft operation at one time. • No operations from a moving aircraft. • No operations from a moving vehicle unless the operation is over a sparsely populated area. • No careless or reckless operations. • No carriage of hazardous materials.
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	<ul style="list-style-type: none"> • Requires preflight inspection by the remote pilot in command. • A person may not operate a small unmanned aircraft if he or she knows or has reason to know of any physical or mental condition that would interfere with the safe operation of a small UAS. • Foreign-registered small unmanned aircraft are allowed to operate under part 107 if they satisfy the requirements of part 375. • External load operations are allowed if the object being carried by the unmanned aircraft is securely attached and does not adversely affect the flight characteristics or controllability of the aircraft. • Transportation of property for compensation or hire allowed provided that- <ul style="list-style-type: none"> ○ The aircraft, including its attached systems, payload and cargo weigh less than 55 pounds total; ○ The flight is conducted within visual line of sight and not from a moving vehicle or aircraft; and ○ The flight occurs wholly within the bounds of a State and does not involve transport between (1) Hawaii and another place in Hawaii through airspace outside Hawaii; (2) the District of Columbia and another place in the District of Columbia; or (3) a territory or possession of the United States and another place in the same territory or possession. • Most of the restrictions discussed above are waivable if the applicant demonstrates that his or her operation can safely be conducted under the terms of a certificate of waiver.
<p>Remote Pilot in Command Certification and Responsibilities</p>	<ul style="list-style-type: none"> • Establishes a remote pilot in command position. • A person operating a small UAS must either hold a remote pilot airman certificate with a small UAS rating or be under the direct supervision of a person who does hold a remote pilot certificate (remote pilot in command). • To qualify for a remote pilot certificate, a person must: <ul style="list-style-type: none"> ○ Demonstrate aeronautical knowledge by either: <ul style="list-style-type: none"> ▪ Passing an initial aeronautical knowledge test at an FAA-approved knowledge testing center; or ▪ Hold a part 61 pilot certificate other than student pilot, complete a flight review within the previous 24 months, and complete a small UAS online training course provided by the FAA. ○ Be vetted by the Transportation Security Administration. ○ Be at least 16 years old. • Part 61 pilot certificate holders may obtain a temporary remote pilot certificate immediately upon submission of their application for a permanent certificate. Other applicants will obtain a temporary remote pilot certificate upon successful completion of TSA security vetting. The FAA anticipates that it will be able to issue a temporary remote pilot certificate within 10 business days after receiving a completed remote pilot certificate application. • Until international standards are developed, foreign-

	<p>certificated UAS pilots will be required to obtain an FAA-issued remote pilot certificate with a small UAS rating.</p> <p>A remote pilot in command must:</p> <ul style="list-style-type: none"> • Make available to the FAA, upon request, the small UAS for inspection or testing, and any associated documents/records required to be kept under the rule. • Report to the FAA within 10 days of any operation that results in at least serious injury, loss of consciousness, or property damage of at least \$500. • Conduct a preflight inspection, to include specific aircraft and control station systems checks, to ensure the small UAS is in a condition for safe operation. • Ensure that the small unmanned aircraft complies with the existing registration requirements specified in § 91.203(a)(2). <p>A remote pilot in command may deviate from the requirements of this rule in response to an in-flight emergency.</p>
Aircraft Requirements	<ul style="list-style-type: none"> • FAA airworthiness certification is not required. However, the remote pilot in command must conduct a preflight check of the small UAS to ensure that it is in a condition for safe operation.
Model Aircraft	<ul style="list-style-type: none"> • Part 107 does not apply to model aircraft that satisfy all of the criteria specified in section 336 of Public Law 112-95. • The rule codifies the FAA's enforcement authority in part 101 by prohibiting model aircraft operators from endangering the safety of the NAS.

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ORDINANCE _____

**ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MENLO
PARK AMENDING THE PROHIBITED ACTIVITIES IN PARKS TO
INCLUDE DRONES OR UNMANNED AIRCRAFT SYSTEMS**

The City Council of the City Menlo Park does hereby ordain as follows:

SECTION 1. FINDINGS AND DETERMINATIONS.

- A. There has been a recent surge in the use of drones and other unmanned aircraft systems (UAS) in the park. According to the FAA Aerospace Forecast the number of drones sold is estimated to reach 2.5 million in 2016 and growing to nearly 7 million by 2020.
- B. Menlo Park Municipal Code Section 8.28.130(5) currently includes a prohibition on motor-driven vehicles or models, which are similar to drones.
- C. The City Council of the City of Menlo Park finds and declares an amendment to Section 8.28.130 [Prohibited activity in parks or facilities] of Chapter 8.28 [Parks and Recreation] of Title 8 [Peace, Safety and Morals] to specifically include the prohibition on drones and unmanned aircraft systems (UAS) is necessary for the following reasons:
 - 1. The noise associated with drones and UAS is similar to motor-driven models and impacts the public's enjoyment of parks; and
 - 2. As with motor-driven models, there is concern with the compatibility of drones and UAS with other park uses and wildlife habitat impacts in and around the parks; and
 - 3. Hazards exist with drones and other UAS including "fly aways" or loss of control of these devices related to where drones may go and where they may end up. Technology exists to prevent such disasters but as the technology evolves there is still uncertainty.

SECTION 2. AMENDMENT OF CODE. Subsection (5) of Section 8.28.130 [Prohibited activity in parks or facilities] of Chapter 8.28 [Parks and Recreation] of Title 8 [Peace, Safety and Morals] is hereby amended to include drones and unmanned aircraft systems as follows:

"(5) Motor-driven vehicles or models, including drones and unmanned aircraft systems, except in designated areas;

SECTION 3. SEVERABILITY. If any section of this ordinance, or part hereof, is held by a court of competent jurisdiction in a final judicial action to be void, voidable or unenforceable, such section, or part hereof, shall be deemed severable from the remaining sections of this ordinance and shall in no way affect the validity of the remaining sections hereof.

SECTION 4. CALIFORNIA ENVIRONMENTAL QUALITY ACT DETERMINATION. The City Council hereby finds that this ordinance is not subject to the provisions of the California Environmental Quality Act (“CEQA”) because the activity is not a project as defined by Section 15378 of the CEQA Guidelines. The ordinance has no potential for resulting in physical change to the environment either directly or indirectly.

SECTION 5. EFFECTIVE DATE AND PUBLISHING. This ordinance shall take effect 30 days after adoption. The City Clerk shall cause publication of the ordinance within 15 days after passage in a newspaper of general circulation published and circulated in the city or, if none, the posted in at least three public places in the city. Within 15 days after the adoption of the ordinance amendment, a summary of the amendment shall be published with the names of the council members voting for and against the amendment.

INTRODUCED on the __ day of _____, 2016.

PASSED AND ADOPTED as an ordinance of the City of Menlo Park at a regular meeting of said Council on the __ day of _____, 2016, by the following vote:

AYES: Councilmembers:

NOES: Councilmembers:

ABSENT: Councilmembers:

ABSTAIN: Councilmembers:

APPROVED:

Mayor

ATTEST:

Pamela Aguilar, City Clerk



STAFF REPORT

City Council
Meeting Date: 8/23/2016
Staff Report Number: 16-146-CC

Regular Business: Request from Councilmember Mueller to form a subcommittee to investigate a regional solution for Ravenswood educational equity

Recommendation

Staff recommends that the City Council consider Councilmember Mueller's request to form an ad hoc subcommittee of the City Council to investigate a regional solution for Ravenswood educational equity.

Policy Issues

The City Council may form an ad hoc subcommittee for any purpose and appoint up to two City Council members to the committee.

Background

Last year, the Ravenswood City School District completed a comprehensive facilities audit and identified needs in excess of \$330 million. The District has identified current and future funding capacity equal to approximately \$51 million, leaving \$279 million or approximately 86% unfunded. This disparity negatively affects students within the Ravenswood City School District from Menlo Park and surrounding communities.

Analysis

Appointment of an ad hoc subcommittee would allow its members to work together on a possible solution to this problem. One solution is described in the attached legal memo (Attachment A) provided by attorney Eugene Clark-Herrera from Orrick, Herrington & Sutcliffe LLP, California law allows public agencies and the District to form a special purpose joint exercise of powers agency that could act as a vehicle for achieving certain educational objectives of the District. The memorandum describes (1) the constitutional and statutory authority of the public agencies to utilize their resources for the purpose of financing educational objectives within their collective geographic region through the creation of a joint powers authority, and (2) the characteristics of such a newly formed joint powers authority.

Public Notice

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Attachments

A. Legal memo re: Regional Solution for Ravenswood Educational Equity

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**MEMORANDUM**

To Ray Mueller, Councilmember
City of Menlo Park, California

FROM Eugene H. Clark-Herrera

DATE July 15, 2016

RE Regional Solution for Ravenswood Educational Equity

I. PROBLEM STATEMENT: LOCAL RESOURCES INSUFFICIENT TO ADDRESS EDUCATIONAL FACILITIES NEEDS IN THE DISTRICT

In 2015, the Ravenswood City School District (the “District”) completed a comprehensive facilities needs assessment and master plan (the “Master Plan”) that estimated a total cost of approximately \$330 million in capital improvements necessary to bring the District’s facilities up to modern standards, including technology infrastructure, structural safety, building systems and access for the disabled. Based on California law governing the financing of public school facilities and infrastructure, a school district’s financing capacity is a function of local taxable property assessed value. The District currently has capacity and, as of June 2016, voter authorization to undertake approximately \$26 million of capital repairs and improvements, and over the next ten years is projected to have capacity to finance approximately \$25 million of additional improvements (for a total of about \$51 million). Thus, the District’s local resources over the next decade account for roughly 14% of its total facilities improvement needs, leaving unfunded about 86% of the need.

For the District, the primarily residential properties within its boundaries have historically remained far lower in assessed property value as compared to residential properties in the neighboring school districts. The District’s capacity to finance needed facilities and infrastructure improvements stands in stark contrast to the capacity of its neighboring districts, such as Menlo Park City Elementary School District and Palo Alto Unified



School District, which enjoy significantly larger local assessed property tax bases and have spent or are currently spending tens or hundreds of millions of dollars for facilities improvements and infrastructure. For example, the District's per-pupil general obligation bond debt capacity is approximately 1/5 of the bond debt capacity of Menlo Park City Elementary School District. In order to better align regional educational opportunities in support of regional workforce development and economic growth, the District needs to secure additional resources and capital funding beyond its own local general obligation bonding capacity to address the highest priority facilities improvements identified in the Master Plan.

II. SOLUTION: THE COUNTY AND NEARBY CITIES PROVIDE SURPLUS RESOURCES TO ADDRESS EDUCATIONAL EQUITY IN THE DISTRICT

In recent years, the County of San Mateo (the "County"), the City of Menlo Park ("Menlo Park") and the City of Palo Alto ("Palo Alto", and together with the County and Menlo Park, the "Public Agencies") have either operated with surplus general fund budgets or otherwise realized surplus resources, including through redevelopment and revitalization activities, that could be dedicated to regional workforce and economic development issues. Certain stakeholders within these Public Agencies now seek to establish a mechanism by which a portion of such surplus funding could be utilized on a long-term basis to assist the District in achieving equitable educational outcomes for students, regardless of regional economic disparities.

California law allows the Public Agencies and the District to form a special purpose joint exercise of powers agency that could act as a vehicle for achieving certain educational objectives of the District. This memorandum describes (1) the constitutional and statutory authority of the Public Agencies to utilize their resources for the purpose of financing educational objectives within their collective geographic region through the creation of a joint powers authority, and (2) the characteristics of such a newly formed joint powers authority.

III. ANALYSIS: CONSTITUTIONAL AND STATUTORY POWERS OF THE DISTRICT, THE COUNTY AND NEARBY CITIES TO ACT JOINTLY

A. Constitutional Powers of General Law Cities

Menlo Park and Palo Alto are organized as "general law" cities, subject to the provisions of Article XI of the Constitution and Titles 4 and 5 of the Government Code. General law cities are municipal corporations acting as branches of the state government established by the Legislature in providing for the wants and welfare of the public within the territory for which they are organized.¹ Cities have wide latitude in deciding what municipal



services they will provide.² Thus, cities may properly act to promote the purposes of the state government,³ including its obligation to provide a system of common schools.⁴ Finally, cities have implied powers to carry out their purposes using any methods deemed necessary and appropriate.⁵

B. Constitutional Powers of Counties

Pursuant to Article XI, Section 1 of the Constitution, the County exists as a legal subdivision of the State, operating pursuant to Titles 3 and 5 of the Government Code. County powers resemble but perhaps exceed those of cities in that, unlike cities which must cede power to the state in circumstances where the Legislature has pre-empted local municipal powers, counties exercise the powers of the state, granted by the state, and are created for the purpose of advancing the policy of the state at large.⁶ Thus, counties are directly involved in the administration of the state system of common schools.⁷

C. Marks-Roos Joint Powers Act as Mechanism for Collective Action

1. How JPAs Work

Under the Joint Exercise of Powers Act,⁸ two or more public agencies (each, a “member”) may enter into a joint powers agreement in order to jointly exercise any

¹ See, *City of Santa Monica v. Los Angeles County*, 15 Cal. App. 710 (1911).

² For example, cities may establish libraries, museums and hospitals, but are not required to do so (CAL. GOV. CODE §37542 and 37601, CAL. EDUC. CODE §18900), they may contribute to nonprofit educational radio or television stations, but are not required to do so (CAL. GOV. CODE §37110.5) and they may spend money on music or promotion, but are not required to do so (CAL. GOV. CODE §37110).

³ See, *Whitmore v. Brown*, 207 Cal. 473 (1929), 480 (“...notwithstanding the fact that the school system is of general [state] concern and not strictly speaking a municipal affair, nevertheless it may be made such an affair by the city when acting in promotion and not in derogation of the legislative school plans and purposes of the state”).

⁴ See, Constitution of the State of California, Article XI, Section 1, (“A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the Legislature shall encourage by all suitable means the promotion of intellectual, scientific, moral, and agricultural improvement”).

⁵ *Ravettino v. City of San Diego*, 70 Cal. App. 2d 37 (1945), 47 (“In general, powers given to municipal corporations include the further power to employ such modes of procedure as are appropriate and necessary for their effective exercise”).

⁶ See, *County of Marin v. Superior Court* 53 Cal. 2d 633 (1960), 638.

⁷ For example, each county maintains an Office of Education overseeing local school district budgeting and a variety of other functions; and each County Treasurer acts as the *ex officio* treasurer of each school district within its boundaries, holding and managing all school funds.

⁸ CAL. GOV. CODE §6500, *et. seq.*



power common to the members if authorized by their governing bodies.⁹ A joint powers agreement must state its purpose or the power to be exercised and the method or manner in which the purpose will be accomplished and designate or establish an entity, which may be one of the members to the agreement, to administer the agreement in the manner or method set forth in the agreement.¹⁰ If the members elect to form a new entity or joint powers agency (an “authority”), the power(s) to be exercised by the authority are subject to the same restrictions placed upon the manner of exercising such power of a particular member that is designated in the joint powers agreement.¹¹ A joint powers agreement may provide for contributions from the treasuries, payment of public funds, advances of public funds (and repayments of such advances) or personnel, equipment or property of any of the parties to the agreement.¹²

2. Use of JPA by the County, the Cities and the District

In order to accomplish the mutual objectives of the District and the Public Agencies outlined in this memo, a new joint powers agency could be formed (the “Authority”). The Authority could exercise the powers conferred on each member public agency and delegated to it by such public agency under the Joint Exercise of Powers Act, including powers conferred by the state Constitution.¹³ For example, three essential functions could be undertaken by the members through the Authority: (1) payment of money from the Public Agencies to the Authority, (2) financing of construction or improvements to educational facilities by the Authority, and (3) transfer by the Authority to the District of improvements to its facilities. Other functions could include funding of educational programs or acquisition of educational tools and equipment.

First, the payments of unrestricted or other lawfully available funds by the Public Agencies to the Authority would be consistent with their respective powers to act in support of, and not in derogation of, the state’s provision of a system of common schools. Second, the Authority, acting under the Joint Exercise of Powers Act, possesses statutory authority to finance construction and improvement of public facilities, including the District’s facilities. Finally, the District may accept funds or resources from a source other than the state or local tax revenues, in support of its public purpose.¹⁴

⁹ CAL. GOV. CODE §6502.

¹⁰ CAL. GOV. CODE §6503 & 6506.

¹¹ CAL. GOV. CODE §6509.

¹² CAL. GOV. CODE §6504.

¹³ See, *Burbank-Glendale-Pasadena Airport Auth. v. Hensler*, 83 Cal. App. 4th 556 (2000) (finding that a joint powers agency possessed the power of eminent domain delegated to it by its members).

¹⁴ *Madsen v. Oakland Unified School District*, 45 Cal. App. 3rd 574 (1975), 581 (“Moreover, it may not be reasonably presumed that the Legislature intended that a school district with a temporary financial



One potential issue of concern regarding the payments from the Public Agencies to the Authority for this purpose could be whether such payments would be improper gifts of public funds. Payments by the Public Agencies to the Authority should not be treated as a gift of public funds, however, because by virtue of the formation of the Authority for the mutual benefit of its members in pursuing lawful objectives of regional importance, they would be transfers benefitting both the transferee (the Authority) and the transferor (the Public Agencies).¹⁵

IV. CHARACTERISTICS OF NEWLY FORMED JOINT POWERS AUTHORITY

A. Members

The governing boards of each member agency would be required to hold a public hearing and adopt a resolution authorizing the formation of the Authority, including the approval of a joint exercise of powers agreement and bylaws of the Authority. The five members of the Authority would be the District, the County, Menlo Park, Palo Alto and the City of East Palo Alto (“East Palo Alto”). It is worth noting that each member could participate in the Authority as a member, even if it were neither contributing nor receiving funding.

B. Purpose

Menlo Park and Palo Alto, together with certain other public agencies, have previously established the San Francisquito Creek Joint Powers Authority, a regional governmental organization created to accomplish the mutual objectives its various members being the coordinated management of the San Francisquito Creek watershed for public safety and conservation. In similar fashion, the purpose for the Authority would be to accomplish certain mutual objectives of the members; including:

(on the part of the cities and the County)

- Promote the health and welfare of the public;

problem, for whatever reason, could not accept funds from a source other than the State”) and 582 (“*Serrano*...actually supports the conclusion that a municipal **gift** to a school district is both permissible and proper. Speaking of the state system as it existed at the time, the *Serrano* court stated: ‘The poor [school] district cannot freely choose to tax itself into an excellence which its tax rolls cannot provide. Far from being necessary to promote local fiscal choice, the present financing system actually deprives the less wealthy districts of that option.’”).

¹⁵ *Golden Gate Bridge & Highway District v. Luehring*, 4 Cal. App. 3d 204 (1970), 209 (“It is not sufficient, therefore, that the appropriation here in question be for a public purpose. It must also be for a purpose which is of interest and benefit generally to the people of the [transferor entity]” [citing *City of Oakland v. Garrison* 194 Cal. 298 (1924)]).



O R R I C K

July 15, 2016

Page 6

- Promote public safety;
- Promote economic development, including through promoting the existence of a highly trained, well-educated regional workforce;
- Promote high quality public education; and

(on the part of the District)

- Promote health and welfare of its students;
- Promote the safety of its students; and
- Provision of high quality education, which promotes regional economic development through a highly trained, well-educated regional workforce.

As regional public educational opportunity increases in quality, regional economic development will benefit from a more educated workforce. And, increased economic development leads to increased local property values, ultimately creating a virtuous cycle of mutual benefit for all members of the Authority. The members accomplish these mutual regional objectives through the exercise of the powers common to the members.

The legislative actions of the respective members approving the formation of the Authority should recite as the factual basis for the Authority's formation certain regional demographic and socio-economic conditions that animate regional economic development and the quality of public education, and make findings of public necessity in undertaking jointly, among the members, the purposes of the Authority.

V. CONCLUSION

California law provides local public agencies a tool for addressing regional policy objectives, including educational equity, through the creation and administration of joint powers authorities. The County, Menlo Park, Palo Alto, East Palo Alto and the District can utilize a joint powers authority to collaboratively and creatively respond to the growing regional economic disparities that negatively impact educational opportunities within the District. Surplus resources of the Public Agencies can be applied to support the educational objectives of the District through a joint powers authority, providing local policy makers with a mechanism for ensuring regional economic development positively impacts educational opportunity for all children irrespective of socio-economic conditions.



STAFF REPORT

City Council
Meeting Date: 8/23/2016
Staff Report Number: 16-147-CC

Regular Business: **Adopt a resolution to install No Stopping zones on Oak Court, French Court, Elliott Drive, O'Connor Street, Byers Drive and Falk Court, appropriate \$20,000 from the Transportation Impact Fee fund and authorize the City Manager to amend agreements with Quality Striping, Inc. and Chrisp Company as part of the Citywide Street Signing and Striping Program to implement the Safety Improvements**

Recommendation

In anticipation of the opening of Laurel Upper School at 275 Elliott Drive for the upcoming 2016-2017 school year, staff recommends that the City Council adopt a resolution (Attachment A) to implement the following:

- Install “No Stopping” zones near the school during drop-off and pick-up times on Oak Court, French Court, Elliott Drive, O'Connor Street, Byers Drive and Falk Court
- Authorize future changes within 15 minutes of the time limits to accommodate changes to the school's bell schedule, if needed

Staff also recommends the Council appropriate \$20,000 from the Transportation Impact Fee Fund and authorize the City Manager to amend the City's agreement with on-call contractors Quality Striping, Inc. and Chrisp Company from \$90,000 to \$125,000 as part of the Citywide Street Signing and Striping Program to implement the safety improvements discussed in detail below.

Policy Issues

The assessment of the Project is consistent with Section 11.24 of the City of Menlo Park Ordinance which allows City Council to establish parking, or stopping, standing and parking restrictions or prohibitions as may be necessary by ordinance or resolution.

In addition, this Project is consistent with several policies stated in the 1994 General Plan Circulation Element promoting alternative travel modes and Safe Routes to School (e.g. II-A-12, II-E-4, etc.). These policies seek to maintain and strengthen a circulation system that provide for the safe and efficient movement of people and goods throughout Menlo Park for residential and commercial purposes. This project also complements one of the Capital Improvement Program (CIP) projects identified in the 2016 City Council Work Plan, the Menalto & O'Connor Sidewalk Project.

Background

In 2014, the Menlo Park City School District initiated the development of a new school to accommodate student enrollment growth. Currently, Laurel School located at 95 Edge Road serves students in grades K-4, and older students attend either Encinal or Oak Knoll Schools. However, starting in the 2016-17 school year, the District will convert the existing Laurel School to a Lower Campus to serve students in grades K-2 and create a new Upper School campus at the existing O'Connor site located at 275 Elliott Drive to serve students in grades 3-5. The Upper School is currently under construction.

In anticipation of the new Laurel Upper School, the Cities of Menlo Park and East Palo Alto applied for and received funding from the San Mateo County Transportation Authority's (SMCTA) Measure A Program for the engineering design and construction of pedestrian and bicycle facility improvements in the Willows neighborhood in Menlo Park and Woodland neighborhood in East Palo Alto.

The Measure A funded project, known as the Menalto & O'Connor Sidewalk Project and illustrated in Attachment C, includes the installation of new sidewalks on Menalto Avenue and O'Connor Street, disabled access compliant curb ramps at two key neighborhood intersections, and shared-lane pavement markings (known as sharrows) on nine residential streets. City Council awarded the construction contract on June 7, with construction expected to commence in early September 2016 and complete before the Laurel Upper School October 17, 2016 opening date.

The Laurel Upper School would mark the opening of the third school campus in the Willows neighborhood, along with Willow Oaks Elementary School and the German-American International School. While the grant-funded improvements would benefit students and residents walking and biking in the Willows neighborhood, safety concerns over the interaction between vehicular, pedestrian, and bicycle traffic during drop-off and pick-up times also arose.

After an initial assessment of the street network surrounding the Laurel Upper School, staff will implement the following safety improvements to highlight the presence of a school, in addition to the existing Willow Oaks School and German American International School:

- Establish a school zone using school area signs
- Reduce vehicle speed to 15 miles-per-hour (mph) during school drop-off and pick-up times at key streets using school speed limit signs
- Designate school crosswalks at key intersections using yellow markings

A map of these improvements is included in Attachment B. The proposed school zone would include all three schools and is generally bounded by Donohoe Street-Durham Street to the north, Gilbert Avenue and Woodland Avenue to the south, Willow Road to the west, and Euclid Avenue to the east.

While all residential streets within the proposed school zone are signed or have a prima facie (default) speed of 25 mph, a reduction of vehicular speed to 15 mph during school times on O'Connor Street (from Menalto Avenue to Euclid Avenue) and Elliott Drive (from O'Connor Street to school entrance) would have safety benefits as they carry the highest vehicular, pedestrian, bicycle school traffic and most interaction between these travel modes. A similar school zone speed limit was implemented at Belle Haven Elementary School in August 2015.

Finally, designation of school crosswalks at key intersections using yellow markings (standard for school crossings) would improve street crossing environment for students and residents by making the crossings more visible. The California Manual on Uniform Traffic Control Devices recommends the installation of

yellow crosswalk on streets within 600 feet of a school, but extending up to 2,800 feet if it is a thoroughfare with no other intervening crosswalks to the school grounds. Approximate residency locations of students were provided by the Menlo Park City School District to help inform likely travel paths to school and select key intersections for yellow treatment.

While these improvements would bring more awareness to the new school, they do not directly address the concerns regarding interaction between vehicular, pedestrian, and bicycle traffic expected during drop-off and pick-up times. These concerns are discussed in the following Analysis section.

Analysis

To address the student pick-up and drop-off concerns, staff is proposing to install “No Stopping” zones during drop-off and pick-up times near Laurel Upper School to prevent these activities occurring on neighborhood streets with limited spaces for vehicles to maneuver and turn around. In addition, the “No Stopping” zones allow local neighborhood students to walk or bike to school on a clear pathway free of residential parked vehicles and parental drop-off/pick-up vehicles. This is especially critical on streets where no vertical separation is provided between an unpaved or paved pathway and the adjacent vehicular lane. On these streets, the pathways are often used as parking strips, and students could be forced to walk or bike into the vehicular lane in order to avoid parked vehicles. These streets include:

- Elliott Drive – west side only during drop-off time (morning) and east side only during pick-up time (afternoon)
- O’Connor Street (between Menalto Avenue and Elliott Drive) – south side only during drop-off and pick-up times
- Oak Court and French Court – both sides during drop-off and pick-up times
- Byers Drive and Falk Court (pending) – both sides during drop-off and pick-up times, if pedestrian access gate is opened on Falk Court (see more detail below)

Elliott Drive provides direct access to the school site, with a 90-degree curve and limited width. The southern side of O’Connor Street between Menalto Avenue and Elliott Drive provides a paved pathway but is frequently utilized as parking spaces. Oak Court provides pedestrian access to the school site near the street closure and could encourage drop-off and pick-up activities, even though Oak Court and French Court are not suited to have these activities due to limited widths. Similar “No Stopping” zones, with specified restriction time limits, have been established and implemented near Oak Knoll School and Encinal School.

The school is currently evaluating the need for a second pedestrian access on Falk Court. Similar to Oak Court, if an access is provided, drop-off and pick-up activities may occur on Byers Drive and Falk Court. Parking restrictions on Byers Drive and Falk Court would be implemented at a future time once pedestrian access for the school is determined. The District currently anticipates making this decision in early fall 2016.

Based on the proposed bell schedule, a regular school day will commence at 8:35 AM and dismiss at 3:15 PM, with early dismissal at 2:10 PM every Thursday. To minimize the inconvenience to impacted residents, staff is recommending the following:

Proposed “No Stopping” Times	
Monday – Friday morning	8:10 AM – 8:40 AM
Mon/Tues/Wed/Fri afternoon	2:50 PM – 3:35 PM
Thur afternoon	1:45 PM – 2:30 PM

In anticipation of potential future school bell schedule changes, staff is requesting, as part of the proposed resolution, the ability to shift the restriction time limits within 15 minutes of these recommended time limits.

Transportation Commission Meeting

On July 13, 2016, the Transportation Commission unanimously passed a motion to support staff's recommendation, with the following near term plans:

- Meet with residents of the Willows neighborhood on new signs and posts locations within 30-45 days
- Evaluate project effectiveness six months after implementation
- Postpone sharrow installation on Gilbert Avenue in favor of a comprehensive bike route study in the future
- Incorporate Points 2, 3, and 4 of the Oak Court/French Court Community Group 5-Point Plan (Attachment D), as summarized below:
 1. Prepare a written document on the Oak Court vehicular gate restrictions – accessible for school buses and emergency vehicles only
 2. Explore “No Stopping” sign wording alternatives and minimize new sign counts
 3. Make existing “Not a Through Street” sign viewable from Woodland Avenue in both directions
 4. Install “blind curve” sign on Oak Ct at appropriate location
 5. Increase police enforcement throughout the year

As long term plans, the Commission encouraged staff to continue exploring funding sources, through city funding and grant funding opportunities to:

- Design and construct approximately 120 feet of sidewalk (in front of 233 & 247 O'Connor St) to provide continuous sidewalk on the north side of O'Connor Street (requires considerations for existing trees, drainage and right-of-way)
- Conduct a Safe Route to School (SR2S) study for the new Laurel Upper School

During the Transportation Commission meeting, some residents on Oak Court between Menalto Avenue and the existing fence also expressed interest to establish a “No Stopping” zone. Since this section of Oak Court is privately-owned and maintained, the City does not have jurisdiction to install or enforce a “No Stopping” zone. However, staff will continue to work with residents in this section to install other signs at Menalto Avenue to discourage drop-off and pick-up.

Since the Transportation Commission Meeting, staff met with residents of the Oak Court/French Court Community Group to address the requested 5-Point Plan. Staff reached consensus with residents on Points 1, 3, 4, and 5. As part of Point 2, residents requested alternative language stating “No School Stopping – Entire Street” to eliminate only school-related parking for all school events, and to allow resident-related parking. The requested language, however, is not enforceable by the Menlo Park Police Department, according to the City's current ordinances and state vehicle code. Therefore, staff recommends time restricted “No Stopping” signs as originally proposed and similar to other school locations.

If the proposed improvements are approved by the Council, staff will continue to work with residents to determine the placement and number of signs on each street.

Since the Transportation Commission Meeting, a community-led initiative identified and documented a set of additional bicycle improvements. This “Community Proposed Laurel Connector Bike Plan” (Attachment E) recommended expanding the study area and identified potential improvements to two alternative bicycle routes that would connect Laurel Lower School with the new Laurel Upper School. Specific enhancement measures aim to improve the existing facilities were also identified including time-restricted parking, new stop signs, turn restrictions, reduced speed zones, and implementation of new crosswalks.

Bicycle Commission Meeting

On August 8, 2016, the Bicycle Commission reviewed and discussed the “Community Proposed Laurel Connector Bike Plan”. The discussion focused on key elements proposed to enhance the two proposed bicycle route alternatives, including:

- Stop sign on Coleman Avenue at the intersection of Santa Monica Avenue / Coleman Avenue
- Stop sign on O’Connor Street at the intersection of O’Connor Street / Elliott Drive
- Complete sidewalk and add a new crosswalk along Coleman Avenue
- Complete sidewalk and add a new crosswalk along O’Connor Street
- Willow Oak Park access on Gilbert Avenue near Barton Way
- A new pathway on the southern boundary of the German American International School (GAIS) parking lot

A third bicycle route, which would connect Coleman Avenue and Elm Street via the existing Willow Oak Park pathway, was also suggested as a more direct route with the shortest travel distance.

The Bicycle Commission passed a motion (5-1, Commission Weiner opposed) to recommend that the City Council to prioritize resources to study and recommend the most direct bicycle route that would connect Laurel Lower School with the Laurel Upper Schools.

Staff Recommendations

While the “Community Proposed Laurel Connector Bike Plan” measures are currently not identified in the 2016 City Council Work Plan, some of the plan elements, such as the “No U-Turn” restriction sign near the 90 degree turn on Elliott Drive can be incorporated as part of the Project. However, measures such as time-restricted parking and new stop signs would require further staff evaluation, community noticing, and Council review and approval in order to implement. Council can also elect to include these measures as part of a new, not currently funded, comprehensive Safe Route to School (SR2S) Plan study for the Willows neighborhood, which could take 12-18 months to complete. The last SR2S plan completed by the City was an update to the Oak Knoll School SR2S Plan, which took nine months to complete and was adopted in June 2013.

In summary, staff recommends the Council consider the following actions:

- Adopt a resolution to install “No Stopping” zones near the school during drop-off and pick-up times on Oak Court, French Court, Elliott Drive, O’Connor Street, Byers Drive and Falk Court
- Authorize future changes within 15 minutes of the time limits to accommodate changes to the school’s bell schedule, if needed

Staff will incorporate the following requests into the safety improvement component of the Project for implementation:

- Install signs requested in the Oak Court Five-Point Plan (“Not a Through Street” and “Blind Curve”)
- Install signs requested in the Community Proposed Laurel Connector Bike Plan (“No U-Turn” on Elliott Drive)

Staff will assess the other measures listed in the “Community Proposed Laurel Connector Bike Plan” or a comprehensive SR2S study to determine their inclusion in the 2017 Council goal setting/work plan and CIP processes.

Impact on City Resources

The preliminary engineering estimate to implement the Project, which includes the safety improvements and the “No Stopping” zones identified in this staff report, is approximately \$35,000, including project contingency and construction management costs. Approximately \$15,000 of the cost can be absorbed into the ongoing Menalto-O’Connor Sidewalk Project budget. Staff is requesting the Council appropriate \$20,000 from the Transportation Impact Fee (TIF) Fund to implement the safety improvements discussed above.

To install the improvements, staff is also requesting the Council authorize the City Manager to amend the agreements with Quality Striping, Inc. and Chrisp Company from \$90,000 to \$125,000 as part of the Citywide Street Signing and Striping Program. The on-call agreements were approved by the Council for execution in 2015-2016 with an option to extend three additional years. This amendment would allow completion of the additional work to implement the improvements identified as part of this report at an estimated cost of \$35,000.

Measures identified in the “Community Proposed Laurel Connector Bike Plan” that require further staff evaluation and community noticing would require City Council approval and direction if they were to be included in the 2016 City Council Work Plan, as they would require reallocation of existing City resources and Council Work Plan items.

Environmental Review

The Project is categorically exempt under Class 1 of the California Environmental Quality Act Guidelines. Class 1 allows for minor alterations of existing facilities, including highways and streets, sidewalks, gutters, bicycle and pedestrian access, and similar facilities, as long as there is negligible or no expansion of use.

Public Notice

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Meeting notifications, including the Transportation Commission Meeting and the City Council Meeting, were achieved by mailing postcards, with the specific agenda item listed, two weeks prior to meeting dates. The postcards were sent to residents within a 1,000 feet radius from the new Laurel Upper School site.

Attachments

- A. Resolution
- B. Project Map
- C. Menalto & O’Connor Sidewalk Project Map
- D. Oak Court/French Court Community Group 5-Point plan
- E. Community Proposed Laurel Connector Bike Plan

Report prepared by:
Kevin Chen, Assistant Engineer

Report reviewed by:
Kristiann Choy, P.E., Senior Transportation Engineer

RESOLUTION NO. _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MENLO PARK AUTHORIZING THE INSTALLATION OF NO STOPPING ZONES ON OAK COURT, FRENCH COURT, ELLIOTT DRIVE, O'CONNOR STREET, BYERS DRIVE AND FALK COURT

WHEREAS, in anticipation of the opening of Laurel Upper School at 275 Elliott Drive for the upcoming 2016-2017 school year, staff received concerns on potential vehicular, pedestrian, and bicyclist interaction and safety and the potential for drop-off / pick-up activities in undesirable locations; and

WHEREAS, the no stopping zones will be limited to times for drop-off and pick-up activities in the morning and afternoon, and staff may adjust the times by no more than 15 minutes if future changes to the bell schedule warrant; and

WHEREAS, the no stopping zones on Byers Drive and Falk Court will only be installed if the pedestrian access gate leading to the Laurel Upper School is opened; and

WHEREAS, the no stopping zone on O'Connor Street will be installed on the south side (even house-numbers) of the street, between 100 and 140 O'Connor Street, to provide a clear walking pathway connection to the Laurel Upper School; and

WHEREAS, at the July 13, 2016 Transportation Commission meeting, the Commission unanimously passed a motion to support staff's recommendation to install time-restricted no stopping zones on Oak Court, French Court, Elliott Drive, O'Connor Street, Falk Court and Byers Drive, and requested staff to conduct the appropriate outreach and post-implementation evaluation; and

WHEREAS, the City of Menlo Park, acting by and through its City Council, having considered and been fully advised in the matter and good cause appearing therefore.

NOW, THEREFORE, BE IT RESOLVED, the City Council of Menlo Park does hereby authorize the installation of no stopping zones during school drop-off and pick-up times on streets noted above.

I, Pamela Aguilar, City Clerk of Menlo Park, do hereby certify that the above and foregoing Council Resolution was duly and regularly passed and adopted at a meeting by said Council on the twenty-third day of August, 2016, by the following votes:

AYES:

NOES:

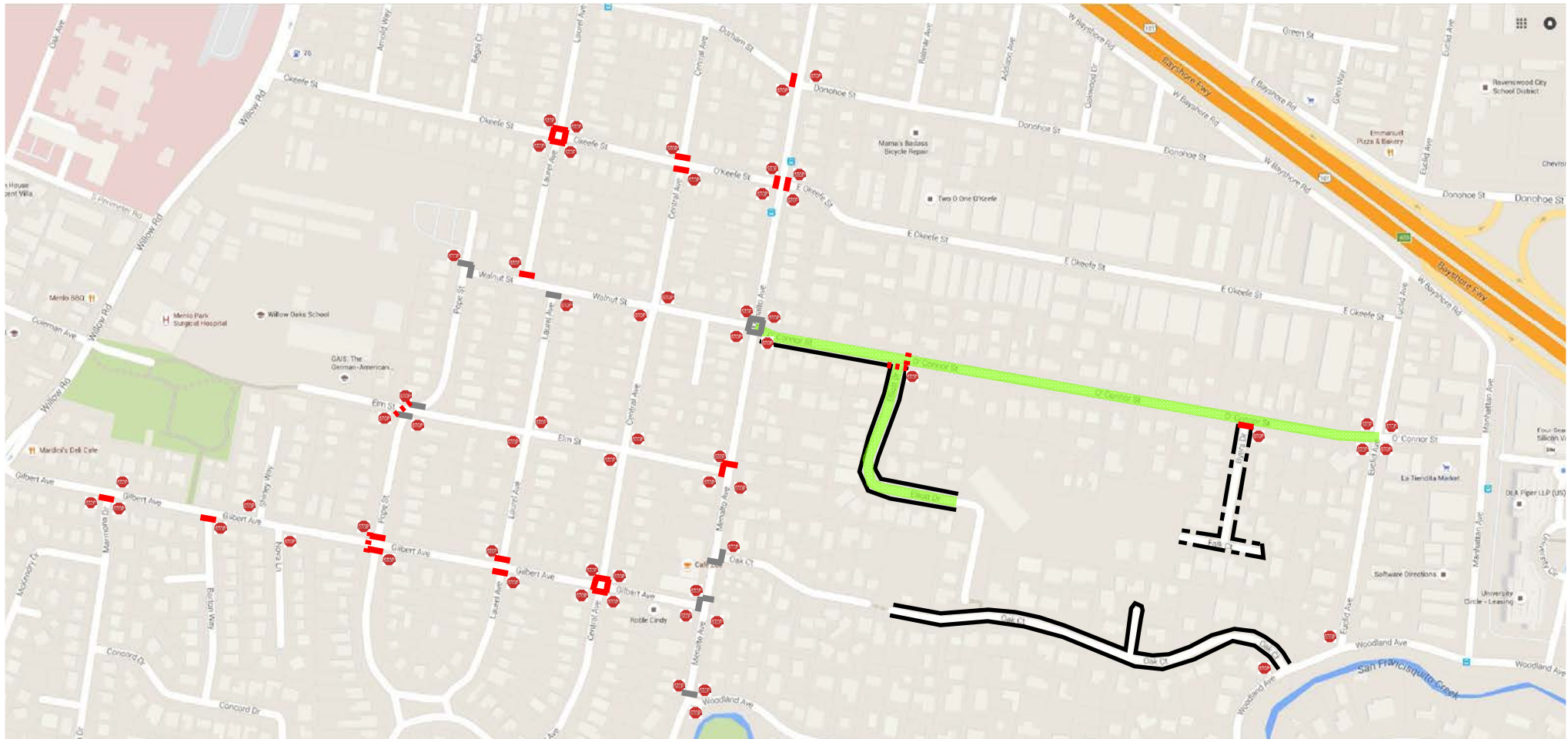
ABSENT:

ABSTAIN:








IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of said City on this twenty-third day of August, 2016.

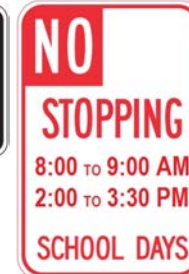
Pamela Aguilar
City Clerk

ATTACHMENT B

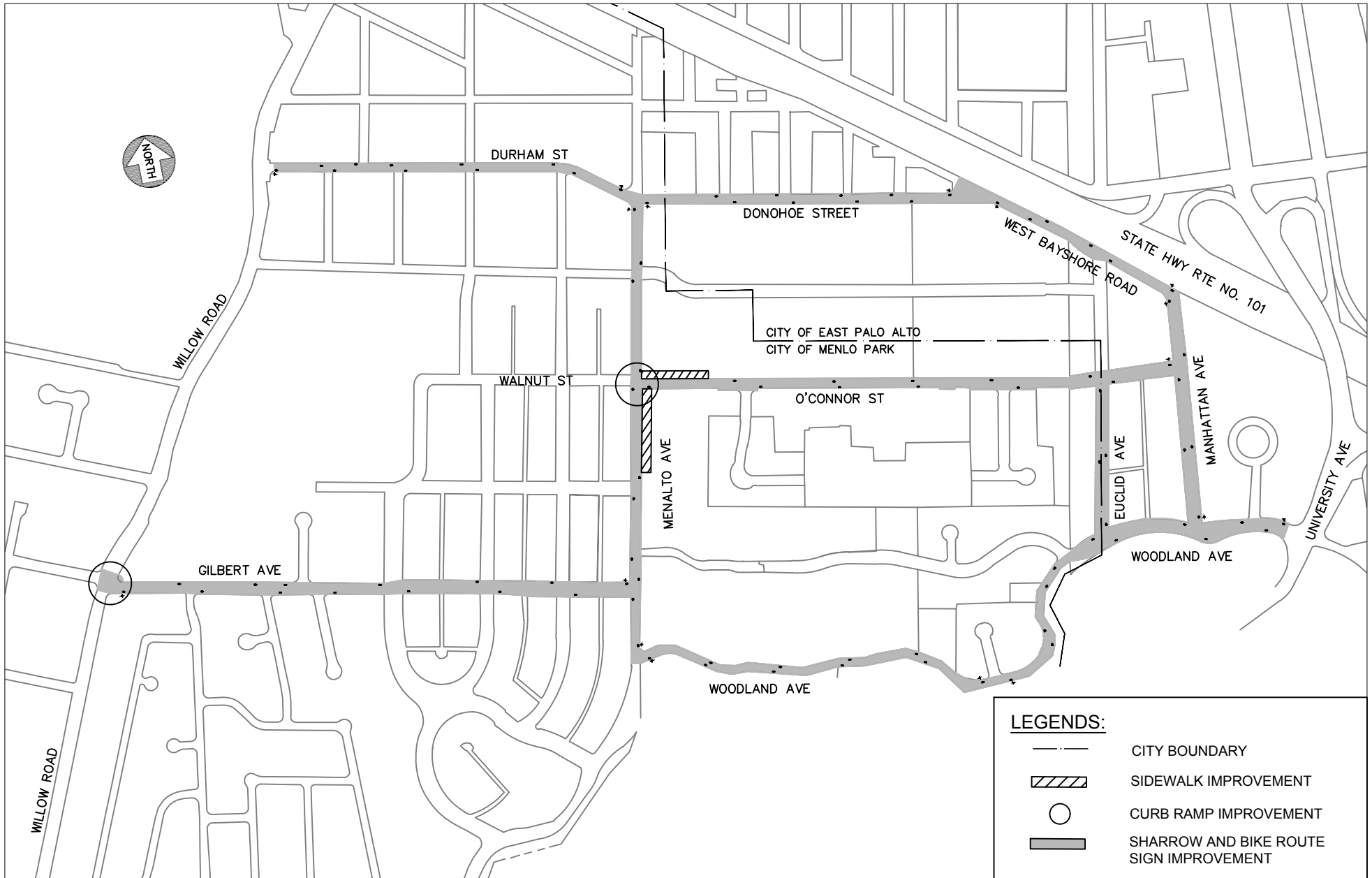


LEGENDS

-  PROPOSED "NO STOPPING" DURING SCHOOL DROP-OFF/PICKUP HOURS
-  PROPOSED "NO STOPPING" DURING SCHOOL DROP-OFF/PICKUP HOURS (OPTIONAL)
-  PROPOSED NEW YELLOW CROSSWALKS - STANDARD
-  PROPOSED NEW YELLOW CROSSWALKS - HIGH VISIBILITY (LADDER)
-  EXISTING CROSSWALKS
-  PROPOSED NEW SCHOOL ZONE SPEED - 15 MPH
-  EXISTING STOP CONTROLLED APPROACH



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Transportation Division – Public Meeting – July 13, 2016
Statement By David Jones, 465 Oak Ct

Good evening.

My name is David Jones and my wife and I reside at 465 Oak Ct, near the blind curve on Oak Ct.

While residents didn't have much time between the notice of this meeting and tonight to gather feedback, I can confirm that a group of 28 residents representing 15 homes support the following 5-point plan. If we had more time to connect with everyone, I am confident this would be widely supported by Oak Ct and French Ct residents.

The 5 points are:

1. Restricting use of the Oak Ct gate to school buses and emergency vehicles only - no other vehicles allowed. This was agreed to back in 2014 and has been confirmed several times as the plan of the school district, but the city should formally and permanent restrict this.
2. "No stopping" and/or "No student drop-off/pickup" signs. The restriction should apply to the entire Oak Ct and French Ct streets. This is already in the city's proposal, however, we want it to be accomplished with as few signs as possible. We do not want signs every 50 yards, for example.
3. The "Not a Through Street" sign that already exists on Oak Court entrance needs to be rotated to be easily read from people turning onto Oak Ct from Woodland Ave in both directions. (People turning left onto Oak Ct from Woodland cannot read it. And with Google Maps and Waze routing afternoon rush-hour traffic down Woodland Avenue towards University Avenue as early as 4pm, this is backing up traffic on Woodland Avenue. So, people try to "cut through" quickly trying to get someplace, and then when they discover it's a dead-end, they zoom back even faster frustrated they wasted the time trying. This will be happening as children are using Oak Ct after school. A readable sign should reduce the frequency of this occurring.)
4. For the "blind curve" in front of 431 & 445 Oak Ct, add a "blind curve" warning sign with a reduced speed limit of 10 or 15 mph. Both signs should be on the same signpost. We absolutely do not want a flashing light as part of the sign. This is a dangerous part of Oak Ct, so these signs will bring awareness and help slow cars down.
5. Police enforcement at the beginning of the school year, before and after spring and holiday breaks, and randomly throughout the year.

Again, this 5-point plan is supported by ²⁸ ~~over 20~~ residents of Oak Court and French Court, and probably many more, if we had time to connect with them.

Thank you.



Supported by the following homeowners/residents:

David Jones & Edurne Jorda-Sierra, 465 Oak Ct
Bob & Bitu Arabian, 468 Oak Ct
Virginia & Philippe Davis, 469 Oak Ct
Omar & Brenda Kinaan, 485 Oak Ct
Chuck Bernstein & Candace Hathaway, 444 Oak Ct
Anthony & Lora Christen, 304 Oak Ct
Fred & Noel Berghout, 324 Oak Ct
Terry Haught, 315 Oak Ct
Richard Heitze, 323 Oak Ct
Mary & Dan FitzSimons, 220 Oak Ct
Marie-Pierre & Remmelt, 226 Oak Ct
Spencer & Julie Shanson, 309 Oak Ct
Sandy Lee, 424 French Ct
Greta Kim & Roger Murff, 427 Oak Ct
Majorie and Dorian Lucks, 329 Oak Ct
Lucks West

REVISED Laurel Connector Bike Route (Updated 7/27/16)
Bicycle Traffic Enhancements

This document outlines the traffic enhancements needed to create a Safe Route for bicyclists traveling west from Upper Laurel to Lower Laurel, and to other surrounding schools. Recommendations strive to strike a balance between the needs of businesses, residents and their visitors, and the safety needs of young bikers.

Map of REVISED Laurel Connector Bike Route (Updated 7/27/16)

Below is a map of the REVISED Laurel Connector Bike Route (Updated 7/27/16). The map covers streets from the beginning of the route on Menalto at Oak Court, to the end of the City of Menlo Park's jurisdiction at the San Mateo County Line (where the sidewalk ends at 862 Coleman). The map also shows areas directly surrounding the Upper Laurel campus and also Walnut between Menalto and Beacon/Pope, which services the Ravenswood School District's Willow Oaks School. Missing from the map below is the area from Elm and Central, west, to Gilbert between Barton and Marmona. This area of the route is covered later in this document (Option 1 and Option 2).



Parking Restrictions vs. "As-Is" with Sharrow*

The chart below outlines the options available for each stretch of road along the proposed route. Most stretches will require study to weigh the benefits to bikers against the cost to residents. Please note that along three stretches of road, in order to maintain the concept of a Safe Route, parking restrictions of some kind are necessary (Menalto [Oak Court to Elm], Gilbert [Barton to Willow [and Central to Barton if Option 2 is selected]]) and Coleman [Santa Monica to the San Mateo County Line]). An omission of parking restrictions along any of these three stretches would put the entire Safe Route in jeopardy.

Please note that Option B in the chart that follows refers to "No Parking" on alternating sides of the street in the morning and the afternoon. With the exception of Walnut, the side of the street that would have "No Parking" corresponds to the Upper Laurel bicycle traffic flow. That is, if selected, this option would not serve children and families traveling west to M-A High School, Lower Laurel or other surrounding schools. Walnut's traffic corresponds to the Ravenswood District's Willow Oaks School.

*A sharrow is a street marking with a bike and arrows indicating that both bikes and cars "share" the road.

	Option A	Option B	Option C
	“No Parking” on both sides of street 8am to 10am AND 2pm to 3:30pm	“No Parking” on alternating sides of street 8am to 10am OR 2pm to 3:30pm	“As-is” with sharrow
Menalto (Oak Court to Elm)	Examine trade-off between broader safe traffic flow (safety considerations for non Upper Laurel bikers) and needs of residents. <i>Min req: west side in AM, east side in PM.</i>		Not recommended. Narrow and busy street.
Elm (Menalto to Central)	Study stretch of road to determine if parking restrictions are needed (street is wide and relatively quiet). If restricted parking necessary, examine trade-off between broader safe traffic flow (safety considerations for non Upper Laurel bikers) and needs of residents. <i>Min req if restrictions: south side in AM, north side in PM.</i>		
Elm and Central, west, to Gilbert between Barton and Marmona	TBD. See Option 1 and Option 2 below.		
Gilbert (Barton to Willow)	Examine trade-off between broader safe traffic flow (safety considerations for non Upper Laurel bikers) and needs of residents and visitors to Willow Oaks Park/Footsteps. <i>Min req: south side in AM, north side in PM.</i>		Not recommended. Cut through traffic and route for buses.
Gilbert (Willow to Santa Monica)	Study stretch of road to determine if parking restrictions are needed (street is wide and relatively quiet). If restricted parking necessary, examine trade-off between broader safe traffic flow (safety considerations for non Upper Laurel bikers) and needs of residents. <i>Min req if restrictions: south side in AM, north side in PM.</i>		
Santa Monica (Gilbert to Coleman)	Study stretch of road to determine if parking restrictions are needed (street is relatively quiet). If restricted parking necessary, examine trade-off between broader safe traffic flow (safety considerations for non Upper Laurel bikers) and needs of residents. <i>Min req if restrictions: west side in AM, east side in PM.</i>		
Coleman (Santa Monica to San Mateo County Line - north side of street)	Recommended. Only option that provides a sufficient Safe Route for those biking to (Upper & Lower Laurel, M-A and others schools in area).	Not recommended. Coleman is a key street for teenagers getting to M-A and there must be restricted parking in both the AM and PM.	Not recommended. Narrow and busy street.Cut through traffic and route for buses.
Walnut (Menalto to Beacon/Pope)	Study stretch of road to determine if parking restrictions are needed (street is wide and relatively quiet). If restricted parking necessary, examine trade-off between broader safe traffic flow (safety considerations for non Willow Oaks bikers) and needs of residents. <i>Min req if restrictions: north side in AM, south side in PM.</i>		

Additional Road Enhancements

In addition to parking restrictions, the following should be implemented along affected streets:

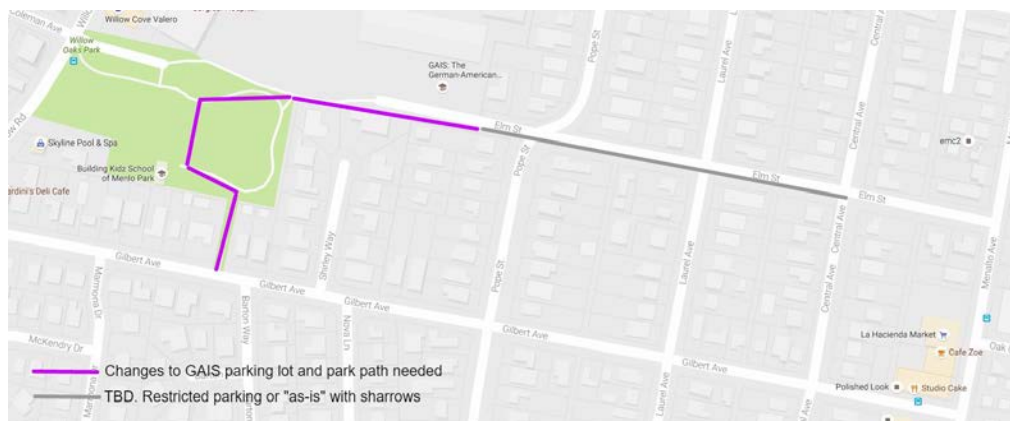
- New stop signs in both directions at:
 - Central and Elm
 - Coleman and Santa Monica
 - Central and Walnut
 - O'Connor and Elliott
- Other intersection improvements:
 - Gilbert between Barton and Marmona - Flashing or otherwise eye-catching crosswalk. This crosswalk will serve preschoolers and their parents getting to Footsteps Preschool via the Gilbert entrance to Willow Oaks Park. It will also be necessary if Option 1, Elm Through Willow Oaks Park, is pursued (see below).
 - Gilbert at Willow - Crossing guard, light changing button for bikes, flashing or otherwise eye-catching crosswalks and other changes that make it safer for bicyclists.
 - Elliot - No "U" Turn sign for incoming Upper Laurel traffic.
 - O'Connor at Elliott - Crossing guard and improved sidewalks east of Elliott to aid Willow Oaks students.
- Reduced speed limit of 15 mph
- "Safe Routes to School" signs and other signage alerting traffic of children

Options 1 and Option 2: Elm and Central, west, to Gilbert between Barton and Marmona

Pending feasibility information from the City of Menlo Park Transportation Department and other agencies, two options may be available for routing young bikers from Elm and Central, west, to Gilbert between Barton and Marmona:

Option 1 - Elm Through Willow Oaks Park

This option continues west on Elm, from Central, until it dead-ends into the German American International School (GAIS) parking lot. This option is attractive due to the nice width of Elm and the relatively quiet nature of the street. The option also takes children out of car traffic and into a safer park. However, this route involves coordination among GAIS, the Ravenswood School District, the City of Menlo Park, and some larger infrastructure improvements.



Assuming it is feasible, bikers would then travel through a newly constructed bike lane on the south side of the GAIS parking lot and through Willow Oaks park, exiting south via a path that leads to Gilbert, between Barton and Marmona. Changes needed for this option include:

- Restricted parking analysis performed on all of Elm Street to the GAIS parking lot, not just the stretch between Menalto and Central:

	Option A	Option B	Option C
	“No Parking” on both sides of street 8am to 10am AND 2pm to 3:30pm	“No Parking” on alternating sides of street 8am to 10am OR 2pm to 3:30pm	“As-is” with sharrow

Elm (Menalto to Pope) and Pope leading into the GAIS parking lot	Study stretch of road to determine if parking restrictions are needed (street is wide and relatively quiet). If restricted parking necessary, examine trade-off between broader safe traffic flow (safety considerations for non Upper Laurel bikers) and needs of residents. <i>Min req if restrictions on Elm (and Pope in front of GAIS): south side in AM, north side in PM.</i>
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- Installation of a new bike path on the south end of the GAIS parking lot that would include sidewalk changes to allow for bikers to enter the lot at the intersection of Elm at Beacon/Pope.
- Repaving of and improvements to the path through Willow Oaks Park.
- Enhancing of the path leading to park entrance/exit at Gilbert.
- Signage throughout the park alerting visitors of bikes heading through.
- As mentioned above, installation of a lighted crosswalk (and/or crossing guard) at Gilbert between Barton and Marmona for bicyclists turning into the park from the opposite side of street. This crosswalk (and or crossing guard) will also aid Footstep families.

In addition to the improvements noted above, if Option 1 is pursued, it will also be important to consider how bikers traveling from south of Elm and east of Willow Oaks Park will join with the Safe Route. Additional stop signs and intersection improvements will be needed along Gilbert (at a minimum at Pope or Laurel) to enable this possibility.

Option 2 - Gilbert (from Central and Elm, south to Gilbert and west on Gilbert to between Barton and Marmona)

After traveling one block from Central and Elm, south on Central to Gilbert, this option allows bikers one continuous stretch all the way down Gilbert, to between Barton and Marmona. While it offers a straight shot down Gilbert, to make it a true Safe Route, parking restrictions, as well as other modifications, will be needed.



To make Option 2 feasible, the following needs to be implemented:

- Restricted parking analysis will need to be performed on Central from Elm, east to Gilbert and Gilbert, west to Barton and Marmona:

	Option A	Option B	Option C
	“No Parking” on both sides of street 8am to 10am AND 2pm to 3:30pm	“No Parking” on alternating sides of street 8am to 10am OR 2pm to 3:30pm	“As-is” with sharrow
Central (Elm to Gilbert)	Study stretch of road to determine if parking restrictions are needed (street is wide and relatively quiet). If restricted parking necessary, examine trade-off between broader safe traffic flow (safety considerations for non Upper Laurel bikers) and needs of residents. <i>Min req if restrictions: east side in AM, west side in PM.</i>		
Gilbert (Central to between Barton and Marmona)	Examine trade-off between broader safe traffic flow (safety considerations for non Upper Laurel bikers) and needs of residents. <i>Min req: south side in AM, north side in PM.</i>		Not recommended. Cut through traffic and route for buses.

- Reduced speed limit of 15 mph.
- “Safe Routes to School” signs and other signage alerting traffic of children.

Frequently Asked Questions (FAQs) about REVISED Laurel Connector Bike Plan (Updated 7/27/16)

Q: Why was this plan created now? What's wrong with the status quo?

A: On October 17, 2016, the Menlo Park City School District will be opening a new elementary school campus in the Willows neighborhood. The new school, Upper Laurel will be grades 3 to 5 and will teach over 300 neighborhood children. The existing Laurel campus on Edge Road in Atherton will become Lower Laurel and will be grades K-2. More families than ever will be needing to travel between the two schools and traffic in our neighborhoods will increase. This plan offers a way to keep some cars off the road by giving children and families a safe way to bike to school.

Q: Why were these particular streets selected as the Safe Route? What about other options?

A: After a careful analysis of the area and input from neighbors (both businesses and residents), it was determined that the REVISED Laurel Connector Bike Plan was the best option for striking a balance between bike safety and minimal impact to residents and their visitors.

Q: Why does the route cross Willow at Gilbert instead of Coleman?

A: Coleman Avenue has long been identified as a hazard to bikers and pedestrians. The route circumvents Coleman Avenue as long as possible due to its heavy cut through traffic and activity. It was determined that it is best to have bikers detour a few blocks than to contend with the dangerous situation on the first few blocks of that road. Parking restrictions would also impose a heavy burden on apartment dwellers on Coleman. There is also a preschool (The Roberts School) on the first stretch of that road that has parents pulling in and out of traffic during school drop-off and pick-up hours.

Q: Why does the route stop at the County Line instead of continuing all the way to Lower Laurel?

A: The plan was created for the City of Menlo Park. Other stretches of Coleman fall outside of Menlo Park's jurisdiction. Rest assured that for those other areas, volunteers are also trying to affect change.

Q: Why does the route start on Menalto, instead of on Oak Court at the back side of Upper Laurel?

A: Part of Oak Court is a private road. For liability reasons, the Safe Route proposed starts on Menalto.

Q: If some parts are opposed, but others are supported, can we still have a Safe Route for kids?

A: In addition to some key stop signs and intersection improvements, there are three stretches of road where restricted parking must be implemented (at least on alternating sides) in order to have a Safe Route: 1) Menalto (Oak Court to Elm), 2) Gilbert (Barton to Willow [and Central to Barton if Option 2 selected]), and 3) Coleman (Santa Monica to the San Mateo County Line [where the sidewalk ends at 862 Coleman Ave.]).

Q: This seems expensive. Who's going to pay for these improvements?

A: The Transportation Department will need to calculate the exact costs. Grants have been identified that cover infrastructure changes for Safe Routes within one mile of schools. The City can also allocate funds.

Q: I heard something about "No Parking" 24/7. I don't want that. What was that about?

A: The original plan suggested buffered bike lanes on Gilbert which would have required "No Parking " on both sides of the street 24/7. Due to feedback from neighbors, this option is no longer being considered. The REVISED Laurel Connector Bike Plan (Updated 7/27/16) reflects this option being off the table.

Q: Who's behind this?

A: A group of neighborhood volunteers who are concerned about traffic in our area and the safety of our community's children. While not affiliated with any stakeholders, Jen Wolosin (the author of the plan) has been in communication with elected officials and staff from the City of Menlo Park, the MPCSD and Laurel School administration and other business owners and residents in our neighborhood.

Q: Where can I get more information and/or share my opinion.

A: Visit <https://www.surveymonkey.com/r/LaurelBikePlan> to share your opinion. Also, feel free to contact Jen Wolosin at jenelias@alum.berkeley.edu with any comments or concerns. Whether you are in favor or against, you can also share your thoughts with the Menlo Park City Council at city.council@menlopark.org.

**STAFF REPORT****City Council**

Meeting Date: 8/23/2016
Staff Report Number: 16-138-CC

Informational Item: Update on Approved Santa Cruz Street Cafés

Recommendation

This is an informational item and no action is required.

Policy Issues

In the City Council's work plan, this project is classified as "very important" under "Maintaining and enhancing Menlo Park's municipal infrastructure and facilities".

Background

On May 24, 2016 City Council provided direction for staff to move forward with the Street Café program by: approving the downtown seating program designs, increasing the budget for Streetscapes, increasing the maximum City share for each Street Café, authorizing the City Manager to enter into license, funding and use agreements between participating merchants and the City, authorizing the City Manager to award the construction contracts and directing staff to take code enforcement action to remove unpermitted outdoor seating passes.

Analysis

Staff has been working diligently to deliver the street cafés as quickly as possible. Which requires construction documentation and an Administrative Permit. These processes, alone, have many components. While procuring the final construction documents and specifications, a couple engineering items were flagged for extra review and due to best practices regarding disable access (ADA), a few modifications were made. This process also identified two long lead-time items that staff has been able to pre-order in order to save time during the construction schedule. Per the proposed license and use agreement with the merchants, an Administrative Permit for outdoor restaurant seating had to be started and is now in its final stages. Staff anticipates closing the bid, finalizing the permit and awarding a contract at the end of the month.

Since the approval of the conceptual design drawings and authorization to move forward, staff has:

- Worked very closely with Ian Moore Design to finalize the Construction Set of Drawings and Specifications
- Is procuring ADA Grate panels which reduced costs and saved an 8-9 week delay
- Redesigned Mademoiselle Colette Street Café to include an ADA ramp
- Reviewed and received approval from Mademoiselle Colette
- Redesigned the concrete platforms and slopes due to ADA requirements

- Verified that water from the street would drain properly alongside the street café
- Redesigned the grate inlet cover to ensure it is slip-resistant and structurally sound
- Procured planter boxes to save costs and saved an 11-12 week lead time
- Added designs for wood embellishments and lighting supports
- Pulled and processed an Administrative Permit per Zoning Ordinance Requirements
- Worked with the City Attorney to finalize the license, funding and use agreement

Letters of intent have been signed by the participating business and the City Manager and the Street Café Project is out for bid on the City's website at www.menlopark.org/bids. The bid will close on Friday, August 26th. Once a qualifying lowest bid is identified, the license and funding agreement will go to participating businesses. The City Manager is anticipated to award the construction contract the following week. This is a high priority and construction is on track to start late September.

Public Notice

Public Notification was achieved by posting the agenda, with the agenda items being listed, at least 72 hours prior to the meeting.

Report prepared by:

Meghan Revolinsky, Management Analyst, Housing and Economic Development

Report approved by:

Jim Cogan, Housing and Economic Development Manager