

# Parks & Recreation Commission



## REGULAR MEETING AGENDA

**Date:** 1/27/2016  
**Time:** 6:30 p.m.  
**City Council Chambers**  
**701 Laurel St., Menlo Park, CA 94025**

### **A. Call To Order**

### **B. Roll Call –** Cebrian, Cox, Harris (Vice Chair), Lane, Palefsky (Chair), Stanwood, vacant

### **C. Public Comment**

Under “Public Comment,” the public may address the Commission on any subject not listed on the agenda. Each speaker may address the Commission 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 Commission cannot act on items not listed on the agenda and, therefore, the Commission cannot respond to non-agenda issues brought up under Public Comment other than to provide general information.

### **D. Regular Business**

- D1. Accept Commission minutes for the meeting of November 18, 2015 ([attachment](#))
- D2. Review and discuss City Community Funding Process and allocations for FY 2015-16 ([attachment](#))
- D3. Review and provide feedback on proposed next steps for community engagement activities supporting 2015-16 Capital Improvement Projects for parks ([attachment](#))
- D4. Review and consider options for regulating drone and RC aircraft use at Bedwell-Bayfront Park before making a recommendation to City Council ([attachment](#))

### **E. Reports and Announcements**

- E1. Parks and Recreation Commissioner Reports (Christopher Harris and Tucker Stanwood)
- E2. Pilot proposal to suspend non-resident and non-subsidized rates for BHAS and Camp Menlo ([attachment](#))
- E3. Community Services Director’s update and announcements ([attachment](#))

### **F. Adjournment**

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mail notification of agenda and staff report postings by subscribing to the "Notify Me" service at [menlopark.org/notifyme](http://menlopark.org/notifyme). Agendas and staff reports may also be obtained by contacting Derek Schweigart at 650-330-2267. (Posted: 1/21/16)

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

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

Any writing that is distributed to a majority of the Commission 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.

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# Parks & Recreation Commission



## REGULAR MEETING MINUTES **DRAFT**

**Date:** 11/18/2015  
**Time:** 6:30 p.m.  
**Arrillaga Family Recreation Center**  
**701 Laurel St., Menlo Park, CA 94025**

Chair Palefsky called the meeting to order at 6:32 p.m.

### **Roll Call**

Present: Commissioner Cebrian, Commissioner Cox, Vice Chair Harris, Commissioner Lane, Chair Palefsky, Commissioner Stanwood

Absent: Commissioner Tafoya

Staff: Derek Schweigart, Community Services Manager, Todd Zeo, Recreation Supervisor

### **A. Public Comment**

There was no Public Comment

### **B. Presentations and Proclamations**

- B1. Presentation of Belle Haven Mini-Grant Program annual report and Neighborhood Action Plan update ([attachment](#))

Derek Schweigart gave the commission a presentation of the Belle Haven Mini-Grant Program annual report and Neighborhood Action Plan.

### **C. Regular Business**

- C1. Accept Commission minutes for the meetings of October 28, 2015 ([attachment](#))

**ACTION:** Motion and second (Cox/Lane) to accept Commission minutes for the meeting of October 28, 2015, passes 6-0-1 (Commissioner Tafoya Absent).

- C2. Review and approve staff recommendations for the field user groups for FY 2015-16 ([attachment](#))

Todd Zeo gave the Commission a review of the staff recommendations for the field user groups for FY 2015-16.

### **Public Comments**

- Walter Campos asked the Commission to consider approving Belle Haven Soccer Club as a new field user group

- David Gross asked the Commission to consider approving Belle Haven Soccer Club as a new field user group
- Jose Nieves asked the Commission to consider approving Belle Haven Soccer Club as a new field user group
- Jesus Jimenez asked the Commission to consider approving Belle Haven Soccer Club as a new field user group
- Maria Arreola asked the Commission to consider approving Belle Haven Soccer Club as a new field user group
- Johny Cruz asked the Commission to consider approving Belle Haven Soccer Club as a new field user group
- Luis Avalos asked the Commission to consider approving Belle Haven Soccer Club as a new field user group

**ACTION:** Motion and second (Stanwood/Cox) to approve Belle Haven Soccer Club as a field user group, passes 6-0-1 (Commissioner Tafoya Absent).

- C3. Review and approve Parks and Recreation Commission quarterly report to City Council ([attachment](#))

Derek Schweigart gave the Commission a review of the Parks and Recreation Commission quarterly report to City Council. Following discussion, no changes were made to the quarterly report.

#### **D. Reports and Announcements**

- D1. Parks and Recreation Commissioner report (Laura Lane)

Commissioner Lane gave the Commission a report of events she attended during the month of October.

- D2. Community Services Director's update and announcements ([attachment](#))

Derek Schweigart gave the Commission the Community Services Director's update and announcements.

#### **E. Adjournment**

Chair Palefsky adjourned the meeting at 8:33 p.m.



## STAFF REPORT

### City Council

**Meeting Date:**

**12/15/2015**

**Staff Report Number:**

**15-188-CC**

**Consent Calendar:**

**Adopt a Resolution Approving the City Council Subcommittee Recommendations Regarding the 2015-16 Community Funding Allocation**

### Recommendation

The Council Community Funding Subcommittee recommends that the City Council adopt a resolution (Attachment A) approving the proposed 2015-16 Community Funding allocation in the amount of \$177,750.

### Policy Issues

The Subcommittee's recommendation is consistent with the Council's current Community Funding Program Policy, and well within the allowance for allocation up to 1.7 percent of property tax revenue.

Council Members Mueller and Carlton both made known their affiliations with some of the applicant organizations as a part of the decision process, including Council Member Mueller serving on the board of InnVision. Council Member Carlton serves on the Vista Center Project Committee. Council members did not participate in decisions related to organizations they were affiliated with.

### Background

The City of Menlo Park adopted a formal policy in 1996 (see "Community Funding Program Guidelines" Attachment B) 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 would amount to slightly under \$250,000 for the 2015-16 fiscal year. The General Fund budget for 2015-16 includes \$154,000 for eligible community programs selected for funding, consistent with the amount awarded last year. In addition, the City has previously funded several non-profit housing programs each year that are now included in the community funding program budget. The Subcommittee is recommending \$177,750 worth of funding awards for this year, given the outstanding needs in the community and the City's strong financial picture.

This year, the City provided notice of the grant program to agencies that received funding in prior years as well as additional organizations referred by Council members and staff. Seventeen agencies responded with requests totaling \$298,000. Several agencies that received funding in the past chose not to submit

applications this year. The applicant agencies provide 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 this year 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 to \$25,000 to Peninsula Conflict Resolution Center for a youth restorative justice and leadership class at Beechwood School.

## Analysis

On December 14, 2014, the City Council appointed Council Members Mueller and Carlton as the Community Funding Subcommittee for fiscal year 2015-16. The Subcommittee is charged with evaluating the funding requests and making recommendations to the full Council as to the allocation of the funds budgeted for the community funding program.

The Subcommittee reviewed the weighted criteria established to assess the applications against factors such as: verified program results; impact on the Menlo Park community; percentage of total budget spent on administrative overhead; receipt of City funding in previous years; community need for the program; unduplicated service or, if duplicated, evidence of collaboration; and alignment with Council goals. Assessment criteria are included with the application packet each year in order to support more complete applications.

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

	<b>2014-15 allocation</b>	<b>2015-16 request</b>	<b>2015-16 recommended</b>
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
<b>HIP Housing</b>	<b>17,500</b>	<b>20,000</b>	<b>17,500</b>
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
<b>Rebuilding Together</b>	<b>5,000</b>	<b>25,000</b>	<b>5,000</b>
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

<b>Total</b>	<b>\$146,000</b>	<b>\$298,000</b>	<b>\$177,750</b>
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1. Yellow highlights indicate non-profits previously funded through RDA Housing funds.

Additional information about each organization's application is available in the Community Services Department.

### **Impact on City Resources**

The FY 2015-16 adopted budget includes an appropriation of \$154,000. Staff suggests the additional \$23,750 be allocated from anticipated departmental savings.

### **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. Resolution
- B. Council Policy on Community Funding

Report prepared by:  
Cherise Brandell, Community Services Director

City of Menlo Park

COUNCIL POLICY

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

**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

Page 2 of 2

Effective Date: June 4, 1996

Finance

Subject

Approved by:

City Council  
On  
June 4, 1996

Procedure #

FIN-01-1996

Community Funding Program Guidelines

- 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.

Agency Name	Headquarters	Disabled	Emergen	Senior	Youth	Funding Received														
						1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13
Adolescent Counseling Services	PA				X												30,000	30,000		
Bayshore Community Center						1,500	1,575	1,700												5,000
Belle Haven Community Development Fund																				
Boys and Girls Club of the Peninsula	MP				X	13,500	14,175	15,850	17,000	18,500	16,197	12,957	13,220	16,000	17,000	17,000	15,000	15,000	15,000	16,500
Rebuilding Together Peninsula	RWC												7,500	7,500	7,500	7,500	7,500	7,500	7,500	7,500
Built to Last Collaborative	MP				X										5,000	4,750				
Center for Independence of the Disabled	Belmont	X				2,000	2,000	2,000	2,000	2,200	1,926	1,733	1,770	2,000	5,000	8,000	10,000	14,000	14,000	14,000
Charity Navigator																				
Community Overcoming Relationship Abuse	San Mateo		X			2,000	2,100	2,350								2,000	2,500	3,500	4,500	5,000
Community Working Group								6,000												
Clara Mateo Alliance, Inc.						1,570	2,080	2,350	3,000	3,200	2,802									
Crisis Intervention and Suicide Prevention							1,650	1,850												
East Palo Alto Tennis & Tutoring	Stanford				X															
Echo	PA														7,250	7,250	7,250	7,250	7,250	7,250
Family Connections	San Carlos				X													3,000	9,000	9,000
Free at Last	EPA					5,000	6,250	8,000	8,000	8,200	7,179	6,461	6,600							
Friends for Youth, Inc.	RWC				X	1,500	1,575	1,800	2,000	2,200	1,926	1,733	1,770	2,000	2,000	2,000	2,000			
Guidestar																				
HIP Housing	San Mateo												20,000	20,000	20,000	20,000	20,000	20,000	20,000	20,000
Ideals Designed to Energize Action	MP		X																	
InnVision Shelter Network	MP		X			7,000	7,350	8,240	9,000	10,000	10,082	9,074	9,260	10,000	11,000	11,000	10,000	11,000	12,250	16,000
Innvision, The Way Home											2,522									18,500
JobTrain, Inc.	MP				X															
La Raza Centro Legal	SF	X	X	X				5,000	5,200	1,926	1,733	1,770								
Legal Aid Society of San Mateo County	San Mateo		X					2,000	2,200	1,926	1,733	1,740	1,750	1,750	2,000	2,000	2,000	4,500	3,500	no app
Media Center																				
Mid Peninsula Hospice Foundation						6,000	7,300	8,150												
Mt. Olive Crime Prevention Drugs Education																				9,500
My New Red Shoes	Burlingame		X																	
Nuestra Casa	EPA			X	X											3,000	2,750	2,750	2,750	1,000
Ombudsman Services of San Mateo Co	RWC			X															1,000	4,000
Opportunities Industrialization Center West															2,000	2,000	2,000	2,000	2,000	500
Pathways Hospice Foundation	Sunnyvale			X					10,000	10,200	8,930	8,037	8,200	9,000	9,000	10,000	9,000	9,000	10,000	7,000
Peninsula Conflict Resolution Center	San Mateo			X	X											5,500				
Peninsula Volunteer, Inc.	MP	X		X	X	15,000	15,750	17,600	18,990	21,020	18,403	14,722	15,020	15,000	15,000	10,000	9,000	11,000	12,500	14,500
Project WeH.O.P.E	EPA	X	X	X															1,000	
Ravenswood Education Foundation	EPA				X												5,000	6,000	7,000	7,000
Ravenswood Family Health Center	EPA				X														1,500	
Reading Partners (Yes Reading)	Milpitas				X						4,329	4,420	7,000	7,000		4,500	4,500			
Riekes Center for Human Enhancement	MP				X															
San Mateo County Jobs for Youth	Daly City					1,470	1,470						1,020	2,000						
Second Harvest Food Bank	San Jose			X		6,000	6,300	7,400	8,000	8,200	7,179	6,461	6,600	6,650	6,650	7,500	5,000	6,250		
Service League of San Mateo County	RWC		X			2,000	2,100	2,400	3,000	3,200	2,802	2,522	2,580	2,600	2,600	2,500	2,500	2,500	500	3,000
StarVista (Formerly YFES)	San Carlos		X						2,500	2,700	3,664	2,430	2,480	2,500	2,500	2,500	2,400	2,500	30,000	30,000
Vista Center for the Blind																				7,000
Youth Community Service	PA				X											2,100	3,000	3,000	4,000	5,500
Total						68,040	75,350	84,690	96,490	97,020	84,942	76,447	103,950	104,000	116,250	122,750	124,750	158,750	158,750	158,750



## STAFF REPORT

### City Council

**Meeting Date:**

**12/15/2015**

**Staff Report Number:**

**15-189-CC**

**Informational Item:**

**Update on and next steps for community engagement activities supporting 2015-16 Capital Improvement Projects for parks**

### Recommendation

This is an information item. No action is required at this time.

### Policy Issues

The City Council has previously approved a Capital Improvement Plan (CIP) for the current and past fiscal years that includes projects at three City Parks. It has been the City Council's policy to engage residents in helping to define specific aspects of park improvement projects through community meetings and other input methods.

### Background

Three Council-approved CIP projects including constructing restrooms at Jack Lyle Park; relocating the dog park at Nealon Park; and renovating the dog park at Willow Oaks Park recently began their community engagement processes with a series of Open Houses held the second and third weeks of November.

The open houses were designed to provide people with an initial opportunity to share their ideas and input with staff and have any questions or concerns addressed. The report below summarizes information presented at the Open Houses, what was heard from residents who attended, and what the next steps for future community engagement processes will include.

### Analysis

#### ***Jack Lyle Park Restrooms***

Jack Lyle Park is utilized extensively by field user groups February to June and mid-August to mid-December on weekdays from 4 p.m. to dark and also 9 a.m. to 5 p.m. on weekends. There are approximately 50 park users per day on weekdays and 400 per day on weekends. During times of heavy usage, user groups have rented portable toilet facilities to accommodate children and their families. These have been available only to the user groups and are not accessible to other park users during other days and times.

The Jack Lyle Restroom Project has been in the City's CIP for a number of years and the Community Services Department was asked to undertake the Community Engagement Process in FY 2014-15. This

project has been in high demand particularly by two of our approved field user groups and soccer organizations – AYSO and the Alpine Strikers. Additionally, during the park tour in July 2014, the Parks and Recreation Commission identified the need for permanent restrooms at the park not only for field user groups but for the casual user of the park. The Commission was supportive of a broad community engagement process that included field users, nearby residents and area wide residents that may frequent the park.

The first phase of community engagement for this project was a community survey in October 2014 mailed to all residents within a 500 square foot radius of Jack Lyle Park (over 400 residents). Additionally, the three major field user groups were also contacted to complete the survey. Of the 389 respondents to the survey, 94 percent were in favor of adding restroom facilities to the park. Residents also rated various restroom amenities in the survey. Given the overwhelming support for the restroom project, a community open house was held at the Arrillaga Recreation Center November 10 to gather input on three proposed locations and possible amenities to include in the restroom building and conceptual design.

Feedback from residents attending the Jack Lyle Park Open House as well as the 17 survey responses indicated no clear preference among the three proposed locations, although a representative from Rosener House did attend and suggested the new restroom be built directly adjacent to their building on the side facing the park, where plumbing and other utilities already exist. Amenities residents requested include family restrooms with baby changing facilities.

#### ***Next steps for Jack Lyle Park***

Engineering staff will meet with Rosener House officials and review existing conditions to determine whether it is feasible to construct a restroom as an “attached” structure to the Rosener House building. Based on this evaluation a decision will be made regarding the location of a restroom so preliminary design of the facility can commence. We anticipate bringing preliminary designs for that option back to a final community open house sometime in March 2016.

#### ***Relocating the dog park at Nealon Park***

Since 2005, the softball field has also served as a dog park Monday through Friday from 8 a.m. to 10 a.m. The park is utilized extensively by field user groups during the months of February to June and from mid-August to mid-December on weekdays from 4 p.m. to dark and also 9 a.m. to 5 p.m. on weekends. There are approximately 50 park users per day on weekdays and 400 per day on weekends, with more than 5000 hours of sports field use.

As a part of their park tour in July 2014, the Parks and Rec Commission identified concerns related to the joint use of the softball field as a dog park and noted the ongoing field condition issues. The City Council agreed the joint use field was not optimal for either user group when they approved the CIP project to create a separate dog park in the fall of 2014. As an initial step before any design work was begun or consultants hired, a community Open House was held November 10, 2015 to gather community input on potential locations for moving the dog park and to gather initial feedback on amenities to be included in the dog park. No other potential parks were considered for relocating the dog park, as the community underwent an inclusive two-year process in 2003-2004 that ranked all City parks with weighted criteria for dog park locations. That process resulted in Willow Oaks and Nealon Parks being confirmed as the best locations.

This initial Open House was extended from 6-8 p.m. (originally scheduled from 7-8 p.m.) so that it was more convenient for people to attend both the Open House and the Council meeting if they desired. The date of the meeting was never modified from that which was originally publicized on the website and via a post card mailed to all households within 1500 feet of the Park. Information about the meeting and the online survey link was also posted at the Park in numerous locations.

A total of 50 email addresses were collected on the Open House sign-in sheets. An additional 233 people responded to the online survey version of the Open House input options. From the Open House attendees it is clear that there is a large group of area residents concerned about losing the “Green Space” near the playground area that was one of the proposed locations for the dog park. A number of people selected the shady area between Middle Avenue and the tennis courts that was originally proposed in 2004 for the dog park as their preferred location. Several people also selected the current location on the sports field.

There was also not a clear consensus related to potential surfaces for the dog park. Although many people prefer grass, staff is concerned about the high maintenance for grass dog parks and the amount of irrigation required. Mulch and Decomposed Granite are other options people selected and staff prefer.

When asked what amenities people would like to see added to a new dog park, most people indicated all that was needed was source of water and more doggie waste bags and disposal sites. Obstacle courses and other amenities are not preferred by the majority of people.

#### ***Next steps for Nealon Park Dog Park***

As a result of this input, staff have removed the “open/green space” near the playground from consideration as a potential dog park location. We are in the process of selecting a landscape architect to prepare conceptual designs for two other possible locations based on the input from the survey and Open House – the originally-proposed dog park site near Middle Avenue and the now open area where the large oak tree was removed between Little House and the playing field. Staff will be meeting with Little House leadership to get their input on the former oak tree location before proceeding with a conceptual design for that site. The plan is to hold additional Open House meetings in March 2016 for residents to review the conceptual designs and provide feedback. Final designs would then be developed that will also be available for a round of community review in the spring.

#### ***Willow Oaks Dog Park***

The dog park at Willow Oaks was built in 2005 and sees regular heavy use during its open hours seven days per weeks from 7 a.m. – 9 a.m. and 4 p.m. to dusk. The Open House to provide input on desired amenities and conceptual designs for the renovation of this dog park (in the existing location) was held November 17, 2015 at the Arrillaga Recreation Center. Approximately 15 people attended the Open House with one neighbor sharing concerns about barking dogs and dog waste and the rest of the attendees providing input on surfaces and amenities. A total of 35 survey responses were also received and align with the Open House input which shows, like the Nealon Dog Park, people are split on preferred dog park surfaces – with many suggesting a combination of grass and Decomposed Granite. Also, similar to the Nealon feedback, people do NOT prefer amenities in the park besides benches, water and doggie waste bags and receptacles.

Staff also collected input on the desirability of adding a restroom at Willow Oaks Park, given that the Parks and Rec Commission has prioritized this as a CIP project for the last five years, although it has been identified as “unfunded.” Open House participants and survey respondents all had no concerns about the addition of a restroom at Willow Oaks in the location of the former restrooms there. Most participants were supportive of adding a restroom to the park.

***Next steps for Willow Oaks Dog Park renovation***

Staff anticipates that the landscape architect selected for the Nealon Dog Park project will also develop a conceptual design for the Willow Oaks project that can be shared with the community at Open Houses in March 2016.

**Impact on City Resources**

**Environmental Review**

**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**

None

Report prepared by:  
Cherise Brandell, 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

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## 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 Freemont 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 cited 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](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.	Difficult to enforce ordinance without the existence of a park ranger and limited capacity by the Menlo Park PD.  Eliminates positive recreational experience by hobbyists.  This action may not be warranted given the limited reporting of the activity in the park.
2. City designates space at Bedwell-Bayfront Park for RC aircraft activity.	Would reduce potential impact to other park users.  Would provide rules and guidelines to RC aircraft hobbyists with the posting of pertinent information to promote safe use of the park.	Potential for Bedwell-Bayfront Park to become a destination for RC aircraft hobbyists which may have a negative impact on other park users.  Potential liability exposure for the City to dedicate park space for activity.
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**

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## 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](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/nprm/) (<https://www.faa.gov/uas/nprm/>) 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>).

Related: [Government \(/Category/Government/\)](#) [Business \(/Category/Business/\)](#)  
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**Martyn Williams** Senior U.S. Correspondent

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

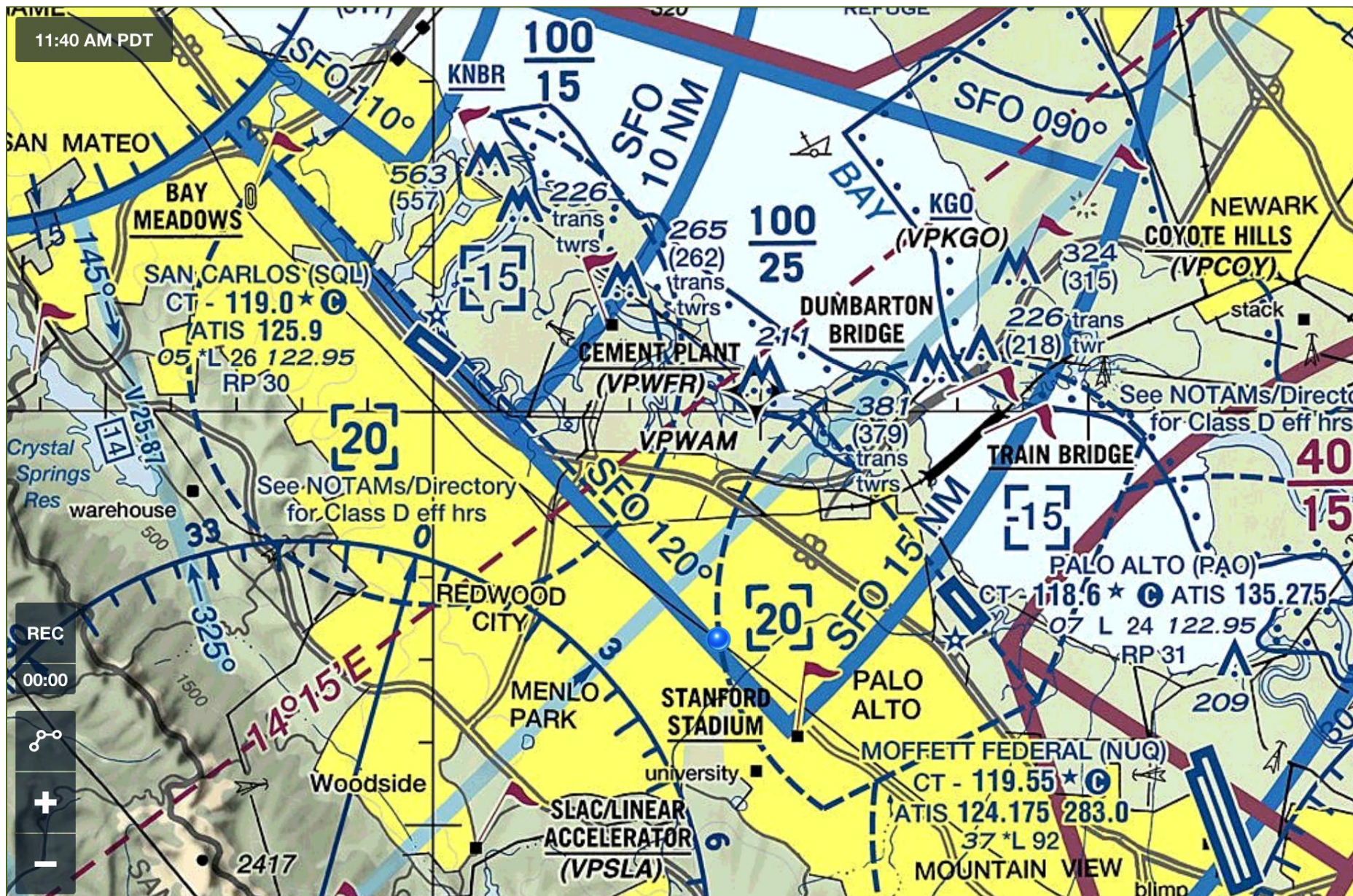
Risks of Using Personal Mobile Devices at Work

Hewlett-Packard

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



11:40 AM PDT







All

Channels

Playlists

## RESULTS



9:35

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

Jim Russell

1 year ago · 992 views



1:08

Aerial Footage of Bedwell  
Bayfront Park - Menlo Park, CA

Peter Dinh

1 week ago · 62 views



5:00

Flying at Marsh Rd Bedwell  
Bayfront Park # 2

mike Ponce de Leon

5 months ago · 60 views



1:46

Bedwell Bayfront Park Menlo  
Park

Brandon Vaccaro

3 months ago · 16 views



19:22

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**

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### **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,<sup>1</sup> and, as appropriate,<sup>2</sup> 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,<sup>3</sup> which include UAS operations, to protect persons and property on the

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<sup>1</sup> At least in terms of initial contact with the suspected offender.

<sup>2</sup> Applying any laws falling within the enforcement authority of the LEA in question.

<sup>3</sup> 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/pgc\\_4-03-14.pdf](http://www.faa.gov/air_traffic/publications/media/pgc_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.<sup>4</sup>

### 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/](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—

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<sup>4</sup> 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.<sup>5</sup>

## **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,<sup>6</sup> and, as appropriate,<sup>7</sup> pursue

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<sup>5</sup> 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.

<sup>6</sup> At least in terms of initial contact with the suspected offender.

<sup>7</sup> 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](http://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)

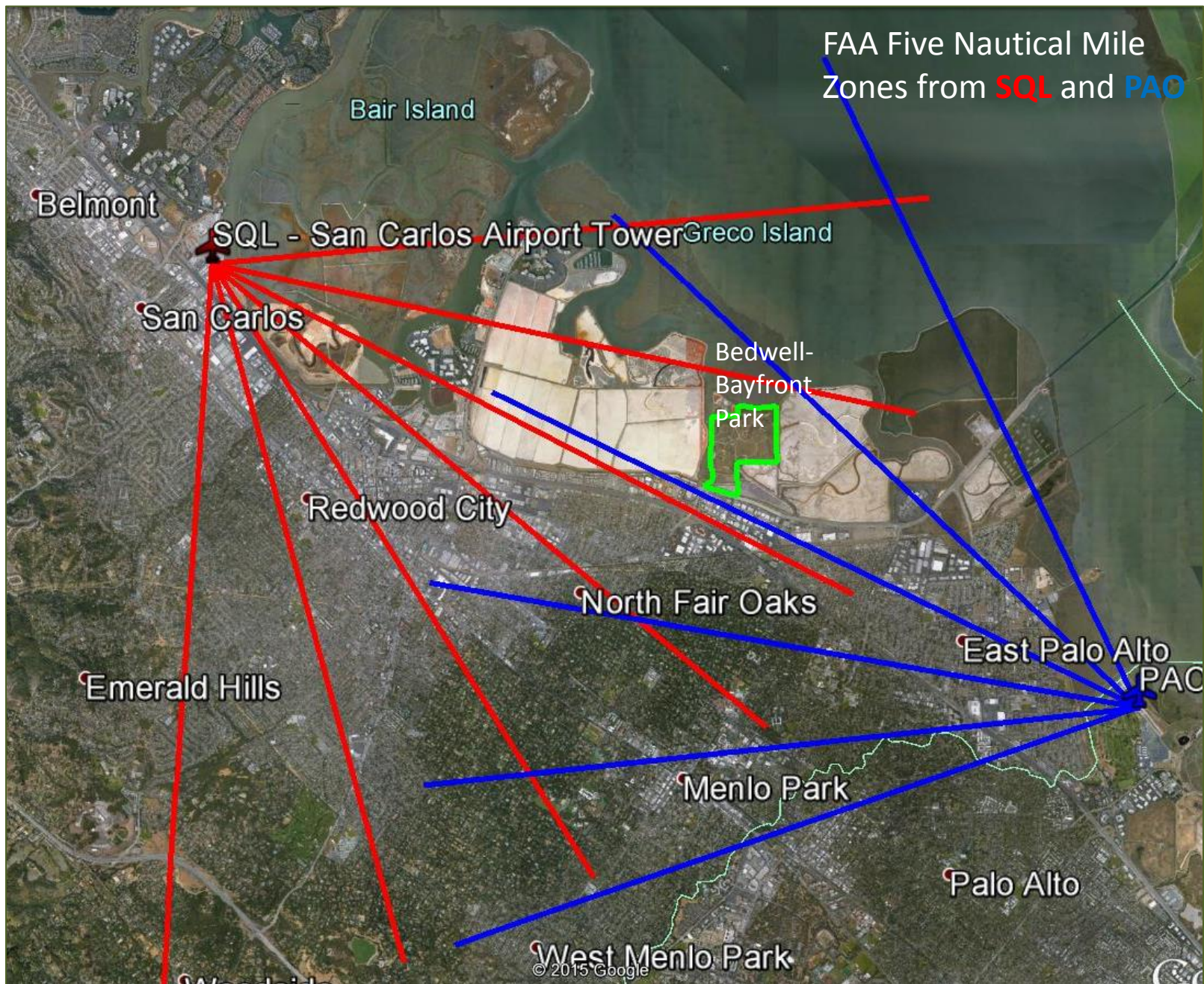
**Disney Theme Parks**

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







## 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](http://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



## STAFF REPORT

### Parks and Recreation Commission

**Meeting Date:** 1/27/2016

**Staff Report Number:** 16-002-PRC

**Informational Item:** Review and consider pilot proposal to suspend non-resident and non-subsidized rates for the Belle Haven After School and Camp Menlo programs

### Recommendation

Staff recommends that the Parks and Recreation Commission review and consider a pilot proposal to suspend non-resident and non-subsidized rates for the Belle Haven After School and Camp Menlo programs.

### Policy Issues

Per City policy, the City Manager is authorized to waive, modify or amend fees on any matter in his/her reasonable discretion, provided that said fees may not be increased and if he/she does so, he/she shall so advise the City Council.

### Background

At their meeting on March 23, 2010, the City Council adopted a resolution amending the City's Master Fee Schedule which included proposed fee changes to be effective immediately or by July 1, 2010. (Staff Report Attached) At this time, staff recommended to Council that the City continue to use the San Mateo County Department of Housing (SMCDH) guidelines to determine the subsidy level for families participating in the Belle Haven After School (BHAS) and Camp Menlo Programs in the Belle Haven neighborhood. The recommendation also specified that only residents were eligible for the subsidized rates. This was in response to the economic climate at the time and in supporting the 2005 Your City/Your Decision community driven budget process which emphasized the increasing need for recreational services to pay for themselves.

As a result of this decision, enrollment in the BHAS and Camp Menlo programs began to decline. Non-residents previously served by the program were unable to afford the non-subsidized rates even though they were eligible by SMCDH standards to receive lower rates. Although the BHAS program is licensed to serve 71 children during the school year, it has only been able to achieve approximately 50 participants on average per month. There is current capacity in the program to accommodate more children. As the table below demonstrates, the percentage of non-resident participants has declined steadily since Council eliminated subsidized rates for non-residents, which made up approximately 50% of program participation prior to this change.

Fiscal Year	Percentage of Non-Resident Participants in BHAS Program				
	Total Annual Residents	Total Annual Non-Residents	Total Annual Participants	Avg. Part. Per Month	% Non-Res
2008-09	238	217	455	51	52%
2009-10	325	214	539	60	30%
2010-11	340	129	469	52	28%
2011-12	310	80	390	43	21%
2012-13	395	79	474	53	17%
2013-14	396	71	467	52	15%
2014-15	355	41	396	44	10%

The Commission reviewed and discussed BHAS program cost recovery during their meetings on November 28, 2012 and November 20, 2013. The staff reports for these meetings are included as Attachment A and Attachment B. During these meetings the Commission weighed in on the department's efforts to increase program cost recovery and supported a staff goal of achieving the minimum 30% cost recovery goal which met the minimum City Council approved cost recovery for this program in the 30%-70% range. The Commission wanted to see the program continue to engage parents of the program, seek alternative funding sources and fundraising to increase cost recovery. If cost recovery and program sustainability continues to be an issue, the Commission would seek a proposal to reclassify the BHAS program to 0-30% cost recovery range given the program's high community benefit and financial need. The Commission requested that City staff bring to them any proposed funding changes and to keep them updated in future years.

### Analysis

The Council-approved fee schedule for the BHAS and Camp Menlo programs includes both non-subsidized and subsidized rates. However, over the years nearly all of those families participating are eligible to receive the subsidized rate, which, by SMCDH standards, equates to the "extremely low" rate. This is one reason why the Community Services Department eliminated the various un-used rate categories from the master fee schedule over the past few years. What is remaining is the current "market rate" for the program, which is reflective of what customers are willing and able to pay for the services we provide in Belle Haven. A similar model also exists at the Onetta Harris Community Center where a highly subsidized flat fee for all classes encourages maximum participation by both residents and non-residents.



Council Approved Master Fee Schedule FY 2015-16 BHAS Monthly Fees				
Fee Title	Resident Current Fee	Non-Res Current Fee (135%)	Proposed Resident Fee	Proposed Non-Res Fee
Kindergarten Non-Subsidized (Early)	\$704.00	\$950.00	\$129.00	\$174.00
*Kindergarten Subsidized (Early)	\$129.00	N/A	\$129.00	\$174.00
Kindergarten Non-Subsidized (Standard)	\$483.00	\$652.00	\$109.00	\$147.00
*Kindergarten Subsidized (Standard)	\$109.00	N/A	\$109.00	\$147.00
1 <sup>st</sup> to 6 <sup>th</sup> Grade Non-Subsidized (Standard)	\$446.00	\$602.00	\$99.00	\$134.00
*1 <sup>st</sup> to 6 <sup>th</sup> Grade Subsidized (Standard)	\$99.00	N/A	\$99.00	\$134.00

Council Approved Master Fee Schedule FY 2015-16 Camp Menlo (2 week program)				
Fee Title	Resident Current Fee	Non-Res Current Fee (135%)	Proposed Resident Fee	Proposed Non-Res Fee
Kindergarten Non-Subsidized	\$550.00	\$743.00	\$159.00	\$215.00
*Kindergarten Subsidized	\$159.00	N/A	\$159.00	\$215.00
1 <sup>st</sup> to 6 <sup>th</sup> Grade Non-Subsidized	\$425.00	\$574.00	\$139.00	\$188.00
*1 <sup>st</sup> to 6 <sup>th</sup> Grade Subsidized	\$139.00	N/A	\$139.00	\$188.00

\*Subsidized fees are based on “extremely low” income levels set by the San Mateo County Housing Office.

Estimated Enrollment and Fiscal Impacts of Proposed Fee Changes for BHAS (10 months)						
Fee Title	Avg. Part Per Mo FY 14-15	Avg. Rev Per Mo FY 14-15	Avg. Rev Per Yr FY 14-15	Est. Part Per Mo	Est. Rev Per Mo	Est. Rev Per Yr
Kinder Non-Sub (early)**	1	\$483.00	\$4,830.00	0	0	0
*Kinder Subsidized (early)	0	0	0	0	0	0
Kinder Non-Sub (standard)	0	0	0	0	0	0
Kinder Subsidized (standard)	9	\$981.00	\$9,810.00	15	\$1,863.00	\$18,630.00
1 <sup>st</sup> to 6 <sup>th</sup> Grade Non-Sub**	3	\$1,338.00	\$13,380.00	0	0	0
*1 <sup>st</sup> to 6 <sup>th</sup> Grade Subsidized	23	\$2,277.00	\$22,770.00	30	\$3,215.00	\$32,150.00
<b>Totals:</b>	<b>36</b>	<b>\$5,079.00</b>	<b>\$50,790.00</b>	<b>45</b>	<b>\$5,078.00</b>	<b>\$50,780.00</b>

\*\* BHAS currently has 4 participants that are paid for by Community Child Care Council (4 Cs) and pay full cost for those families in need and qualify. We cannot anticipate ongoing enrollment by 4 Cs and thus are not included in the estimates.

Estimated Enrollment and Fiscal Impacts of Proposed Fee Changes for Camp Menlo (2 months / 8 weeks)						
Fee Title	Avg. Part Per Mo FY 14-15	Avg. Rev Per Mo FY 14-15	Avg. Rev Per Yr FY 14-15	Est. Part Per Mo	Est. Rev Per Mo	Est. Rev Per Yr
Kinder Non-Sub	0	0	0	0	0	0
Kinder Subsidized	8	\$1,272.00	\$2,544.00	12	\$2,132.00	\$4,264.00
1 <sup>st</sup> to 6 <sup>th</sup> Grade Non-Sub	0	0	0	0	0	0
1 <sup>st</sup> to 6 <sup>th</sup> Grade Subsidized	31	\$4,309.00	\$8,618.00	40	\$6,001.00	\$12,002.00
<b>Totals:</b>	<b>39</b>	<b>\$5,581.00</b>	<b>\$11,162.00</b>	<b>52</b>	<b>\$8,124.00</b>	<b>\$16,248.00</b>

As a result of the following proposal, fiscal impacts are expected to be minimal with modest increases to revenue in the first year of implementation. Also, enrollment is expected to increase modestly as well in

the first year with higher numbers in subsequent years with increased marketability of the new fee structure. As the interest and popularity of the program increases as reflected by higher enrollment numbers, we anticipate that the current proposed fees will increase as the market dictates. Staff will continue to monitor participation and cost-recovery for the program and make further recommendations for the program's long-term sustainability.

Also, staff received City Council feedback on April 7, 2015 when Council approved the current Master Fee Schedule and later on May 5, 2015 when they received an information item on the Non-Resident Fee topic, where the Council indicated support for reducing and/or eliminating non-resident fees to encourage participation in programs where there is capacity. In light of this feedback and based on current market conditions, staff recommended to the City Manager to suspend the non-subsidized rates for the BHAS and Camp Menlo Programs for FY 15-16 until staff can make recommendations to modify the current Master Fee Schedule to reflect these changes. These fee reductions were within the City Manager's approval authority:

"BE IT FURTHER RESOLVED that the City Manager is authorized to waive, modify or amend fees on any matter in his/her reasonable discretion, provided that said fees may not be increased and if he/she does so, he/she shall so advise the City Council."

### **Impact on City Resources**

The proposal to suspend non-resident and non-subsidized fees in the BHAS and Camp Menlo programs is expected to have a minimal impact on the City General Fund for the current fiscal year. A significant amount of the program's enrollment for the school year occurs during the fall months. Given the program's capacity with 71 spaces and a current enrollment of approximately 36 participants, there is an opportunity to fill up to 35 additional spaces. If the program was able to fill 22 of the 35 vacant spots with new participants, which could be a combination of residents and non-residents as a result of the proposed fee reductions, the additional revenue the program would receive for this year would be approximately \$5,085. It is expected that greater results will be achieved in FY 2016-17 with greater lead time for promotion of the new fees.

### **Environmental Review**

Program fees are 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. BHAS Cost Recovery Proposals Staff Report - PRC 11 28 12
- B. BHAS Cost Recovery Update Staff Report - PRC 11 20 13

Report prepared by:  
Derek Schweigart  
Community Services Manager



## COMMUNITY SERVICES

P&R Commission Meeting Date: November 28, 2012

Agenda Item #:C-1

**STUDY SESSION:** Review and provide feedback on the Belle Haven Afterschool Program Cost Recovery Proposals

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### RECOMMENDATION

Staff recommends that the Parks & Recreation Commission review and consider the BHAS program cost recovery proposals and provide feedback to staff moving forward with this project.

### BACKGROUND

For nearly 20 years, the Belle Haven Afterschool Program (BHAS) has been providing service to the Belle Haven community. In response to the Belle Haven needs assessment conducted in FY1992-93, the community had placed childcare as a high priority for new programming. In September 1993, as a result of the collaboration between the City of Menlo Park and the Ravenswood School District, the BHAS program was created to provide licensed day care for children in grades K-3 during the hours between 12-6 p.m. on the Belle Haven School campus. Prior to its creation, there were no other licensed afterschool childcare programs in the neighborhood as it is today. During the years between 1998 and 2001, the program received funds from the Community Development Block Grant and the Office of Housing to help subsidize participant fees. This program was created to serve low income working families who desired a safe, structured environment for their children.

Ten years after its inception, the BHAS program experienced a number of significant impacts including program merges, cost-cutting, and increased competition that would later result in the program that exists today. A few of these items include:

- In 2003, the BHAS program and the latch-key program at the Onetta Harris Community Center were merged due to budget cuts. After this merge the program retained its name and began serving children in grades K-6<sup>th</sup> with the capacity of serving up to 84 children.
- In 2004, as a cost-cutting measure, the sibling discount was eliminated.
- In 2010, the BHAS program's summer camp known as Camp Menlo was merged with the Belle Haven Community School summer program and the Onetta Harris Community Center summer camp to form one summer program serving the Belle Haven Community.

- In September 2010, the low income category subsidy along with the non-resident subsidy was eliminated.
- During the 2010-11 school year, the program experienced increased competition when the Center for New Generation (CNG) at Belle Haven School through partnership with the Boys & Girls Club of the Peninsula (BGCP) expanded their free program and started accepting more children. This has resulted in a decreased demand for the program.

A significant impact to the program and the Belle Haven Community was the dissolution of the Redevelopment Agency. Following the loss of RDA funds, City staff had proposed a number of recommendations to address the loss of funds for FY 2012-13. During the City Council's Study Session on January 30, 2012, the City Council expressed interest in merging the Belle Haven Afterschool Program (BHAS) with the Boys and Girls Club of the Peninsula's program (BGCP) held at Belle Haven School as they were similar services. Council gave direction to Community Services staff to explore a possible shared services arrangement with the BGCP. After initial meetings with the BGCP, it was determined by staff that an effective merger might be possible. City staff conducted a survey of program participants and developed a cost estimate for the City in the event the BGCP program absorbed the children currently being served in the BHAS program.

During the City Council Meeting on May 22, 2012, City staff presented the results of the participant survey and potential budget impacts for the program merger. A program comparison and participant survey results indicated that the merger proposal had some weaknesses, which was reinforced by the public comment that was received at the meeting. Residents expressed that the BGCP program would not adequately meet the needs of their children and were concerned about the elimination of the BHAS. Parents also indicated that more outreach to the community was needed. By consensus, the City Council suspended implementation of the cost-reduction strategy to merge the BHAS and BGCP programs. The City Council directed staff to better engage parents and work with them to develop a recommendation for improved program cost recovery to be considered in the next budget cycle. Council directed that this recommendation include methods to improve cost recovery to the level indicated in the City's cost recovery policy.

## **ANALYSIS**

Following the May City Council meeting and prior to the end of the school year in June 2012, parents of the BHAS program formed a Parent Advisory Committee (PAC) and elected their officers. During the summer, the parents began the work of fundraising for the BHAS program and held three small fundraisers which included two co-sponsored by Jamba Juice and one with Chucky Cheese Pizza. To date the PAC have organized a total of five small fundraisers and are looking hold more later in the fall and at least one high impact fundraiser during the school year. The fundraisers have been well received

by the other parents, friends and neighbors of the program raising nearly \$1,000 for the program.

In August 2012, City staff began the work of developing cost recovery proposals for the program to present to parents for discussion and their feedback (Attachment A). The ultimate goal of these proposals is to achieve the necessary cost recovery as outlined by the City Council's fiscal policy. The cost recovery range for the BHAS program is 30-70%. In recent years the program has achieved between 17-18% which is far below what City policy requires. Given the program's level of high community benefit, 30% cost recovery has become the program's target cost recovery goal.

On September 6, 2012, City staff met with parents from the program to present the cost recovery proposals and to discuss them and any other ideas that parents had for improved cost recovery. Here is a summary of the meeting and the parent feedback on the proposals:

#### **Parent Feedback on Proposals:**

At the meeting, parents were presented some background information on the need to address program cost recovery and a framework for the discussion which is contained in the "Givens" (see Attachment A). The discussion was productive with parents sharing their concerns and ideas for what proposals were acceptable and which ones were not. More importantly, parents expressed an understanding of the problem and a desire to be a part of the solution. Here are some of the highlights of the meeting:

- Parents thought proposals # 2 and # 3 were more desirable, which included raising program fees and managing the problem with a combination approach that focused on reducing costs, increasing partnerships and identifying alternative funding sources. In the discussion, parents suggested that a 125% increase would be cost prohibitive but perhaps a 50% or \$30 increase from the lowest rate might be manageable. Parents expressed a desire to survey current parents on their willingness and ability to pay more. Parents expressed an eagerness to continue with fundraising through the Parent Advisory Committee and needed more clarification on direct donations they received from businesses and ones that are granted directly to the City.
- Proposals # 4 and # 5 were the least desirable, as parents had expressed much concern over combining the BHAS program with the Boys & Girls Club program. Parents did not feel that the Boys & Girls Club program met their needs and were concerned with the level of supervision, safety, transportation and other programmatic issues.
- Proposal # 1 was discussed and parents expressed a concern over the consistency of staffing and having a regular permanent Teacher was highly desired. However, it should be noted that the concern over consistency may be more perception than reality as the average tenure of program staff is greater than 4 years.

- In the discussion about fees, parents thought that if the non-resident fee was eliminated the program may be able to attract more families who have the ability to pay. Also, parents suggested that a separate fee for some program components such as “trips” could be charged which would help to reduce the program’s costs.
- Parents thought there should be greater marketing for the program which includes increased collaboration with Tinsley Program participants. Parents wanted to investigate making the BHAS Program one of the Tinsley Program’s bus stops since a number of Tinsley kids are served in the program.

### **Cost Recovery Progress to Date**

After the September 6<sup>th</sup> parent meeting, the PAC has been meeting periodically to organize fundraising events which have included 2 Jamba Juice Sales, a Chuck E. Cheese Pizza event, Pizza Sale and a Nacho Sale for parents and friends of the program. The PAC is currently organizing a See’s Candy Sale over Christmas, Valentines and Easter that will benefit the program. A number of ideas have been generated for a high impact fundraising event which is to be held during the winter.

In addition, the PAC in coordination with City staff conducted a program fee survey (Attachment B) to evaluate the ability and willingness of parents to pay more for the program and the fee threshold that would be acceptable. Here is a summary of the survey results:

- The BHAS program has significant number of returning participants with 72% of participants in the program for 2-4 years and 38% of respondents reporting they have had siblings participating in the past.
- There were 88% of respondents whose children participate in both the BHAS program and the Camp Menlo program in the summer.
- Of those responding, 50% indicated they could manage a fee increase of \$20-\$40 per month more. 37% of respondents indicated they can manage a fee increase greater than \$40 per month while only 2 respondents or 12% could not manage any fee increase.
- All parent respondents indicated they are willing to participate in some form of fundraising activities for the program, many of who provided suggestions for fundraisers.

At this point, the PAC has not been able to solicit potential funders and partners to replace the 13,000 Homework Grant that was eliminated which represents 25% of the programs projected revenue for this fiscal year. The next step will be to update the City Council during its January study session on the progress made toward improved cost recovery and parent engagement.



## **RECOMMENDATION**

Staff recommends that the Parks & Recreation Commission review and consider the BHAS program cost recovery proposals and provide feedback to staff moving forward with this project.

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Natasha Watkins  
Recreation Coordinator

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Derek Schweigart  
Social Services Manager

**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 – BHAS Cost Recovery Proposals and Givens
- B – BHAS Program Fee Survey

## **Belle Haven After School (BHAS) Cost Recovery Proposals**

### **Givens:**

1. 30% cost recovery target based on the City's fiscal policy of 30-70% cost recovery for similar programs. To achieve the 30% cost recovery target, the program would need to generate \$73,080 in revenue or an increase of \$36,698 based on the current program budget of \$243,298. Alternatively, the current projected revenue of \$36,382 would require a decrease of \$122,298 from the current budget.
2. Any increase in user fees must be approved by City Council.
3. Staff-Participant ratios must meet or exceed Title 22 licensing requirements or industry standard for a day care provider which is 1:14.
4. \$13,000 Homework Grant has been eliminated by the County for FY 2012-13 which has created a further revenue deficit for the BHAS program.
5. Parent Advisory Committee must comply with all City policies regarding program fundraising and has sole authority for how money raised will be spent to benefit the program.

### **Proposals:**

1. Change staffing model for BHAS to operate with part-time temporary teachers instead of with a permanent teacher position.

#### **Pros**

- The BHAS program would achieve 20.5% cost recovery target taking into account the County's elimination of the \$13,000 Homework Grant.
- If alternative funding for the \$13,000 County Homework Grant is identified, the cost recovery with this proposal would be 28%.
- The change in staffing model would provide a significant improvement in program cost recovery and move it in the right direction.

#### **Cons**

- Potential for lost continuity with staffing as part-time employees are limited to 1,000 hours per year.
  - May result in reduced administrative and customer service support for the program.
  - An additional \$17,000 in revenue would need to be identified or alternatively an additional \$56,360 would need to be cut from program budget to achieve the 30% cost recovery target.
2. Increase monthly participant fees by 0-125% or \$1-\$81 from the current extremely low fee of \$64.25/month which is what most participants pay (see chart below). In order to achieve the 30% cost recovery target the monthly fee would

need to be \$145/month with 56 registered participants. A pricing threshold must be determined based on the ability and willingness of parents to pay which will determine the effectiveness of this alternative.

School Year	Fall 2009	63 Total	Fall 2010	55 Total	Fall 2011	40 Total	Fall 2012	48 Total	Fall 2012 Kinders	9 Total
Extreme low Income	\$42	32	\$60	43	\$60	33	\$64.25	40	\$83.50	4
Extreme low Non-Res	\$57	19	\$81	-	NR Full Cost	-	NR Full Cost	-	NR Full Cost	-
Very Low	\$84	7	\$100	8	\$100	6	\$107	6	\$139	5
Very Low Non -Res	\$113	2	\$135	-	NR Full Cost	-	NR Full Cost	-	NR Full Cost	-
Low	\$126	-	-	-	-	-	-	-	-	-
Low Non-Res	\$170	-	-	-	-	-	-	-	-	-
Full Cost	\$386	3	\$450	3	\$450	0	\$482	1	\$737.50	0
Full Cost Non-Res	\$521	-	\$607	1	\$607	1	\$651	1	\$995.60	0

#### Pros

- The BHAS program would achieve the 30% cost recovery target if current enrollment of 56 participants is met and fees were increased 125%.
- No other program reductions or changes would be necessary.

#### Cons

- An increase by 125% or \$81 would likely result in reduced participation in the program as demand for the program will be negatively impacted because parents will be unable / unwilling to pay beyond a certain price point. For example, when non-residents rates were increased to reflect the City's non-resident rate requirement enrollment declined dramatically.
  - A reduction in participation would result in reduced revenue and decreased cost recovery.
3. Combination approach that includes eliminating or reducing program components, increasing staff-participant ratios, identifying alternative funding sources, and partnering more closely with Beechwood School and Tinsley program to increase enrollment.

#### Pros

- This proposal would attempt to limit impacts to users using a diversified approach to addressing cost recovery.

- Successfully identifying partnerships and alternative funding sources could limit the impact on users while improving cost recovery.
- The program's parent association could potentially raise funds that could help to offset reductions to program components such as trips and supplies. The budget for trips and supplies together is \$6,000.

#### Cons

- This proposal involves further reductions to part-time staff and the elimination of the trips as a component of the program. The identified savings is approximately \$9,000 which is minimal and will have little or no impact on cost recovery.
  - The elimination of the \$13,000 Homework Grant resulted in a 25% decrease in program revenue at the beginning of the fiscal year. This further weakened the program's cost recovery projection.
  - While the desire to increase enrollment and revenue through partnerships is appealing it does not identify any specific cost savings or revenue generation.
4. One proposal that was developed for consideration last fiscal year was a shared services model that merges the BHAS program with the Boys and Girls Club of the Peninsula (BGCP).

#### Pros

- The program would save at least \$100,000 while preserving permanent staff positions through reassignment.
- The BGCP program charges \$25/year for their program which would be a cost savings for parents.
- Eliminates any duplication of programming through shared services model while improving partnerships with organizations in the neighborhood with similar goals.

#### Cons

- The BGCP program is not a licensed program.
  - The BGCP program does not provide motorized transportation from school locations to the program as does the BHAS program as it currently serves the Belle Haven School location.
  - Parents concern about staff-participant ratios with BGCP and participant supervision and safety.
5. Another proposal under consideration last fiscal year was the elimination of the BHAS program altogether.

#### Pros

- The City of Menlo Park would save at least \$160,000 if the permanent staff positions were preserved through reassignment.

#### Cons

- If other options are not identified, 56 children and their families would need to identify other child care options.
- Other than the BGCP program there are no affordable child care options available for families in the area.

## BHAS Program Fee Study

### 18 surveys received back

How many years has your child been in the afterschool program	<b>1 year</b>	<b>2 years</b>	<b>3 Years</b>	<b>4 years</b>	<b>5 years</b>	<b>6 years</b>
	4	2	6	5	0	1

How many children do you currently have attending the afterschool program	<b>1 Child</b>	<b>2 children</b>
	13	5

In the past, have you had other children attend afterschool program	<b>yes</b>	<b>no</b>
	7	11

Do your children participate in the Camp Menlo Summer Program	<b>yes</b>	<b>no</b>
	16	2

One strategy for improving cost recovery is to look at fee increases for the program.

Would you be willing and able to pay an increase in the following amount for the BHAS?

<b>\$20-\$40</b>	<b>\$40-\$60</b>	<b>\$60-\$80</b>	<b>\$80-\$100</b>	<b>\$100+</b>
8	1	2	2	1

If no, Why not?

**Cant afford an increase 2**

**I don't make enough money to pay for a increase. I simply can't afford it. barley making it now**

Another strategy for meeting cost recovery is support of the BHAS Parent Advisory Committee through fundraising for the program. Are you willing to participate in fundraising activities to support the program

**100% yes response**

Do you have any ideas for program fundraising that you would be willing to support and encourage others to support? If so, which ones?

**raffles, garage sale, car wash, bake sale, selling food plates, candy apples, selling candy, donate food to sale special snacks, car show, popcorn sale, silent auction, gift wrap sale, Jamba juice, donation request from potential businesses**



## COMMUNITY SERVICES

P&R Commission Meeting Date: November 20, 2013

Agenda Item #: D1

### STAFF REPORT: Belle Haven After School Program Cost Recovery Update

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#### EXECUTIVE SUMMARY

The Menlo Park City Council places a high value on providing after school programs like the Belle Haven After School Program (BHAS) and has continued to fund the program through the General Fund even though the program has not been able to meet its cost recovery target range of 30-70% per the City Council User Fee and Cost Recovery policy ([Attachment A](#)).

In FY 2011-12, during a period of tightened City budgets, the City Council considered a proposal to merge the BHAS program with the Boys and Girls Club of the Peninsula CNG Program (Center for New Generation) held at Belle Haven School since it provided a similar service. The City Council directed Community Service Department staff to explore a possible shared service arrangement with BGCP.

However, after staff presented research that the merger proposal had some weaknesses, and parents and residents expressed concern that the BGCP program would not meet their needs, the City Council suspended implementation of the cost-reduction strategy and directed staff to engage parents and develop a recommendation to improve cost recovery while preserving the BHAS as a City program.

In FY 2012-13, staff engaged the parents of the BHAS program and developed proposals to improve the program's cost recovery (17-18%) to the minimum 30% cost recovery target given the program's level of community benefit. The projected cost recovery for FY 2013-14 is 24%, a significant improvement over previous years.

The following report provides an update on the BHAS cost recovery work. Staff will continue looking at ways to reduce program costs and generate additional revenue to improve cost recovery. However, given the recent Belle Haven Community Visioning Process and Neighborhood Action Plan which affirmed the importance of after school programming, and the high community benefit of the program, staff suggests the Parks and Rec Commission re-evaluate the Council's cost recovery target of 30-70% for BHAS. The Commission made similar observations last fiscal year when the cost recovery proposals were presented to them at their November 2012 meeting.

#### RECOMMENDATION

Staff recommends that the Parks & Recreation Commission consider the report on the BHAS program cost recovery and provide feedback and general direction on the cost



recovery progress as well as the City Council's cost recovery target range of 30-70% for the BHAS program.

For reference, the Council's User Fee and Cost Recovery Policy defines the three levels of cost recovery in this way:

1. High Cost Recovery (70-100%) for programs greatly benefitting individuals with minimal overall community benefit. Examples of programs in this range are adult sports leagues, recreation classes on the west side of town, gymnastics classes and child care at the Menlo Children's Center.
2. Medium Cost Recovery (30-70%) for programs where individual and community benefit are relatively equal. The BHAS program is current classified in this category.

Low Cost Recovery (0-30%) for programs that, although they benefit individuals, also provide an overriding community benefit. Programs in this category include Special Events, and the Senior Center.

## **BACKGROUND**

After school programs provide a structured, safe and supervised place for children to learn, play and socialize with their peers. Some of the benefits of after school programs include improved educational performance and achievement, improved health, personal and public safety, stronger individuals and stronger families. The benefits of after school programs such BHAS for the individual, family and community are well documented<sup>1</sup> and include:

- Participants spend more time on academic and extracurricular activities versus spending more time watching TV and hanging out;
- Participants reduce problem behaviors such as drugs, alcohol and cigarette use;
- Participants are less likely to engage in juvenile crime since which generally occurs during after school hours;
- Participants have improved health through better nutrition, physical fitness and lower obesity rates;
- Participants have improved social skills, increased self-confidence and self-esteem.

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After school programs provide benefits to both the individual and family, but particularly in the case of the BHAS program, which provides broad community benefit in the form of a safety net for children in the neighborhood. The services that are provided by the program are not readily available elsewhere in the community at an affordable cost. The BGCP's CNG Program, which provides similar services, was determined by staff and parents to not fully meet the needs of the children being served in BHAS. The BHAS program services 8 neighboring school districts which Belle Haven children attend as part of the Tinsley Program. The BHAS program also serves Kindergarten. Residents affirmed the need for more after school programs such as BHAS through the Belle

Haven Community Visioning Process which identified improved educational opportunities and services for children and teens as high priorities.

The Menlo Park City Council has placed a high value on providing after school programs like BHAS as demonstrated by the significant General Fund support the program receives year after year. The Council's commitment to BHAS was further evident when it agreed the City would continue to operate the program while staff engaged parents and the community to improve the program's cost recovery. This work began soon after with the formation of the BHAS Parent Action Committee (BHPAC) and subsequent parent meetings resulting in the development of cost recovery proposals for consideration. In November 2012, staff presented these proposals to the Parks & Recreation Commission and provided similar information for consideration by the City Council during the FY 2013-14 budget process. The BHAS Cost Recovery Proposals Staff Report 11.28.12 ([Attachment B](#)) and supporting documents are included as background information for this report.

## **ANALYSIS**

Since the last presentation to the Parks & Recreation Commission in November 2012, the BHAS program has made a number of changes to improve cost recovery and enhancements that will strengthen the program in the short and long term:

- Reduced the program budget to reflect current service levels which include providing service to 56 children versus the 71 the program was previously budgeted and licensed to serve.
- Increased program fees based on the results of a fee study conducted with program parents where the majority supported a modest to medium increase in fees (\$20-\$40/month increase) in order to maintain current service levels.
- Even with an increase in fees, the program has been able to maintain an enrollment of between 56 to 62 children a month.
- Restructured the program staffing to eliminate a 30 hour permanent program assistant position and backfilled that position with part-time temporary staff. The staffing model is consistent with similar after school programs.
- Engaged parents to form the Belle Haven Parent Action Committee (BHPAC) and began conducting small fundraisers resulting in \$2,500 raised on behalf of the BHAS program.
- In conjunction with the Belle Haven Community Development Foundation and BHPAC, the program participated in a community clean up and fix it day resulting in improved landscaping and curb appeal for the Youth Center where the program is housed.
- The BHAS program, in partnership with the BHPAC, have begun community outreach and support by donating to one of the program's families that lost everything in a home fire.
- The BHAS program implemented the School Age Care Environmental Rating Scale (SACERS) to improve the program environment and curriculum.

- This past summer two youth who were past participants of the BHAS program were hired as Recreation Aides as a result of their graduation from the City's Counselor in Training program.
- The BHAS program continues to work closely with the Onetta Harris Community Center staff by helping to escort students to and from recreation classes held at OHCC.

## **Program Financial Summary**

### **FY 2012-13**

As of June 30, 2013, the FY 2012-13 program revenue was \$45,412; program expenses were \$252,361 and cost recovery was 18%.

### **FY 2013-14**

At the beginning of FY 2013-14, the program budget projection for revenue was \$56,400; program expenses \$244,127 with a projected cost recovery of 23% for the year. As of September 30, 2013, the FY 2013-14 program revenue is projected to exceed \$57,306 due to higher enrollment, program expenses projected at \$235,358 with a year-to-date cost recovery of 24%.

## **RECOMMENDATION**

Staff recommends the Parks and Recreation Commission consider the BHAS program cost recovery update and provide feedback and general direction to staff on the cost recovery progress and on the City Council's cost recovery target range of 30-70% for the BHAS program.

Staff recommends the Parks and Recreation Commission consider the following questions in their review and discussion:

- 1) What questions or concerns does the Parks & Recreation Commission have about the BHAS program cost recovery work to date?
- 2) Does the Commission have any ideas or suggestions for other ways to engage parents and the Belle Haven community in support of the BHAS program?
- 3) Would the Parks & Recreation Commission consider a resolution recommending to the City Council that they consider re-evaluating the placement of the BHAS program in the 30-70% cost recovery target?

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Natasha Watkins  
Recreation Coordinator

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Derek Schweigart  
Assistant Director Community Services

**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:**

[Attachment A](#) – City Council Cost Recovery Fiscal Policy

[Attachment B](#) – BHAS Cost Recovery Proposals Staff Report 11.28.12



## STAFF REPORT

### Parks and Recreation Commission

**Meeting Date:** 12/16/2015

**Staff Report Number:** 15-010-PRC

**Regular Business:** Review and provide feedback on a proposal to suspend non-resident and non-subsidized rates for the Belle Haven After School and Camp Menlo programs

### Recommendation

Staff recommends that the Parks and Recreation Commission review and provide feedback on a proposal to suspend non-resident and non-subsidized rates for the Belle Haven After School and Camp Menlo programs.

### Policy Issues

Per City policy, the City Manager is authorized to waive, modify or amend fees on any matter in his/her reasonable discretion, provided that said fees may not be increased and if he/she does so, he/she shall so advise the City Council.

### Background

At their meeting on March 23, 2010, the City Council adopted a resolution amending the City's Master Fee Schedule which included proposed fee changes to be effective immediately or by July 1, 2010. (Staff Report Attached) At this time, staff recommended to Council that the City continue to use the San Mateo County Department of Housing (SMCDH) guidelines to determine the subsidy level for families participating in the Belle Haven After School (BHAS) and Camp Menlo Programs in the Belle Haven neighborhood. The recommendation also specified that only residents were eligible for the subsidized rates. This was in response to the economic climate at the time and in supporting the 2005 Your City/Your Decision community driven budget process which emphasized the increasing need for recreational services to pay for themselves.

As a result of this decision, enrollment in the BHAS and Camp Menlo programs began to decline. Non-residents previously served by the program were unable to afford the non-subsidized rates even though they were eligible by SMCDH standards to receive lower rates. Although the BHAS program is licensed to serve 71 children during the school year, it has only been able to achieve approximately 50 participants on average per month. There is current capacity in the program to accommodate more children. As the table below demonstrates, the percentage of non-resident participants has declined steadily since Council eliminated subsidized rates for non-residents, which made up approximately 50% of program participation prior to this change.

Fiscal Year	Percentage of Non-Resident Participants in BHAS Program				
	Total Annual Residents	Total Annual Non-Residents	Total Annual Participants	Avg. Part. Per Month	% Non-Res
2008-09	238	217	455	51	52%
2009-10	325	214	539	60	30%
2010-11	340	129	469	52	28%
2011-12	310	80	390	43	21%
2012-13	395	79	474	53	17%
2013-14	396	71	467	52	15%
2014-15	355	41	396	44	10%

The Council-approved fee schedule for the BHAS and Camp Menlo programs includes both non-subsidized and subsidized rates. However, over the years nearly all of those families participating are eligible to receive the subsidized rate, which, by SMCDH standards, equates to the “extremely low” rate. This is one reason why the Community Services Department eliminated the various un-used rate categories from the master fee schedule over the past few years. What is remaining is the current “market rate” for the program, which is reflective of what customers are willing and able to pay for the services we provide in Belle Haven. A similar model also exists at the Onetta Harris Community Center where a highly subsidized flat fee for all classes encourages maximum participation by both residents and non-residents.

Council Approved Master Fee Schedule FY 2015-16				
BHAS Monthly Fees				
Fee Title	Resident Current Fee	Non-Res Current Fee (135%)	Proposed Resident Fee	Proposed Non-Res Fee
Kindergarten Non-Subsidized (Early)	\$704.00	\$950.00	\$129.00	\$174.00
*Kindergarten Subsidized (Early)	\$129.00	N/A	\$129.00	\$174.00
Kindergarten Non-Subsidized (Standard)	\$483.00	\$652.00	\$109.00	\$147.00
*Kindergarten Subsidized (Standard)	\$109.00	N/A	\$109.00	\$147.00
1 <sup>st</sup> to 6 <sup>th</sup> Grade Non-Subsidized (Standard)	\$446.00	\$602.00	\$99.00	\$134.00
*1 <sup>st</sup> to 6 <sup>th</sup> Grade Subsidized (Standard)	\$99.00	N/A	\$99.00	\$134.00

Council Approved Master Fee Schedule FY 2015-16 Camp Menlo (2 week program)				
Fee Title	Resident Current Fee	Non-Res Current Fee (135%)	Proposed Resident Fee	Proposed Non-Res Fee
Kindergarten Non-Subsidized	\$550.00	\$743.00	\$159.00	\$215.00
*Kindergarten Subsidized	\$159.00	N/A	\$159.00	\$215.00
1 <sup>st</sup> to 6 <sup>th</sup> Grade Non-Subsidized	\$425.00	\$574.00	\$139.00	\$188.00
*1 <sup>st</sup> to 6 <sup>th</sup> Grade Subsidized	\$139.00	N/A	\$139.00	\$188.00

\*Subsidized fees are based on “extremely low” income levels set by the San Mateo County Housing Office.

The Commission reviewed and discussed BHAS program cost recovery during their meetings on November 28, 2012 and November 20, 2013. The staff reports for these meetings are included as Attachment A and Attachment B. During these meetings the Commission weighed in on the department’s efforts to increase program cost recovery and supported a staff goal of achieving the minimum 30% cost recovery goal which met the minimum City Council approved cost recovery for this program in the 30%-70% range. The Commission wanted to see the program continue to engage parents of the program, seek alternative funding sources and fundraising to increase cost recovery. If cost recovery and program sustainability continues to be an issue, the Commission would seek a proposal to reclassify the BHAS program to 0-30% cost recovery range given the program’s high community benefit and financial need. The Commission requested that City staff bring to them any proposed funding changes and to keep them updated in future years.

### Analysis

Staff received City Council feedback on April 7, 2015 when Council approved the current Master Fee Schedule and later on May 5, 2015 when they received an information item on the Non-Resident Fee topic, where the Council indicated support for reducing and/or eliminating non-resident fees to encourage participation in programs where there is capacity. In light of this feedback and based on current market conditions, staff will recommend to the City Manager that the City suspend the non-subsidized rates for the BHAS and Camp Menlo Programs for FY 15-16 until staff can make recommendations to modify the current Master Fee Schedule to reflect these changes.

Given the proposed recommendation, staff recommends that the Commission consider the following questions for their discussion and feedback.

1. Does the Commission have any questions on the proposal to suspend non-resident and non-subsidized for the BHAS program in light of previous discussions on non-resident fees and BHAS cost recovery?
2. Does the Commission request any additional information or have any suggestions that would strengthen the proposal?
3. Is the proposal consistent with previous Commission discussions and recommendations on



improving BHAS program cost recovery and sustainability?

4. Does the Commission have other recommendations on improving program sustainability?
5. What does the Commission think of the proposed strategy and would it apply to other situations where programs are not at full capacity?

### **Impact on City Resources**

The proposal to suspend non-resident and non-subsidized fees in the BHAS program is expected to have a minimal impact on the City General Fund for the current fiscal year. A significant amount of the program's enrollment for the school year occurs during the fall months. Given the program's capacity with 71 spaces and a current enrollment of approximately 45 participants, there is an opportunity to fill up to 26 additional spaces. If the program was able to fill 10 of the 26 vacant spots with new participants, which could be a combination of residents and non-residents as a result of the proposed fee reductions, the additional revenue the program would receive for this year would be approximately \$6,700. This estimate is based on 10 new enrollments in 1<sup>st</sup> to 6<sup>th</sup> grade who are non-residents paying \$134/mo for the remaining 5 months of the program. It is expected that greater results will be achieved in the school year starting in September 2016 with greater lead time for promotion of the new fees. We also anticipate higher enrollment in Camp Menlo for the summer with the proposed fee structure.

### **Environmental Review**

Program fees are 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. BHAS Cost Recovery Proposals Staff Report - PRC 11 28 12
- B. BHAS Cost Recovery Update Staff Report - PRC 11 20 13

Report prepared by:  
Derek Schweigart  
Community Services Manager



# COMMUNITY SERVICES

P&R Commission Meeting Date: November 20, 2013

Agenda Item #: D1

## STAFF REPORT: Belle Haven After School Program Cost Recovery Update

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### EXECUTIVE SUMMARY

The Menlo Park City Council places a high value on providing after school programs like the Belle Haven After School Program (BHAS) and has continued to fund the program through the General Fund even though the program has not been able to meet its cost recovery target range of 30-70% per the City Council User Fee and Cost Recovery policy ([Attachment A](#)).

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However, after staff presented research that the merger proposal had some weaknesses, and parents and residents expressed concern that the BGCP program would not meet their needs, the City Council suspended implementation of the cost-reduction strategy and directed staff to engage parents and develop a recommendation to improve cost recovery while preserving the BHAS as a City program.

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The following report provides an update on the BHAS cost recovery work. Staff will continue looking at ways to reduce program costs and generate additional revenue to improve cost recovery. However, given the recent Belle Haven Community Visioning Process and Neighborhood Action Plan which affirmed the importance of after school programming, and the high community benefit of the program, staff suggests the Parks and Rec Commission re-evaluate the Council's cost recovery target of 30-70% for BHAS. The Commission made similar observations last fiscal year when the cost recovery proposals were presented to them at their November 2012 meeting.

### RECOMMENDATION

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recovery progress as well as the City Council's cost recovery target range of 30-70% for the BHAS program.

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## **Program Financial Summary**

### **FY 2012-13**

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## **RECOMMENDATION**

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Staff recommends the Parks and Recreation Commission consider the following questions in their review and discussion:

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Natasha Watkins  
Recreation Coordinator

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Derek Schweigart  
Assistant Director Community Services

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[Attachment B](#) – BHAS Cost Recovery Proposals Staff Report 11.28.12



## STAFF REPORT

### Parks and Recreation Commission

**Meeting Date:** 1/27/2016

**Staff Report Number:** 16-003-PRC

**Informational Item:** Community Services Director's update and announcements

### Recommendation

Staff recommends that the Commission receive the Community Services Director's update and announcements.

### Policy Issues

City policies are not affected.

### Background

#### I. Menlo Park Senior Center

The Menlo Park Senior Center was very busy over the holidays. The center hosted its annual "Let's Give Thanks" luncheon in November with a special treat this year. Over hundred twenty seniors attended the meal that day to enjoy a traditional Thanksgiving feast with their friends and families at the Senior Center, and have a chance to win one of the hundred turkeys donated by WL Butler Company, and Greenheart Land Company. In attendance were the CEO and representatives of the companies, as well as Menlo Park's Mayor who greeted people and awarded the Appreciation Certificates to the companies for their generosity.

In December, the Senior Center hosted its annual Tree Trimming and Caroling event on Friday, December 4th where seniors helped trim the tree and decorate the facility all in preparation for the Ho Ho Ho Holiday Luncheon. The seniors sang carols, strung lights, and sipped on eggnog. Later that month Facebook helped to play "Santa" at the Senior Center by helping to provide special gifts to each of the seniors that was in attendance to the annual Ho Ho Ho Holiday Luncheon on December 17<sup>th</sup>. Each senior received a bag with a warm blanket and an umbrella which will come in handy for the predicted El Nino rain season this year. The timing of the donation was perfect as staff were finalizing the remaining details for the event which did not include a gift giveaway until Facebook stepped up to provide the added benefit. Members of the Facebook team were in attendance at the Holiday Luncheon and got to see Santa give away the gifts to the seniors.

In January, Menlo Park Senior Center hosted "I Have a Dream" lunch on Friday, January 15<sup>th</sup> in honor of Dr. King. The event included a lunch and a movie and was well attended. The next big event will be the Winter Wonderland Dance with DJ music and buffet lunch which will be held on Friday, January 29<sup>th</sup>.

## **II. Special Events**

### *Bully (2012) Documentary*

On December 2<sup>nd</sup> the Community Services Department worked with outgoing Mayor Catherton Carlton to show a screening of the documentary movie, BULLY (2012) at the Hillview Middle School Performing Arts Center. The award-winning author and director (Sundance Film Festival and an Emmy), Lee Hirsch, was able to join us for the screening and offer a Q&A session. The movie was free to attend and made possible by the generous financial support of Facebook.

### *Holiday Tree Lighting*

Fremont Park was in full holiday mode on Dec 4<sup>th</sup> at our 3<sup>rd</sup> Annual Holiday Tree Lighting. This year, with generous support from the Chamber of Commerce, the City of Menlo Park hosted the event. Participants enjoyed live entertainment from the Encore Vocalists, the cartoon classic Mickey's Christmas Carol, free hot coca, and of course the lighting of the Fremont Park tree. Santa also paid a visit arriving in a 1966 Pontiac GTO convertible. This year's event exceeded last years by hosting roughly 350-400 people.

### *Breakfast with Santa*

The Community Services Department hosted the Annual Breakfast with Santa event at the Arrillaga Family Recreation Center on Saturday, December 5<sup>th</sup>. Activities included a delicious breakfast with an assortment of food, letter writing to Santa, holiday crafts, balloon twisting by A New Twist Events, and visiting and picture taking with Santa.

### *2015 Holiday Showcase*

The City of Menlo Park Community Services Department hosted its annual Holiday Showcase event on December 15<sup>th</sup> at the Menlo-Atherton Performing Arts Center. The event featured a collection of class offerings that include dance, ballet, gymnastics, fitness, music, cooking, theater, martial arts, drumming, boot camps, and a magnitude of sports for all ages, levels, and abilities. We pride ourselves on creating a community that is vibrant, diverse, and fun! This event is a great way to see the fabulous collection of classes and programs where you, our talented community, enter into the spotlight.

## **III. Gymnastics**

The Menlo Sparks team ended their compulsory competitive season in December. Charolette King took top honors as the level 4 State Floor Champion. Amelia Liston was the All-Around, and Floor State Champion in level 3. Natalie Tantisira was the level 3 State Bar Champion. All compulsory gymnasts from Menlo Sparks qualified for States Championships which included 20 gymnasts ages 9 through 15. Great job Menlo Sparks!

January 4<sup>th</sup> was the first day of the preschool gymnastics winter session. The gymnastics staff welcomed over 1,000 preschoolers back into the gym after a two week break. During the break the staff trained in CPR and first aid and attended staff meetings where they brainstormed new ideas to keep classes fun and exciting.



#### **IV. New Inclusive Classes Coming in the Winter**

In response to an increasing need and interest in inclusive classes, the Community Services Department will offer three new interest classes this winter and spring. These classes will complement the special needs gymnastics classes the department already offers. The new classes include a Foodie Fun cooking class, a Maker's Mind arts and crafts class, and Move and Groove fitness and movement class. These classes are all taught by licensed occupational therapists.

#### **V. Belle Haven Child Development Center Sponsors Holiday Giving Tree**

Once again City employees have come together to help sponsor the BHCDC Holiday Giving Tree. On Thursday, December 10th, the City hosted its annual employee holiday luncheon and where employees came together to celebrate many of our fellow employees receiving their longevity or employee excellence awards, as well as great food and camaraderie. More so, employees had the opportunity to sponsor a child by purchasing a gift of their choosing. This has become annual tradition in which employees have been excited to participate and bring some joy to the many children in the program. On December 18<sup>th</sup> the gifts were presented to the children.

#### **VI. Onetta Harris Community Center**

On December 15<sup>th</sup>, the Onetta Harris Community Center hosted their annual Volunteer/Instructor Dinner. There were 40 participants that were acknowledged for their outstanding yearly service at Onetta Harris. An example of the type of work done at the center is the following: Zumba, 2nd Harvest, Special Events, Mouse Squad, Soul Line Dancing, Kickboxing, etc. Without these volunteers and instructors, there would be no classes to offer to the community. This program has grown, since it originated in 2009 with only 20 participants. It is wonderful to see the increased volunteers/instructors throughout the years.

#### **VII. Youth Hoops League kicks off new season**

The 2015-16 Menlo Park youth basketball season is in full swing for boys and girls grades 3-7. This year's league has 119 teams from the Menlo Park School District as well as schools from the surrounding area. Games take place Monday-Saturday at the Arrillaga Family Gymnasium at 3:45 p.m. most weekdays and at 8 a.m. on Saturdays. On Sunday, Jan. 11, our partner Hi-Five Sports kicked off the youth league for kindergarten through second grade. With approximately 175 participants, the teams will play every Sunday through March 20. The Hoops league focuses on player development and teamwork as each session features a team practice and a game against another team.

#### **VIII. Longtime Community Services secretary Paty Maciel to retire**

Paty Maciel, Community Services department's longtime secretary and primary administrative support person is retiring January 15<sup>th</sup> after almost 20 years with the City. Paty started working for Menlo Park in fall 1995 as a teacher's aide when the Belle Haven Child Development Center expanded from 12 children in the program to 96 children. In the summer of 1997, Paty moved to the Arrillaga Recreation Center as the department's lead administrative support person in 2003. Paty's retirement leaves a major hole in the department and the recreation center, which still has a vacancy in the program coordinator position created when Noreen Bickel left to become the Recreation Manager in Brisbane after 10 years with Menlo Park.

#### **IX. City staff remembers and celebrate the life of a fellow employee**

City staff joined family, friends and many from the community to celebrate the life of Clarence Webster,

Program Assistant at the Belle Haven after school program. Clarence began working with the City in 2009 as a camp counselor for one of the City's day camp programs. Later he became a lead staff person at the Belle Haven after school program and recently promoted to the permanent position of Program Assistant. After the church service, family and friends regrouped at the Onetta Harris Community Center for a celebration repast. This was a time of joyous memories, reflections and stories of Clarence Webster. A slide presentation included many photographic memories of Clarence with his family as well as photos of Clarence with neighborhood children, working at summer camps and celebrating at community events. With over 200 people in attendance, staff from several programs in the Community Services Department worked together to support the family and to celebrate the memory of Clarence. The repast of Clarence Webster was a wonderful example of the legacy that Clarence leaves and the lives that he touched.

### **Analysis**

Analysis is not required.

### **Impact on City Resources**

There is no impact on City resources.

### **Environmental Review**

Environmental review is not 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**

None

Report prepared by:

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