



**Item No. 16
Town of Atherton**

CITY COUNCIL STAFF REPORT – CONSENT AGENDA

**TO: HONORABLE MAYOR AND CITY COUNCIL
GEORGE RODERICKS, CITY MANAGER**

FROM: MICHAEL KASHIWAGI, PUBLIC WORKS DIRECTOR

DATE: JULY 20, 2016

**SUBJECT: SECOND READING AND APPROVAL TO AMEND
ATHERTON MUNICIPAL CODE SECTION 12.24.085 TO
ALLOW BICYCLES ACCESS TO A SECTION OF
WALKING PATH AT HOLBROOK-PALMER PARK**

RECOMMENDATION

Second Reading and approval of amendment to Atherton Municipal Code Section 12.24.085 to allow bicycles access to a section of the walking path at Holbrook-Palmer Park.

BACKGROUND

City Council introduced and read the first reading for an amendment to Atherton Municipal Code Section 12.24.085 to allow bicycles access to a section of the walking path at Holbrook-Palmer Park at their June 15 meeting. Staff recommends adoption at tonight's meeting. If adopted the ordinance will take effect on August 20, 2016.

Bicycles have long been prohibited on walking paths at Holbrook-Palmer Park. In the past 6 to 8 years, the pedestrian access bridge and the Felton Gables gate entrances have been added to Holbrook-Palmer Park. These entrances have become a natural pass through for many children who bicycle to school, seek use of the baseball field or the Atherton Tennis center.

ANALYSIS

Currently, Atherton Municipal Code Section 12.24.085 prohibits bicycle usage on any of the designated park walking paths. The current Code reads as follows:

12.24.085 Restrictions on use of walking paths.

A. It is unlawful to ride any horse, and to use or operate any motorized vehicle, bicycle, scooter, roller blades, roller skates or skateboard on any designated walking path within Holbrook-Palmer Park, excluding mechanized wheelchairs.

B. Violation of this section shall be an infraction and punishable as such pursuant to Section 1.20.050 of this Code. (Ord. 495 § 1, 1998)

At the February 3, 2016 Park and Recreation (P&R) meeting, it was suggested that an item be placed on the agenda to discuss bicycle usage at Holbrook Palmer Park. The Committee felt it was necessary to allow bicycle passage for users between the pedestrian bridge and the Felton Gables gate so users are not daily “breaking the law.” Staff was asked to supply the current Municipal and/or Park ordinances and other rules so the Committee could understand the usage and suggest possible changes.

At the March 2, 2016 P&R meeting, it was suggested that the current ordinance should be left as is with the addition of a second exclusion which would allow bicycle usage on the park path between the pedestrian bridge and the Felton Gables gate. Other ideas such as widening of the path and additional signage were considered but felt unnecessary for this change.

At the April 6, 2016 P&R meeting, the Committee voted unanimously to recommend the following ordinance change to the City Council:

12.24.085 Suggested verbiage (highlighted):

A. It is unlawful to ride any horse, and to use or operate any motorized vehicle, bicycle, scooter, roller blades, roller skates or skateboard on any designated walking path within Holbrook-Palmer Park.

a. Exclusions:

- *Motorized wheelchairs*
- *Bicycles restricted to the section of path between the pedestrian walking bridge and the Felton Gables gate.*

B. Violation of this section shall be an infraction and punishable as such pursuant to Section 1.20.050 of this Code. (Ord. 495 § 1, 1998)

The City Council discussed this change to the ordinance at the April 20, 2016 Council meeting (item #22). Following a brief staff report outlining the proposal from the P&R, the Council directed staff to move forward with an ordinance amendment to allow bicycles on a portion of the Park path from the pedestrian bridge to the Felton Gables Gate. The Council also directed that staff include a modification to the pathway as part of an upcoming capital project to widen and stripe the path and Park areas, as appropriate.

The path modification is included in the FY 2016/17 Capital Improvement Budget. If introduced this evening and adopted at the July 20, 2016 City Council meeting, the ordinance will be effective

on August 20, 2016. Staff anticipates that work on widening and striping the path will be done concurrently.

POLICY FOCUS

The above represents a change to a municipal ordinance. The Council should evaluate the potential use and discuss issues related to bicycles in the Park, enforcement, and the unintended consequences, if any, of approving the change.

FISCAL IMPACT

The cost of path widening and striping is included in the FY 2016/17 Capital Improvement Budget.

PUBLIC NOTICE

Public notification was achieved by posting the agenda, with this agenda item being listed, at least 72 hours prior to the meeting in print and electronically. Information about the project is also disseminated via the Town's electronic News Flash and Atherton Online. There are approximately 1,200 subscribers to the Town's electronic News Flash publications. Subscribers include residents as well as stakeholders – to include, but be not limited to, media outlets, school districts, Menlo Park Fire District, service providers (water, power, and sewer), and regional elected officials.

ATTACHMENT

Revised Ordinance

Chapter 12.24 HOLBROOK-PALMER PARK

Sections:

- [12.24.010](#) Permit required for use of park buildings.
- [12.24.020](#) Hours of use—General use.
- [12.24.030](#) Trespassing in restricted areas.
- [12.24.040](#) Tennis court hours.
- [12.24.050](#) Hours of use—Use permit.
- [12.24.060](#) Noise restrictions.
- [12.24.070](#) Exempted activities.
- [12.24.080](#) Restriction of ball game use.
- [12.24.085](#) Restrictions on use of walking paths.
- [12.24.090](#) Speed limit and parking restrictions.

12.24.010 Permit required for use of park buildings.

Use of park buildings by individuals and groups shall be allowed by use permit, subject to regulations issued under authority of the city manager, in conformity with this and other applicable ordinances, and with the general plan for the development of the town. (Ord. 335 Ch. 9(d) § 1, 1975)

12.24.020 Hours of use—General use.

Holbrook-Palmer Park shall be closed for general use from one-half hour after sunset to one-half hour before sunrise. No person shall use the park at other times except in accordance with a use permit or for activities sponsored by the town. (Ord. 367 (part), 1978: Ord. 335 Ch. 9(d) § 2, 1975)

12.24.030 Trespassing in restricted areas.

Entry into the corporation yard, carriage house, water tower building, or the pavilion building, without proper authorization from the town shall constitute trespassing, as will entry into the main recreation building during hours other than normal office hours. (Ord. 367 (part), 1978: Ord. 335 Ch. 9(d) § 3, 1975)

12.24.040 Tennis court hours.

Holbrook-Palmer Park tennis courts shall be open for use from seven-thirty a.m. until sunset on Monday through Friday and from eight a.m. until sunset on Saturdays and Sundays and holidays. (Ord. 367 (part), 1978: Ord. 335 Ch. 9(d) § 4, 1975)

12.24.050 Hours of use—Use permit.

No person shall use any park facility under a use permit before eight a.m. or after eleven p.m. of any day, except that clean-up activities may continue from eleven p.m. until midnight. (Ord. 367 (part), 1978: Ord. 335 Ch. 9(d) § 5, 1975)

12.24.060 Noise restrictions.

No person shall use or permit the use of any sound amplification device in any outdoor area in Holbrook-Palmer Park. No person or organization, conducting an activity inside a building at Holbrook-Palmer Park pursuant to a use permit, shall cause or permit a noise in excess of sixty dBA, as defined in Chapter 8.16 of this code, measured at a distance of fifty feet from any outside wall of the building. (Ord. 367 (part), 1978: Ord. 335 Ch. 9(d) § 6, 1975)

12.24.070 Exempted activities.

The provisions of this chapter shall not apply to activities sponsored by the town. (Ord. 367 (part), 1978: Ord. 335 Ch. 9(d) § 7, 1975)

12.24.080 Restriction of ball game use.

No ball games or practices shall be played by any group, organized or otherwise, at Holbrook-Palmer Park after four p.m., except on any Saturday, Sunday or holiday, except by use permit issued by the town in connection with rental of facilities at Holbrook-Palmer Park. (Ord. 397 § 1, 1983: Ord. 335 Ch. 9(d) § 10, 1975)

12.24.085 Restrictions on use of walking paths.

A. It is unlawful to ride any horse, and to use or operate any motorized vehicle, bicycle, scooter, roller blades, roller skates or skateboard on any designated walking path within Holbrook-Palmer Park. ~~excluding mechanized wheelchairs.~~

a. Exclusions:

- *Motorized wheelchairs*
- *Bicycles restricted to the section of path between the pedestrian walking bridge and the Felton Gables gate.*

B. Violation of this section shall be an infraction and punishable as such pursuant to Section [1.20.050](#) of this Code. (Ord. 495 § 1, 1998)

12.24.090 Speed limit and parking restrictions.

A. The speed limit within Holbrook-Palmer Park shall be fifteen miles per hour.

B. There shall be no parking permitted on any park road, pathway or lawn or in any other place than as shall be permanently designated as a parking area, except that, from time to time, parking in other than designated area may be permitted under the authority of the city manager.

C. A violation is an infraction of the provisions of this chapter and is punishable by a fine of up to two hundred fifty dollars for each violation. (Ord. 387 § 8 (part), 1981; Ord. 374, 1979; Ord. 341 Ch. 9(e) §§ 1—3, 1975)