

To: Honorable Mayor and Members of the City Council

From: Jennifer Ott, City Manager

Date: May 6, 2024

Supplemental Memo regarding Recommendation to Receive an Update on City of Alameda's Approach to Preventing and Enforcing Unpermitted Sideshow and Car Show Events at Alameda Point and to Provide Direction to Return to City Council with a Public Hearing to Consider Authorizing Future Purchase and Use of Uncrewed Aerial Systems (Drones) for Sideshow and Other Critical Incident Response and Enforcement

#### SUPPLEMENTAL INFORMATION

This memo is being provided to supplement the staff report already published for the May 7, 2024 City Council meeting.

On March 11, 2024, staff wrote a letter to U.S. Fish and Wildlife Service requesting additional information about the proposed drone use at Alameda Point (Exhibit 1).

Response was received via email on March 15, 2024 (Exhibit 2) indicating the use of drones will not result in any adverse effects to California least terns beyond the effects described in the 2012 biological opinion.

Respectfully submitted,  
Abby Thorne-Lyman

Exhibit(s):

1. March 11, 2024 Informational Consultation Letter
2. Email from U.S. Fish and Wildlife Service

## City of Alameda California

## Exhibit 1



March 11, 2024

Ryan Olah  
Coast Bay Division Supervisor  
U.S. Fish and Wildlife Service  
Sacramento Fish and Wildlife Office  
2800 Cottage Way, W-2605  
Sacramento, CA 95825

**Subject:** Request for Additional Informal Endangered Species Consultation on the Use of Formal Naval Air Station Alameda – Proposed Drone Use for Law Enforcement  
(Service #81420-2009-F-0952-4)

Dear Ryan Olah:

The City of Alameda (City) is seeking concurrence from the U.S. Fish and Wildlife Service through informal consultation that certain activities to be performed at the former Naval Air Station Alameda by the Alameda Police Department (APD) are not likely to adversely affect the endangered California least tern (*Sternula antillarum browni*) beyond the effects described in the August 29, 2012 *Biological Opinion on the Proposed Naval Air Station Alameda Disposal and Reuse Project in the City of Alameda, Alameda County, California* (BO).

APD wishes to utilize drones to monitor car sideshows that are occurring at Alameda Point. Drone use was not explicitly discussed in the project description in the 2012 BO. Although Condition 54 of the BO prohibits the City from authorizing or commissioning “traditional” aircraft to fly within 0.75 mile of the least tern colony between April 1 and August 15, the BO did not envision the very small drones that would be used by APD. Since drones are not considered “traditional” aircraft, it is our opinion that drone use is not prohibited by the “no fly” condition of the BO.

This letter describes the sideshows that occur at Alameda Point and their potential impacts to the California least tern colony, and proposed drone use and avoidance and minimization measures to prevent impacts to the colony caused by drone usage. The City requests the Service’s concurrence that this use will not adversely affect the California least tern beyond effects described in the BO.

Base Reuse and Economic Development Department  
950 West Mall Square, Suite 205  
Alameda, California 94501  
510.747.6890

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### Sideshows and Their Potential Impacts on the California Least Tern

Sideshows are large, illegal gatherings that occur regularly at Alameda Point in vacant lots or roadways during the day, often for up to 6 or 8 consecutive hours. At these events, participants perform car stunts such as wheelies, burn outs, donuts, and “ghost ride the whip” (when drivers get out of the car and run next to it while still in motion). These events may be attended by large numbers of spectators, and loud music is often played. These events can cause property damage and serious injuries (including loss of life), and sometimes lead to violence. In the case of sideshows that occur at Alameda Point, the noise and air pollution generated by sideshows could also cause impacts to the breeding colony.

Sideshows first began in East Oakland in the mid-1980s as a way for people to show off their cars, socialize, and to pull off car stunts in empty parking lots. Over the years sideshows have grown in popularity and expanded throughout the Bay Area and California, and with that, they have also become more disorganized, louder, and more dangerous. Some participants may bring cars with modified exhaust systems that emit noise in excess of 95 decibels (dbA) in violation of California Vehicle Code Section 27151. When participants conduct burnouts and donuts, noise emitted from these modified exhaust systems may far exceed this limit. In addition, these stunts produce a large amount of smoke that contains liquefied rubber particles (which include hydrocarbon, cyanide, sulphur dioxide, butadiene, and styrene) that are propelled from the tires into the environment and eventually solidify into the environment. Many of these cars also have modified sound systems that feature amplifiers and multiple subwoofers, further contributing to the noise disturbance. Lastly, these large gatherings often result in a large amount of trash being left behind.

Sideshows occur at several locations at Alameda Point, including slightly north and south of the intersection of Monarch Street and W. Tower Avenue at the edge of the former Naval Air Station Alameda runway, as well as at the southern terminus of Monarch Street adjacent to Seaplane Lagoon. The two locations near the intersection of Monarch Street and W. Tower Avenue are within direct line of sight of the California least tern colony location, ranging from approximately 1,460-1,640 feet from the colony. The combination of noise, smoke, and flashing of car headlights in the direction of the colony produced by these sideshows could cause California least tern adults to flush from the colony, leaving eggs and/or chicks exposed to predators such as common raven (*Corvus corax*), American crow (*Corvus americanus*), northern harrier (*Circus hudsonius*), western gull (*Larus occidentalis*), raccoon (*Procyon lotor*), and striped skunk (*Mephitis mephitis*). The distracted adults may also become targets for predation by peregrine falcons (*Falco peregrinus*) or great horned owls (*Bubo virginianus*). The third sideshow location is located directly adjacent to Seaplane Lagoon, ranging from approximately 2,100-2,700 feet from the colony location. Depending upon where sideshows occur in this area, they may or may not have a direct line of sight to the colony. Due to the increased distance from the

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colony, it is less likely that the disturbances associated with sideshows would cause adults to flush from the colony. However, California least terns sometimes forage in Seaplane Lagoon, and the presence of a sideshow in this area may prevent them from foraging in this area. Depending upon where schools of fish are found in the surrounding areas, this could result in California least terns spending additional time foraging away from the colony, which may in turn lead to eggs and/or chicks being exposed to predators. At all locations where sideshows occur, the trash left behind may attract predators to the area, potentially leading to additional predation pressure on the colony.

### **Need for Drone Use**

While the City of Alameda is taking measures to prevent sideshows through physical changes to the street, the large amount of open space will make full prevention a challenge in the long term. As such, enforcement measures are also needed. APD monitors social media for information about sideshows. When they learn of sideshows in advance, they can allocate resources accordingly to prevent or shut down sideshows before they get out of hand. In some cases, however, APD does not hear about sideshows before they occur. For instance, one sideshow occurred at Alameda Point on January 28, 2024 in the middle of the day. Hundreds of people were present at this sideshow by the time APD learned about it, and as a result, it became dangerous for the APD to provide the necessary resources to safely break up the sideshow. Due to the potential dangers posed by sideshows from both out of control vehicles and violence that may occur at sideshows, sending officers into the midst of a sideshow without advance information regarding what is occurring puts the safety of officers at risk. As a result, officers must first assess the situation. In these situations, APD proposes to use a drone to monitor the sideshow, allowing APD to collect information about the event for strategic enforcement responses without jeopardizing the safety of officers.

Because sideshows may occur any time of the year, APD wishes to be able to use drones to monitor and enforce sideshows at any time, including the April 1 – August 15 California least tern nesting season.

### **Proposed Drone Use**

APD proposes to use a Skydio X10 drone for these monitoring activities (see the attached specifications for information). This small drone (weighing under 4.7 pounds and with dimensions of 31.1” x 25.6” x 5.7”) can operate up to 7.5 miles away from the operator, allowing APD officers to operate the drone at a safe distance. It has a flying time of up to 40 minutes, allowing ample time for the officers to collect the necessary data to assess the situation and collect evidence for subsequent enforcement in the hope of deterring future events. It is equipped with two color cameras, including a 48 megapixel telephoto lens with a shutter speed of f/1.8 and higher definition 64 megapixel narrow lens with a shutter speed of f/2.2. Both lenses can record high-definition video and photos in

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a range of lighting conditions and from variable distances. In addition, this drone has a 640x512px radiometric FLIR Boson+ thermal camera, allowing the drone to successfully conduct monitoring at night when most sideshows occur. Although no quantitative sound specifications are currently available from the manufacturer, an older (and very similar) model, the Skydio 2/2+, generates approximately 70 dBA when launching or hovering at close range. Skydio representatives relayed that the X10 is the quietest model that they make due to the propellers having three blades rather than the standard two, resulting in three small pressure pulses per propeller revolution rather than two larger pressure pulses per revolution.

When sideshows occur at Alameda Point, APD will deploy drones from a location within 7.5 miles of the sideshow. Drones will fly below 400 feet in altitude. Drones will not operate west of the row of buildings (former hangars) along the western edge of the City's Alameda Point property. When operating in the vicinity of those buildings and Monarch Street, every effort will be made to keep the altitude of the drones at or below the heights of those buildings, so that the buildings will block the view of the drones from least terns at the colony. Drones will approach the sideshow from a location within the City of Alameda, and at no point will they cross into the airspace above the runway, Seaplane Lagoon, Oakland Estuary, or San Francisco Bay where California least terns may forage.

### **Effects of Drone Use on California Least Terns**

H. T. Harvey & Associates has assisted the City in evaluating potential effects of the proposed drone use on least terns. The proposed use of drones by APD will not result in adverse effects on the California least tern beyond those analyzed in the BO, for the following reasons:

- Use of drones will reduce potential disturbance of the colony (described above) by sideshows. Once sideshow organizers learn that APD is using drones to monitor sideshows, APD expects the likelihood, size, and frequency of such activities on Alameda Point – especially in the City-owned areas closest to the least tern colony – to diminish, and possibly to cease altogether.
- Drones will only be deployed to monitor sideshows and collect evidence for subsequent enforcement.
- The drones proposed for use are very quiet, well below noise levels that might cause adverse effects even if a sideshow were not occurring. California least terns would not be able to hear the drones from the colony, as the abundance of noise from overflying aircraft from the San Francisco and Oakland airports, coupled with the noise of the sideshows being monitored by APD, would drown out any sound produced by the drone.


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- The drones proposed for use are small, on par with the size of gulls and larger terns that occur commonly in the area. When drones are used at night, they would not be visible to terns (from the colony) at all.
- When drones are flying and hovering, they will be at low altitudes, and ideally behind buildings, so that they are out of the line of sight of the colony.
- Drones will refrain from entering the airspace of the runway where the colony is located or bodies of water where they may forage, further ensuring that use of drones will not cause disturbance to the colony.

With adherence to the approach described above and with the BO in general, it is our opinion that the proposed use of drones to monitor sideshows at Alameda Point is not likely to adversely affect the California least tern beyond the effects already analyzed in the BO. Rather, it is likely that use of drones to monitor sideshows will reduce potential impacts on California least terns by enabling APD to quickly assess sideshows and subsequently shut them down, and eventually, to deter sideshows from being organized at Alameda Point altogether.

We respectfully request your concurrence with this informal consultation. We would be happy to discuss the proposed drone use with you further. If you require additional information, please contact me at (510) 872-2686 or [athornelyman@alamedaca.gov](mailto:athornelyman@alamedaca.gov). Thank you for your assistance with this matter.

Sincerely,

DocuSigned by:  
  
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Abby Thorne-Lyman  
Director, Base Reuse and Economic Development

Cc: Nishant Joshi, Chief, Alameda Police Department  
Jennifer Ott, City Manager

Base Reuse and Economic Development Department  
950 West Mall Square, Suite 205  
Alameda, California 94501  
510.747.6890

**From:** Olah, Ryan <ryan\_olah@fws.gov>  
**Sent:** Friday, March 15, 2024 3:07 PM  
**To:** Abby Thorne-Lyman <athornelyman@alamedaca.gov>  
**Cc:** Steve Rottenborn <srottenborn@harveyecology.com>; Benjamin Pearl <bpearl@harveyecology.com>; Jennifer Ott <jott@alamedaca.gov>; Nishant Joshi <njoshi@alamedaca.gov>; Albertson, Joy <joy\_albertson@fws.gov>; Euing, Susan <susan\_euing@fws.gov>  
**Subject:** Re: [EXTERNAL] City of Alameda - Request for Additional Consultation

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Hi Abby,

Thank you for your letter requesting concurrence that the use of drone use at Alameda Point. Your letter requested that the Alameda Police Department (APD) use drones at Alameda Point to monitor sideshows that have been occurring, in order for APD to assess the best way to break up these gatherings. In your letter you describe reasons why the use of the drones will not have adverse effects to California least terns nesting at Alameda Point, including the location of the drone will be some distance from the least tern colony, that the drones will often be behind buildings and out of sight of the colony, and that the drones will not make a lot of noise and will likely be quieter than ambient noise or the sideshow that is going on. Based on the proposed drone usage described in your letter, the Service has determined that the use of drones by the APD to monitor sideshows will not result in any adverse effects to California least terns beyond the effects described in the 2012 biological opinion. Let us know if you have any questions or if the APD would like to use drones in other capacities to prevent trespassing or to reduce the use of private drones near the least tern colony.

Ryan

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**Ryan Olah**

*Coast Bay Division Supervisor*

*U.S. Fish and Wildlife Service  
Sacramento Fish and Wildlife Office  
2800 Cottage Way, W-2605  
Sacramento, CA 95825  
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**From:** Abby Thorne-Lyman <[athornelyman@alamedaca.gov](mailto:athornelyman@alamedaca.gov)>  
**Sent:** Tuesday, March 12, 2024 4:01 PM  
**To:** Olah, Ryan <[ryan\\_olah@fws.gov](mailto:ryan_olah@fws.gov)>  
**Cc:** Steve Rottenborn <[srottenborn@harveyecology.com](mailto:srottenborn@harveyecology.com)>; Benjamin Pearl <[bpearl@harveyecology.com](mailto:bpearl@harveyecology.com)>; Jennifer Ott <[jott@alamedaca.gov](mailto:jott@alamedaca.gov)>; Nishant Joshi <[njoshi@alamedaca.gov](mailto:njoshi@alamedaca.gov)>  
**Subject:** [EXTERNAL] City of Alameda - Request for Additional Consultation

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Dear Mr. Olah:

I am the new Director of Base Reuse and Economic Development for the City of Alameda. We have been experiencing some issues with sideshows and are working on potential preventative and enforcement solutions, including the possibility of using drones. Please see the attached letter. For more visuals of what is occurring at Alameda Point near the Least Tern colony, [this article in the Alameda Post](#) has some photos and videos.

I'm copying City Manager Jennifer Ott, and Police Chief Nishant Joshi, as well as our consultants from HT Harvey. Please don't hesitate to reach out to us if you have further questions.

Regards,

Abby Thorne-Lyman (she/her)  
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