



City of Palo Alto

City Council Staff Report

(ID # 11490)

Report Type: Action Items

Meeting Date: 8/3/2020

Summary Title: Foothills Park Pilot Program

Title: Discuss the Parks and Recreation Commission's Pilot Program to Increase Access to Foothills Park for Non-residents and Provide Direction to Staff (Continued From June 23, 2020)

From: City Manager

Lead Department: Community Services

Recommendation

Staff recommends that City Council discuss the Parks and Recreation Commission's proposed pilot plan to increase access to Foothills Park for nonresidents and either:

- a. direct staff to return with an Ordinance to amend the Municipal Code to allow non-residents to access Foothills Park under a pilot plan and a Resolution to define the pilot plan itself, or
- b. provide feedback and direct staff to explore and evaluate alternative scenarios to open Foothills Park to non-residents.

Background

The land comprising Foothills Park was acquired by the City in a favorably priced acquisition from the Lee family in May 1959, on the condition that it be preserved as open space. Los Altos and Los Altos Hills were asked to contribute to the purchase but declined. Foothills Park was opened to the public on June 19, 1965.

In 1969, the City added the residency requirement to the Palo Alto Municipal Code (PAMC § 22.04.150 (a)-(b).), which limited admission to the Park to Palo Alto residents and their accompanied guests. Over the years, there has been interest in opening Foothills Park to non-residents. In 1973, the City Council unanimously reaffirmed the residents-only policy, pointing out that the park's acquisition was paid for out of the City's general fund, and no federal funds were used. The residency requirement was brought up again in 1991 and 2005, and both times Council voted to reaffirm the residency requirement.

In 2005, in exchange for \$2 million in grant funding from California Coastal Conservancy and Santa Clara County to help purchase 13 acres of land adjacent to the Pearson Arastradero Preserve, City Council voted to allow non-residents to enter Foothills Park via the Bay to Ridge trail. Non-resident hikers may enter from the Pearson-Arastradero Preserve and from Los Trancos Open Space Preserve. At the most recent joint session with the City Council, members of the Parks and Recreation Commission (PRC) indicated their interest in developing options to revisit opening Foothills Park to non-residents.

Discussion

The PRC and its Foothills Park ad hoc committee have studied several options for providing non-residents with access to Foothills Park since 2018. The PRC discussed the Foothills Park Pilot Plan at their [July](#), [September](#), and [November](#) 2019 meetings. At the November 12, 2019 Commission meeting, the PRC voted 6-1 to recommend that City Council direct staff to implement the Foothills Park Pilot Program as set out in the Commission's November 12, 2019 report (Attachment A). This item was tentatively scheduled for an April 2020 City Council meeting but was deferred due to the public health emergency and focus on community response to the pandemic.

Timeline

If City Council approves the PRC's recommended pilot plan Municipal Code changes provided in Attachment A, staff would return to City Council in September 2020 with an Ordinance to amend the Municipal Code to authorize non-residents to access Foothills Park under a pilot program, and a Resolution with the specifics of the pilot program itself. If approved, staff would need to prepare for implementation and anticipates being able to begin the pilot in Fall of 2020.

Resource Impact

There is a risk that additional visitation may negatively impact Foothills Park's natural resources and improvements. This risk is considered limited given past experience with visitation levels significantly higher than what is anticipated in connection with the pilot program. Additionally, the pilot program has been designed to allow staff to adjust the number of available passes to control visitation and avoid impacts to park resources. Details on historic visitation levels; existing regulations limiting daily visitation; and Staff's plan to assess impacts to the Park's ecology, infrastructure, and maintenance needs resulting from additional visitors are provided in Attachment A.

Additional staff time will be required to implement the pilot program, which may result in reduced staff attention to other projects. Open Space staffing resources are further

strained by the freeze of the vacant Foothills Park Supervising Ranger position, which was frozen as part of the adopted FY 2021 Operating Budget. Staff will redirect existing resources as needed to implement the pilot program while still maintaining Open Space services.

The PRC's pilot program includes the option to assess fees for non-resident passes to enter the park.

Stakeholder Engagement

The PRC discussed the Foothills Park Pilot Program at the July, September, and November 2019 Parks and Recreation Commission meetings. A panel discussion on the various perspectives of opening Foothills Park to nonresidents is planned for the July 28, 2020 PRC meeting. A summary of panel discussion will be shared during the presentation on this topic at the August 3, 2020 Council meeting.

Environmental Review

The subject project has been assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the City's environmental regulations. Specifically, the City, acting as the lead agency, finds this project exempt from CEQA in accordance with CEQA Guidelines Section 15301 (Existing Facilities). There are no physical improvements to Foothills Park proposed as part of this pilot program. This exemption applies to the pilot program only and any expansion of the program may require additional CEQA analysis.

Attachments:

- Attachment A - PRC Foothills Pilot Project Memo

To: City Council
From: Parks & Recreation Commission
Re: Report and Recommendation for Foothills Park Access Pilot Program

Overview

The Parks & Recreation Commission (“PRC”) and its Foothills Park *ad hoc* committee (the “Committee”) have studied options for providing non-residents with access to Foothills Park (the “Park”) for over a year, with public PRC meetings on the topic in July, September and November 2019. The PRC and the community recognize that Foothills Park is a special place and the pilot program outlined herein utilizes robust visitation information to ensure that the Park retains its special character. At the same time, the PRC recognizes that current policy requires staff to turn away several thousand would-be visitors each year—approximately 60 people per week—and that there are means available to responsibly share the park with those visitors.

Key parameters of the pilot program proposal:

- One-year pilot program to test the concepts of providing (1) a limited and adjustable number of Park passes for non-residents, and (2) broader availability for student fieldtrips.
- Non-resident passes would be available on the City’s new online reservation portal. This system will allow us to gather information about those seeking to visit the Park.
- Staff will use robust historic visitation data to adjust the number of non-resident passes available per day, with a maximum cap of 50 passes for any given day.
- City will encourage and formalize a school field trip program and reservation process, which is not presently anticipated by the Municipal Code for nonresident students.
- \$6 fee for non-resident passes will allow the City to recover a portion of the expenses associated with the existing cost of staffing the entry gate.
- Continue to prioritize resident access—no changes to current access policy for residents.
- At conclusion of pilot, staff and PRC would review Park visitation and impact data, and recommend how to move forward, including potentially reverting back to the current policy, making the pilot program permanent, or making other revisions.

The PRC has considered numerous alternatives (discussed below) and recommends this pilot program because it ensures close control of total visitation to the Park and allows the option to assess fees for non-resident passes to recover at least some of the significant personnel costs related to staffing the entry gate.

Background

The approximately 1,400-acre parcel comprising Foothills Park was acquired by the City in a favorably-priced acquisition from the Lee family in the late 1950s. The Park opened to Palo Alto residents in the 1965-66 fiscal year. Visitation when the Park opened was significantly higher than it has been in the past 30 years (peaking at approximately 372,000 visitors for two consecutive years

in the early 1970s).¹ In the past 17 years, visitation has been steady at approximately 152,000 persons visiting each year. One recent exception was 2011-2012 when the Park saw 202,000 visitors. Based on staff observation, the Park was a bit busier in 2011-2012, but that number of visitors did not negatively impact the Park's resources and infrastructure.

Enacted in 1969, the Municipal Code makes it a misdemeanor for any non-resident to enter the Park unless they are a guest of a City resident or employee, or are traversing the Bay-to-Foothills Trail on foot. (PAMC § 22.04.150 (a)-(b).) In addition to the residency restriction, the Municipal Code imposes a cap of 1,000 persons in the Park at any time. (P.A.M.C. § 22.04.150.) This limit has not been approached except in the case of a special event many years ago.

During most weekends and holidays, the single point of entry on Page Mill Road is staffed regularly and persons not able to demonstrate Palo Alto residency are turned away from the Park. The exception is that during winter weekends and holidays, when staff is constrained and park visitation rates are lower, entry gate enforcement of the residency requirement is less frequent. In the last five years, approximately 2,800 non-residents have been turned away on weekends each year, which is an increase from the last decade. For the most recent year with complete data, more than 3,700 persons were turned away at the gate. Enforcement of the residents-only restriction requires that the Page Mill gate be staffed, with associated costs estimated by staff to be approximately \$89,000 per year. As written, the Municipal Code provides no discretion for the City Manager or staff to allow unaccompanied non-residents, including school or volunteer groups.

The PRC received public comment before, at and following the PRC's July and September 2019 meetings. Comments at the July meeting, which included a range of options for discussion, were fairly evenly split between persons expressing support for the existing policy and those supporting expanded public access. However, public comments largely did not relate to the menu of options discussed for a pilot. The comments from persons speaking against expanding access expressed a general concern about overuse of the Park and potential impacts to the Park's ecology, and changes to the existing Park experience, with some commenters citing concerns about their personal safety if non-residents are allowed access. Persons speaking in favor of a pilot mentioned their desire for inclusiveness and a sense of being good neighbors, concern about "elitism" and being "embarrassed" by the current policy's exclusion of non-residents, that the City has lost economic diversity from the time when the residents-only policy was implemented such that the policy has negative effects not present when first implemented, and that a more effective policy could be crafted to ensure preservation of the Park while also allowing public access. During the September 2019 meeting, where the specific pilot program laid out here was presented, two commenters expressed strong support for the pilot, one commenter expressed a preference for allowing access for residents and non-residents only after they go through an orientation to the Park and one commenter noted that the pilot program would require a revision to the existing Municipal Code provision that generally bars non-residents.

In addition to studying visitation data and other quantitative measures, staff have begun documenting a baseline for qualitative measurements to aid an assessment of the pilot program.²

¹ A more complete discussion of the background and detailed history of the Park is set forth in the Committee's memo to the PRC in advance of the July 2019 PRC meeting.

² The qualitative measures include, but are not limited to, the following: (1) level of and frequency of restocking restroom supplies, (2) usage of parking and picnic areas during typical

The Committee appreciates the extensive input of past and current leaders within the Community Services Department (“CSD”), particularly the Foothills Park ranger staff, Junior Museum & Zoo staff and the leadership of the Open Spaces, Parks & Golf Division, in developing this pilot program proposal.

Details on the Pilot Program Proposal

The following pilot program proposal is made in light of the principal comments from the public and staff feedback on implementation and operational considerations:

1. One-year pilot program using extensive historic visitation data to dynamically adjust the number of unaccompanied non-residents able to visit the Park. Non-resident passes would be required on all days, with continued staffing of the entry gate on weekends and holidays.
2. Purpose for pilot is to assess quantitative and qualitative impacts to the Park’s ecology, infrastructure and maintenance. As noted above, staff have begun documenting a baseline for qualitative measurements. Staff will measure and assist in analysis of visitor impact data.
3. Establish a pass system for non-resident visitors. Up to 50 vehicle/bicycle passes available per day, with staff adjusting number of passes available based on visitation patterns.³ (E.g., busy weekends would have 0-10 non-resident passes available.)
 - a. Non-resident visitors accompanying a Palo Alto resident would still be allowed and would not need to obtain an online pass, pursuant to current policy.
 - b. Over the course of the pilot, staff will track demand and explore dividing the total number of passes available among non-resident student and volunteer populations and the general public (e.g., 10 passes reserved specifically for non-resident students, 10 for non-resident volunteers and the remainder for the general public).⁴
4. All passes would be available online through the City’s new Parks & Recreation reservation system. The Committee has been advised that staff at Mitchell Park and Lucie Stern Community Centers would be available to assist people with the online reservation system.

summer weekends and holidays (including photos), (3) any impacts to the landscape, such as social trails (including photos), (4) notes on any impacts to staff resources, (5) frequency of barbecue cleaning and maintenance, (6) frequency of Greenwaste refuse and recycling pickups, etc.

³ For administrative ease, passes would be for each passenger vehicle or bicycle group. Using the historical average of ~2.7 visitors per vehicle on weekends, 25 passes would equate to approximately 68 visitors and 50 passes would equate to approximately 135 visitors (a lower historic ratio applies for weekdays). A passenger vehicle would be defined as one carrying up to eight people. For persons entering by bicycle or other non-motorized means, one pass would cover also cover eight people.

⁴ As used in this memo, “students” means preK-12 students, which is a key population to target for access as identified through academic research and community feedback; “volunteer groups” means those organized volunteer organizations that are strategic partners with the Community Services Department (as determined by staff), including but not limited to Grassroots Ecology, Canopy, Environmental Volunteers, etc.

5. Formalize and promote City-authorized school field trip programs to the Park, which are presently not anticipated by Municipal Code. The pilot would lift the residency requirement for co-curricular fieldtrips. Staff are building upon their existing process for centrally coordinating school/co-curricular and volunteer group reservations to optimize the educational experience.
6. The existing 1,000 visitor cap would remain in place. Current restrictions on reservation of group spaces would also remain in place (*i.e.*, restricted to residents).
7. \$6 fee for non-resident access passes to aid recovery of costs related to current need to staff the entry gate on weekends and holidays. As part of CSD's broader fee reduction program, fee waivers would be available through the online portal for targeted groups, including (1) students, (2) persons volunteering with City-supported programs, and (3) persons who certify that they have an economic hardship.

Alternative Approaches Considered by the Committee and PRC

Before landing upon the proposed pilot, the Committee and PRC considered numerous alternatives, including the following: (a) opening the Park with no visitation limits; (b) shuttle program (e.g., partnering with Stanford's Marguerite system or another community partner to operate a free weekend shuttle from local libraries/community centers to the Park); (c) visitor orientation program (e.g., allow access to non-residents after participating in an "orientation to the Park"); (d) annual "memberships" for non-residents willing to pay a significant annual fee; (e) student-centric program that extended access to underserved students and their families; (f) taking no action with respect to the existing policy. Each alternative has benefits and drawbacks. On the whole, these alternatives were assessed to be operationally difficult and/or less conducive for a focused pilot program. However, elements of these alternatives may be considered in the future after the results of the pilot program are available to better inform those alternatives.

Factors Supporting Proposed Pilot

- a) Effectively mitigates principal concern about overcrowding/overuse of the park.
- b) Incorporates focus for students and volunteers.
- c) Addresses public input that policy should be revised to allow reasonable non-resident access.
- d) Allows for experimentation and additional data collection during pilot program on the number of passes available (up to 50 but often fewer), distribution of passes among targeted groups, etc.
- e) Fees are expected to generate modest revenue that would help offset the cost of staffing the entry gate.
- f) Good policy: uses robust data to inform the policy and adjust its implementation. Quantitative data will be reinforced by the more qualitative information that ranger staff is developing for a baseline comparison and the information we collect from users via the online reservation system.

Potential Risks

As noted previously, the principal risk is that additional visitation will negatively impact Foothills Park's natural resources and improvements, or otherwise tax park resources. This risk is viewed as a limited one in light of past experience with significantly higher visitation than is anticipated in connection with the pilot program and the effective controls on total visitation that are the core of this pilot.

For the pilot program, no capital expenditure is anticipated. Incremental costs may be incurred, including CSD and Foothills Park staff time which may result in reduced staff attention to other projects. Finally, there are certain existing infrastructure needs within the Park (e.g., restrooms that need to be replaced in the next five years), but staff views those as pre-existing needs regardless of this pilot program.

For the pilot program, staff have agreed to monitor both overall visitation and pilot-specific visitation to Foothills Park and to work with the Committee to prepare a report and recommendation concerning the pilot program and associated impacts after one year.

Recommendation

The PRC recommends to the City Council that it direct the City Manager and staff to move forward with the pilot project. To enable the pilot program, the PRC recommends that the City Council amend the Municipal Code as suggested in Enclosure A hereto and adopt any further resolution pursuant thereto.

Approved by the Parks and Recreation Commission on November 12, 2019

ENCLOSURE A
to PRC Report and Recommendation re: Foothills Park

PAMC 22.04.150:

Foothills Park shall not be made available for the exclusive use by any persons except for Towle Camp and the Oak Grove Group Area, Pine Gulch Group Area, Wood Fern Group Area, and the Foothills Park Interpretative Center classroom. Foothills Park may be accessible to the general public for the purpose of using the Bay-To-Foothills trails.

(a) Only (i) residents of the city and regular or part-time city employees, members of their households related by blood, marriage, or adoption, and their accompanied guests and (ii) such other persons authorized by a specific pilot program approved by resolution of the City Council are entitled to enter on foot or by bicycle or vehicle and remain in Foothills Park. No person who is not a resident of the city may enter on foot or by bicycle or vehicle unaccompanied by a person entitled to enter and remain in Foothills Park for the purpose of using the Bay-To-Foothills trails, except as provided in subsection (b). An "accompanied guest," as used in this section, is one who enters Foothills Park in the presence of a person resident of the city or regular or part-time city employee entitled to enter and remain in Foothills Park. Each person resident of the city or regular or part-time city employee entitled to enter and remain in Foothills Park may be accompanied by no more than 15 guests, or two vehicles containing no more than 15 guests, at any one time. Upon the request of an authorized city employee or a member of the Palo Alto police department, a person seeking to enter Foothills Park at the main gate or a person within the boundaries of Foothills Park shall provide identification or information to satisfy the requirements of this subsection. The good faith judgment of the authorized city employee or police department member requesting identification or information shall be conclusive as to whether such identification or information provided satisfies the requirements of this subsection. No person shall enter or remain in Foothills Park in violation of this subsection. Violations of this subsection shall be an infraction-misdemeanor.

(b) Unless otherwise specifically authorized by the director, no person who is a resident of the city shall enter or exit from Foothills Park except through the main gate on Page Mill Road or at designated entry and exit locations on the park boundaries shared with the Enid Pearson Arastradero Preserve and the Los Trancos Open Space Preserve. No person who is a resident of the city shall enter or exit from the Bay-To-Foothills trails in the park except on foot. For the purpose of using the Bay-To-Foothills trails in the park, no person who is not a resident of the city shall enter or exit the park except on foot and at the designated entry and exit locations on the park boundaries shared with the Enid Pearson Arastradero Preserve and the Los Trancos Open Space Preserve. No entry by any person who is not a resident at these designated entry and exit locations on the shared park boundaries shall be permitted by horse or bicycle. Violations of this subsection shall be a misdemeanor.

(c) Foothills Park shall be closed from sunset (the actual closure time to be prescribed in park regulations and posted accordingly) until 8:00 a.m. the following morning. No person shall remain in Foothills Park, other than duly authorized city employees and permit holders or participants in city-sponsored activities, during the hours of park closure. Violations of this subsection shall be a misdemeanor.

(d) No person shall exceed the maximum speed limit for all vehicles in Foothills Park of twenty miles per hour. Violations of this subsection shall be an infraction.

(e) No person shall leave an unauthorized vehicle in Foothills Park after the closing time designated and posted for closing of the park. Violations of this subsection shall be a misdemeanor.

(f) No person shall operate a bicycle or a motorcycle except on the paved roads of Foothills Park. No person shall operate a skateboard or roller skates or blades or other coasting device in Foothills Park. This subsection shall not apply to a bicycle or motorcycle operated by a police officer or park ranger acting in the course and scope of his or her duties. Violations of this subsection shall be an infraction.

(g) No person shall smoke on any trail in Foothills Park. Violations of this subsection shall be a misdemeanor.

(h) No person shall make a wood fire in Foothills Park without a permit. Permits for wood fires within Foothills Park may be issued only for the Towle campfire ring. No person shall start or maintain any charcoal cooking fire within Foothills Park except in city-provided braziers and barbecues in areas so designated and posted. Violations of this subsection shall be a misdemeanor.

(i) No person shall shortcut across trail switchbacks. Violations of this subsection shall be an infraction.

(j) The city manager shall promulgate regulations for the use of Boronda Lake to protect the users, plants, animals, and structures of the lake.

(k) No more than one thousand people shall be permitted in Foothills Park at any one time.

(l) No person owning or harboring any dog shall allow or permit such dog to enter or be in Foothills Park on any holiday, as defined in Section [2.08.100\(a\)](#) of this code, or any Saturday or Sunday. At all other times, no person owning or harboring any dog shall allow or permit such dog, whether licensed or not, to enter or be in Foothills Park except when held under leash by an able-bodied person. Violations of this section shall be an infraction.

(Ord. 4865 § 1, 2005: Ord. 4435 § 70, 1997: Ord. 4368 § 2 (part), 1996)