



City of Palo Alto

City Council Staff Report

(ID # 11990)

Report Type: Action Items

Meeting Date: 2/22/2021

Summary Title: Foothills Park Name Change to Foothills Nature Preserve, Annual Fees, and Capacity Limit

Title: Adoption of an Ordinance Changing the Name of Foothills Park to Foothills Nature Preserve, and Adoption of an Emergency and Regular Ordinance to add Annual Vehicle Entrance Fees and Adjust Attendance Limits at Foothills Park

From: City Manager

Lead Department: Community Services

Recommendation

Staff and the Parks and Recreation Commission recommend that City Council:

1. adopt the attached ordinance to change the name of Foothills Park to Foothills Nature Preserve, and
2. adopt the attached ordinance and emergency ordinance to amend the Municipal Fee Schedule to add annual vehicle entrance fees for Foothills Park, and to amend PAMC Section 22.04.150(k) to adjust attendance limits at Foothills Park.

Background

On August 3, 2020 ([Minutes](#)), City Council voted to change the name of Foothills Park to Foothills Nature Preserve to acknowledge that protecting the natural environment of Foothills is of utmost importance and to distinguish it as an open space preserve.

On [November 2, 2020](#), City Council passed the following Motion ([Minutes](#)):

- A. Open Foothills Park to the general public by removing limits on non-residents, while maintaining the maximum capacity of 1,000 persons and providing residents first access to reservations for all facilities.
- B. Amend or delete outdated and duplicative code language.
- C. For the first 90 days, temporarily limit the capacity to 750 people at any one time.
- D. Return to Council and the Parks and Recreation Commission with proposals for fee, capacity, and park management/environmental integrity studies; and
- E. Direct staff to use the renaming process to consider renaming Foothills Park to Foothills Nature Preserve.

The Parks and Recreation Commission (PRC), at their January 26, 2021 meeting, discussed several items related to Foothills Park that were referred to them by City Council (name change, fees, discounts, rules and enforcement policies). Included in the PRC's discussion was a concern that the pending ordinance and emergency ordinance scheduled for February 1, 2021 City Council Consent Calendar (attached to [Agenda](#) Item Number 3) did not include an option for an annual pass, which could limit frequent park users from visiting the park if they must pay a daily entrance fee each time they visit. The PRC also discussed the limitation on number of visitors allowed in the park at one time, which the emergency ordinance limits to 400 people, not to exceed a maximum of 500 people.

On February 1, 2021, City Council approved the ordinance and emergency ordinance for a \$6 vehicle entry fee and visitor limit of 400 people at one time, not to exceed 500 people for Foothills Park. The February 1, 2021 Council Consent Calendar item on the Foothills Park emergency ordinance included an [At Places Memo](#) that explained that the PRC will hold a special meeting on February 11, 2021 to discuss and recommend a fee structure for annual passes for Foothills Park entry and will discuss the 500-person maximum limit to protect the park environment, and whether that may restrict visitors more than necessary. Staff is now returning to City Council with the PRC's recommendations for potential action to refine Foothills Park regulations in these areas.

Discussion

Renaming Foothills Park to Foothills Nature Preserve

On November 2, 2020 ([Minutes](#)), City Council directed staff to follow the City's Naming Policy ([Policy 1-15/MGR](#)) to change the name of Foothills Park to Foothills Nature Preserve. The policy states that a proposed park name change should be reviewed and evaluated by the Palo Alto Historical Association (PAHA), then reviewed by the Parks and Recreation Commission (Commission) for their recommendation to City Council.

On December 10, 2020, the Palo Alto Historical Association (PAHA) completed their review and evaluation of the proposed name change for Foothills Park. The PAHA Board agreed that the proposed name change to Foothills Nature Preserve is an appropriate name reflecting both the type of park and its history. At its December 2020 board meeting, the PAHA Board formally approved its support for renaming the park "Foothills Nature Preserve" (Attachment A).

On January 26, 2021, the Parks and Recreation Commission reviewed the proposed name change ([Staff Report](#)). The Commission voted unanimously (7-0) to recommend that Council change the name from Foothills Park to Foothills Nature Preserve. The meeting can be viewed here: <https://www.youtube.com/watch?v=Pmme3HYrdBg>. The recommended ordinance is Attachment B.

Annual vehicle entrance fees for Foothills Park and daily capacity limits

The Parks and Recreation Commission will discuss these topics at a Special Meeting on February

11, 2021 and make a recommendation to City Council at that time. The February 11 staff report can be found here: <https://www.cityofpaloalto.org/civicax/filebank/documents/80187>. An At Places memo with the PRC's final recommendation and associated ordinances for Council consideration will be attached to the City Council Agenda in advance of the February 22 Council meeting.

Timeline

If City Council approves the Parks and Recreation Commission's recommendation to rename Foothills Park to Foothills Nature Preserve, this would be the first reading of the ordinance. The name change would become effective 31 days after the second reading.

If City Council approves the recommendation for annual fees and capacity limits, the emergency ordinance would become effective immediately upon adoption of the ordinance. The regular ordinance would become effective 31 days after the second reading of the ordinance.

Resource Impact

There are several signs that will need to be updated if the name of Foothills Park is changed to Foothills Nature Preserve. There will also be costs related to print materials (trail maps). The cost will be approximately \$5,000. Funding is available in the FY 2021 Adopted Capital Budget through project PG-06003, which is designated for park and open space amenities.

Implementation of an Annual Pass will be done utilizing the City's existing recreation software, CivicRec. Staff will bring forward budgetary adjustments as appropriate to recognize revenue or expense impacts of the PRC recommendation and any subsequent Council direction.

Stakeholder Engagement

In addition to Council's input, the Palo Alto Historical Association reviewed the name change at their December 20, 2020 board meeting, and on January 26, 2021, the Parks and Recreation Commission reviewed the proposed name change.

Environmental Review

This name change does not constitute a project under the California Environmental Quality Act. Environmental review of the entry fee and attendance limit ordinances will be noted in the At Places memo following the PRC's meeting on February 11, 2021.

Attachments:

- Attachment A: Palo Alto Historical Association Report on Foothills Park Name Change
- Attachment B: Ordinance Renaming Foothills Park to Foothills Nature Preserve

Palo Alto Historical Association
P.O. Box 193
Palo Alto, CA 94302

December 10, 2020

Palo Alto City Council
250 Hamilton Avenue
Palo Alto, CA 94301

Dear Members of the Palo Alto City Council,

Following the City's Naming Policy, city staff has requested comment and evaluation from the Palo Alto Historical Association regarding a proposed new name for Foothills Park. The PAHA Board was informed about the proposed name change and the request for their review via email. The PAHA Board has agreed that the proposed name change to "Foothills Nature Preserve" is an appropriate name reflecting both the type of park and its previous history. At its December 2020 board meeting, the PAHA Board formally approved its support for renaming the park "Foothills Nature Preserve".

For the Palo Alto Historical Association Board,

Steven Staiger
Historian, Palo Alto Historical Association

Ordinance No. ____

Ordinance of the Council of the City of Palo Alto Amending Chapters 6.12 (Impoundment), 22.04 (Parks and Recreation Building Use and Regulations) and 22.08 (Park Dedications) of the Palo Alto Municipal Code to Rename Foothills Park to Foothills Nature Preserve.

The Council of the City of Palo Alto ORDAINS as follows:

SECTION 1. Findings and declarations. The City Council finds and declares as follows:

- A. The City's Foothills Park is reserved for park, playground, recreation, or conservation purposes by Palo Alto Municipal Code (PAMC) 22.08.090 *et seq.*; and
- B. The City Council desires to change the name of Foothills Park to Foothills Nature Preserve to recognize Foothills as one of the City's open-space preserves, along with the Baylands Preserve, Pearson-Arastradero Preserve, and Esther Clark Nature Preserve; and
- C. The City's Parks and Recreation Commission and the non-profit Palo Alto Historical Association have both recommended the name change to Foothills Nature Preserve.

SECTION 2. Section 6.12.025 (Special impounding fees) of Chapter 6.12 (Impoundment) of Title 6 (Animals) is hereby amended as follows (new text in underline, deleted text in ~~strike through~~):

6.12.025 Special impounding fees.

For any dogs found running at large in ~~Foothills Park~~ Foothills Nature Preserve, Byxbee Park, or city-owned Baylands, and impounded by the city, the city shall charge and receive from the owner fees for services in impounding animals as set forth in the municipal fee schedule.

SECTION 3. Section 22.04.150 (Foothills Park) of Chapter 22.04 (Parks and Recreation Building Use and Regulations) of Title 22 (Parks) is hereby amended as follows:

22.04.150 ~~Foothills Park~~ Foothills Nature Preserve.

~~Foothills Park~~ Foothills Nature Preserve shall be open to all persons, regardless of residency.

(a) ~~Foothills Park~~ Foothills Nature Preserve shall not be made available for the exclusive use by any persons except for Towle Camp and the Oak Grove Group Area and the ~~Foothills Park~~ Foothills Nature Preserve Interpretative Center classroom. Facility reservations shall be made available to residents of the city before being offered to the general public, according to regulations promulgated by the city manager.

(b) No person shall enter or exit ~~Foothills Park~~ Foothills Nature Preserve except at:

- (1) The main gate on Page Mill Road;
- (2) Designated entry and exit locations on the park boundaries shared with the Enid Pearson Arastradero Preserve and the Los Trancos Open Space Preserve;
- (3) The Bay-To-Foothills trails; or

(4) As authorized by the director.

Violations of this subsection shall be a misdemeanor.

(c) ~~Foothills Park~~Foothills Nature Preserve 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~~Foothills Nature Preserve during the hours of park closure except for duly authorized city employees, holders of permits which authorize afterhours use, and participants in city-sponsored activities. Violations of this subsection shall be a misdemeanor.

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

(e) No person shall leave an unauthorized vehicle in ~~Foothills Park~~Foothills Nature Preserve 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~~Foothills Nature Preserve. No person shall operate a skateboard or roller skates or blades or other coasting device in ~~Foothills Park~~Foothills Nature Preserve. 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~~Foothills Nature Preserve. Violations of this subsection shall be a misdemeanor.

(h) No person shall make a wood fire in ~~Foothills Park~~Foothills Nature Preserve without a permit. Permits for wood fires within ~~Foothills Park~~Foothills Nature Preserve may be issued only for the Towle campfire ring. No person shall start or maintain any charcoal cooking fire within ~~Foothills Park~~Foothills Nature Preserve 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~~Foothills Nature Preserve 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~~Foothills Nature Preserve 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~~Foothills Nature Preserve except when held under leash by an able-bodied person. Violations of this section shall be an infraction.

SECTION 4. Sections 22.08.090 (Foothills Park) through 22.08.120 (Lee Property – Addition to Foothills Park), as well as Section 22.08.410 (Lee Property – Addition to Foothills Park) are hereby amended as follows:

22.08.090 Foothills Nature Preserve (formerly Foothills Park).

That certain parcel of land formerly known as Foothills Park as delineated and described in Exhibit A-9 attached hereto and now known as Foothills Nature Preserve is hereby reserved for park, playground, recreation or conservation purposes.

22.08.100 Lee Property - Addition to ~~Foothills Park~~ Foothills Nature Preserve.

That certain parcel of land known as the Lee Property (addition to ~~Foothills Park~~ Foothills Nature Preserve) as delineated and described in Exhibit A-9.1 attached hereto is hereby reserved for park, playground, recreation or conservation purposes.

22.08.110 Lee Property - Addition to ~~Foothills Park~~ Foothills Nature Preserve.

That certain parcel of land known as the Lee Property (addition to ~~Foothills Park~~ Foothills Nature Preserve) as delineated and described in Exhibit A-9.2 attached hereto is hereby reserved for park, playground, recreation or conservation purposes.

22.08.120 Lee Property - Addition to ~~Foothills Park~~ Foothills Nature Preserve.

That certain parcel of land known as the Lee Property (addition to ~~Foothills Park~~ Foothills Nature Preserve) as delineated and described in Exhibit A-9.3 attached hereto is hereby reserved for park, playground, recreation or conservation purposes.

22.08.410 Lee Property - Addition to ~~Foothills Park~~ Foothills Nature Preserve.

That certain parcel of land known as the Lee Property (addition to ~~Foothills Park~~ Foothills Nature Preserve), as delineated and described in Exhibit A-28 and attached hereto, is hereby reserved for park, playground, recreation or conservation purposes.

SECTION 5. Exhibits A-9, Including A-9.1 through A-9.3, and A-28 of Chapter 22.08 (Park Dedications) of Title 22 (Parks) are hereby amended as follows:

EXHIBIT A-9 ~~FOOTHILLS PARK~~ FOOTHILLS NATURE PRESERVE (formerly Foothills Park)

All of that certain 1194.05 acre tract of land described in Exhibits B through H in that certain Lease Agreement between Russell V. Lee et ux. to the City of Palo Alto recorded December 10, 1958; in Book 4254 of Official Records at pages 695 et seq., records of Santa Clara County, California.

EXHIBIT A-9.1 LEE PROPERTY - ADDITION TO ~~FOOTHILLS PARK~~ FOOTHILLS NATURE PRESERVE

Situate in the city of Palo Alto, County of Santa Clara, State of California, described as follows:

Beginning at a point in the northwesterly line of that certain 200-acre, more or less, parcel excepted in the Deed from Russell V. Lee, et ux., to the City of Palo Alto, dated December 9, 1958 and recorded in Book 4254 of Official Records at page 720, Records of Santa Clara County, California, distant along said line S. 69 degrees 10 minutes W. 920 feet from an iron pipe which pipe bears N. 75 degrees 15 minutes 30 seconds W. 307.05 feet from an iron pipe set in the center line of Page Mill Road; thence S. 20 degrees 50 minutes E. 2800 feet, more or less, to a point on the southeasterly line of the Rancho El Corte de Madera; thence S. 15 degrees 12 minutes W. along said Rancho line 1350 feet, more or less, to the center line of Los Trancos

Creek; thence northwesterly along the center line of Los Trancos Creek to a point which bears S. 69 degrees 10 minutes W. 10 feet, more or less, from an iron pipe set in the bank of said Creek; thence N. 69 degrees 10 minutes E. along the northwesterly line of said parcel excepted in said Deed from Lee to City 2090 feet, more or less, to the point of beginning, containing 140 acres, more or less, and being a portion of the Rancho El Corte de Madera.

EXHIBIT A-9.2 LEE PROPERTY - ADDITION TO ~~FOOTHILLS PARK~~ FOOTHILLS NATURE PRESERVE

Situate in the City of Palo Alto, County of Santa Clara, State of California, described as follows:

Beginning at a point on the southeasterly line of Rancho El Corte de Madera, said point being in the center line of Page Mill Road, said point also being the most easterly corner of that certain 200-acre, more or less, tract of land excepted in the Deed from Russell V. Lee, et ux., to the City of Palo Alto, dated December 9, 1958, and recorded in Book 4254 of Official Records at Page 720, Records of Santa Clara County, California; thence westerly along the center line of Page Mill Road and the northerly line of said excepted tract 700 feet, more or less, to an iron pipe; thence continuing along the boundary line of said excepted tract N. 75 degrees 05 minutes 30 seconds W. 307.05 feet to an iron pipe; thence, continuing along the northwesterly boundary line of said excepted tract, S. 69 degrees 10 minutes W. 920 feet: thence leaving said boundary line, S. 20 degrees 50 minutes E. 2800 feet, more or less, to a point on said Rancho line; thence N. 15 degrees 12 minutes E. along said Rancho line 2850 feet, more or less, to the point of beginning, containing 60 acres, more or less, and being a portion of said Rancho El Corte de Madera.

EXHIBIT A-9.3 LEE PROPERTY - ADDITION TO ~~FOOTHILLS PARK~~ FOOTHILLS NATURE PRESERVE

Situate in the City of Palo Alto, County of Santa Clara, State of California, described as follows:

Beginning at an iron pipe set in the boundary line of that certain 234.172 acre parcel of land delineated upon a map entitled "Record of Survey of a portion of the Lands of Dorothy W. and Russell V. Lee" and recorded September 10, 1957 in Book 86 of Maps at page 17, Records of Santa Clara County, California, which iron pipe bears S. 74 degrees 42 minutes 11 seconds W. 2392.51 feet from the most easterly corner of said 234.172 acre parcel of land; thence N. 81 degrees 01 minutes 32 seconds W. 54.00 feet to an iron pipe which marks the true point of beginning; thence N. 82 degrees 01 minutes 26 seconds W. 433.00 feet to an iron pipe; thence S. 11 degrees 19 minutes 26 seconds W. 178.17 feet; thence S. 39 degrees 11 minutes 58 seconds W. 123.70 feet to an iron pipe; thence S. 69 degrees 28 minutes 33 seconds W. 267.84 feet to an iron pipe; hence S. 69 degrees 59 minutes 52 seconds W. 333.78 feet to an iron pipe; thence S. 61 degrees 31 minutes 34 seconds W. 468.48 feet to an iron pipe; thence N. 81 degrees 03 minutes 10 seconds W. 122.62 feet to an iron pipe; thence in a straight line southwesterly 60 feet, more or less, to a fence post marking a corner in the northwesterly boundary line of the lands of the City of Palo Alto known as "Foothills Park," as said lands are described in "Exhibit A" of the agreement between said City and Russell V. Lee and Dorothy Womack Lee, dated December 8, 1958 and recorded December 10, 1958 in Book 4254 at page 695, et seq., Official Records of said County; thence following said boundary line of Foothills Park the following courses and distances: S. 62 degrees 29 minutes 02 seconds E. 165 feet, more or less, to an iron pipe; N. 67 degrees 24 minutes 58 seconds E. 805 feet, more or less, to an iron pipe; N. 80 degrees 07 minutes 58 seconds E. 204 feet, more or less, to an iron pipe; and

N. 54 degrees 51 minutes 58 seconds E. 675 feet, more or less, to the true point of beginning, containing 5.60 acres, more or less, and being a portion of the Rancho El Corte de Madera.

EXHIBIT A-28 LEE PROPERTY - ADDITION TO ~~FOOTHILLS PARK~~ Foothills Nature Preserve

Beginning at a 3/4-inch iron pipe at the northeasterly corner of that certain tract of land described in the deed from Russell V. Lee, et ux, to Richard Stanford Lee, et ux, dated December 30, 1956, and recorded December 3, 1956 in Book 3696 of Official Records at page 382, Records of Santa Clara County, California;

Thence S. 15° 24' 19" E. along the easterly line of said tract 1083.65 feet;

Thence S. 72° 08' 48" W. 595.53 feet;

Thence S. 38° 48' 32" W. 179.00 feet;

Thence 48" W. 593.53 feet;

Thence S. 12° 01' 23" E. 488.00 feet;

Thence 32° 25' 26" W. 229.44 feet to an iron pipe marking the southwest corner of a quarry, said last-named corner being the True Point Of Beginning;

Thence S. 68° 17' 19" E. 1048.00 feet to an iron pipe;

Thence 57° 28' W. 60 feet, more or less, to a fence post marking a corner in the northwesterly boundary line of the lands of the City of Palo Alto known as "Foothills Park", as said lands are described in "Exhibit A" of the agreement between said City and Russell V. Lee and Dorothy Womack Lee, dated December 8, 1958 and recorded December 10, 1958 in Book 4254 of Official Records at page 695, et seq., Records of said County;

Thence following said boundary line of Foothills Park S. 57° 28' W. (called 55° 54' W. in said "Exhibit A") 435.35 feet;

Thence leaving said park boundary, N. 32° 32' W. 5.00 feet;

Thence N. 64° 09' W. 263.50 feet;

Thence N. 71° 21' W. 117.50 feet;

Thence N. 29° 16' E. 246.32 feet to the True Point Of Beginning, containing 7.70 acres, more or less, and being a portion of the Rancho El Corte De Madera.

SECTION 6. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

SECTION 7. The Council finds that adoption of this Ordinance is not a project under the California Environmental Quality Act.

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SECTION 8. This Ordinance shall be effective on the thirty-first date after the date of its adoption.

INTRODUCED:

PASSED:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

NOT PARTICIPATING:

ATTEST:

City Clerk

Mayor

APPROVED AS TO FORM:

APPROVED:

City Attorney or designee

City Manager

Director of Community Services