TO: HONORABLE CITY COUNCIL
FROM: CITY MANAGER DEPARTMENT: COMMUNITY SERVICES
DATE: MARCH 7, 2005 CMR: 178:05

SUBJECT: RESOLUTION APPROVING THE GRANT OF A CONSERVATION EASEMENT IN THE ARASTRADERO PRESERVE GATEWAY PROPERTY TO THE COUNTY OF SANTA CLARA IN CONJUNCTION WITH THE ACQUISITION OF THE ARASTRADERO GATEWAY PROPERTY; ORDINANCE AMENDING SECTIONS 22.04.310 AND 22.04.330 OF CHAPTER 22.04 OF TITLE 22 OF THE PALO ALTO MUNICIPAL CODE PERTAINING TO THE ENID PEARSON ARASTRADERO PRESERVE; ORDINANCE AMENDING SECTION 22.04.150 OF CHAPTER 22.04 OF TITLE 22 OF THE PALO ALTO MUNICIPAL CODE PERTAINING TO FOOTHILLS PARK

REPORT IN BRIEF

Pursuant to Council action on February 22, 2005, to approve a funding agreement and associated conservation easement with Santa Clara County for the acquisition of the Peninsula Open Space Trust (POST) Arastradero Gateway property, this staff report recommends that Council adopt a resolution to execute the conservation easement with the County, and adopt amendments to the Palo Alto Municipal Code that will provide for the designation of countywide trails within the Enid Pearson Arastradero Preserve, the creation of two new entrance points to Foothills Park, and the clarification of entry into Foothills Park through the main gate by residents and their accompanied guests.
RECOMMENDATION
Staff recommends that Council:

a) Adopt a resolution approving the grant of a conservation easement in the Arastradero Preserve Gateway property to the County of Santa Clara in conjunction with the acquisition of the Gateway property from the Peninsula Open Space Trust by the City of Palo Alto (Attachment A);

b) Adopt an ordinance amending Sections 22.04.310 and 22.04.330 of Chapter 22.04 of Title 22 of the Palo Alto Municipal Code pertaining to the Enid Pearson Arastradero Preserve (Attachment B);

c) Adopt an ordinance amending Section 22.04.150 of Chapter 22.04 of Title 22 of the Palo Alto Municipal Code pertaining to Foothills Park (Attachment C).

BACKGROUND
On February 22, 2005, Council unanimously approved a funding agreement with Santa Clara County for the acquisition of the 13-acre POST Arastradero Gateway property and the granting of an associated conservation easement for the perpetual designation of the land as open space for conservation and recreation purposes (CMR:156:05). In exchange for a funding pledge of $1,000,000 from the Santa Clara County Park Charter Fund, and a pledge of $1,000,000 from the California Coastal Conservancy, the Council agreed to designate countywide trails within the Enid Pearson Arastradero Preserve (“Preserve”) and a pedestrian trail through Foothills Park to connect the Preserve with the adjoining Los Trancos Open Space Preserve. The interest of the County and the Coastal Conservancy in contributing to the acquisition of the POST Gateway property is so that the property will serve as a regional trailhead facility to access three countywide trails.

In order to officially designate the San Francisquito/Los Trancos Creek Trail (C1 Trail) and the Juan Bautista de Anza National Historic Trail (R1-A Trail) within the Pearson Arastradero Preserve, and the Matadero Creek/Page Mill Trail (S1 Trail, referred to as the Bay-to-Foothills Trail in the Comprehensive Plan) within the Preserve and Foothills Park, amendments to the Palo Alto Municipal Code have been prepared by the City Attorney.

Similarly, in order to designate two new pedestrian entry points to Foothills Park for the sake of access to the S1 (Bay-to-Foothills) Trail, an amendment to Palo Alto Municipal Code Section 22.04.150 was prepared for Council’s adoption.

DISCUSSION
Resolution to Grant a Conservation Easement in the Arastradero Gateway Property
Pursuant to the terms of the funding agreement Council authorized the Mayor to execute on February 22, 2005, the City Attorney has prepared the resolution necessary to grant a conservation easement to Santa Clara County at the time the property is acquired from the Peninsula Open Space Trust. The terms of the conservation easement with the County for the designation of the property for recreation and conservation purposes are consistent with the protections the City would provide for the property under the Palo Alto City Charter when the property is dedicated upon acquisition as open space parkland.
The Report in Brief section of CMR:156:05 erroneously mentioned the adoption of a resolution approving an agreement with Santa Clara County. Preparation and presentation of the resolution was deferred until after Council had considered the merits of the funding agreement and had authorized staff to proceed with drafting the necessary resolution and amendments to ordinances.

Amend Palo Alto Municipal Code Sections 22.04.310 and 22.08.330
Amendments to Palo Alto Municipal Code Section 22.04.310 (Arastradero Preserve, Esther Clark Park closed from sunset until 8:00 a.m.) are proposed that would change the name of the Arastradero Preserve to the Pearson Arastradero Preserve, in accordance with the name change approved by Council on June 7, 2004 (CMR: 308:04).

Similarly, an amendment to Section 22.04.330 (Arastradero Preserve) that would change the name of the preserve to Enid Pearson Arastradero Preserve is proposed, as well as amendments, that would require that the Preserve serve as a trailhead facility for three regional trails, namely the Matadero Creek/Page Mill Trail (S1 Trail), the San Francisquito/Los Trancos Creek Trail (C1 Trail), and the Juan Bautista de Anza National Historic Trail (R1-A Trail), designated in the Santa Clara Countywide Trail Master Plan (Attachment D).

Amend to Palo Alto Municipal Code Section 22.04.150
Amendments to Palo Alto Municipal Code 22.04.150 (Foothills Park) are proposed that would allow access to the general public for use of Bay-to-Foothills trails, clarify residency restrictions for persons entering through the park’s main gate on Page Mill Road, and allow the general public (pedestrians only, and not persons on horses or bicycles) to access the park at two additional designated points-of-entry for the sake of using the S-1 (Bay-to-Foothills) trails within Foothills Park (reference map, Attachment E).

Persons entering through the main gate of Foothills Park, either by car, on bike, or on foot, are currently asked by park rangers to provide proof of Palo Alto residency. Residents are permitted to accompany up to fifteen non-resident guests at a time, in up to two vehicles. This practice will remain in effect with the proposed Municipal Code amendment to paragraph (a). Language has been added to stipulate that non-residents entering the park on foot, by bicycle or vehicle through the main gate must be accompanied by a resident, even to gain access to the Bay-to-Foothills trails.

Currently, Section 22.04.150 (Foothills Park), paragraph (b), specifies the only legal public entry point to the park is through the main gate at 3300 Page Mill Road. Paragraph (b) has been amended to add two additional entry points at designated locations on the border with the Enid Pearson Arastradero Preserve and the Los Trancos Open Space Preserve for the sake of providing public pedestrian (but not horse or bicycle) access to the Bay-to-Foothills (S1) trails. The proposed entry points would be through an existing gate (Gate D) into the Enid Pearson Arastradero Preserve and through an existing pathway (Gate Z) into the Los Trancos Open Space Preserve. Park rangers will not staff these pedestrian entry points.

**RESOURCE IMPACT**
As discussed in the resource impact section of the staff report requesting approval of a funding agreement and associated conservation easement with Santa Clara County (CMR 156:05), the
City will benefit from a $1,000,000 acquisition grant from the Santa Clara County Park Charter Fund in exchange for dedicating three regional multi-use trail routes within the Pearson-Arastradero Preserve, and a pedestrian trail route connecting the Pearson-Arastradero Preserve with Los Trancos Open Space Preserve through Foothills Park. The California Coastal Conservancy has pledged an additional $1,000,000 for the purchase of the POST property. The proposed resolution to provide a conservation easement is similar to requirements of the Coastal Conservancy to ensure the perpetual protection of the property as open space parkland.

There are no anticipated costs associated with the grant of a conservation easement for the Arastradero Gateway parcel to Santa Clara County.

Since the three trails that will be designated as Countywide trails by ordinance amendment already exist, costs associated with the maintenance and patrol of the trails, including staffing, contracts and materials, is not expected to change. The creation of two additional entry points to Foothills Park will not significantly increase maintenance expenses. One-time improvements to the two pedestrian-only entry points will cost approximately $1,500. Staff does not anticipate that the designation of countywide regional trails will have any financial impact on other City departments.

POLICY IMPLICATIONS
Dedication of a trail alignment through the Preserve and Foothills Park in conformance with the Santa Clara Countywide Trail Master Plan (S-1 Trail) is consistent with Program T-25 of the City’s Comprehensive Plan, which says:

“Evaluate the design of a Bay-to-Foothills path. A Bay-to-Foothills path is only a conceptual idea at this time. However, trails for hikers are in place from Arastradero Road to Skyline Boulevard through existing parklands. Creek corridors and Stanford lands offer the best opportunities for routing this path through the urban area of Palo Alto. Ideally, the path should be constructed as a multi-use trail that includes bicycles, pedestrians, and equestrians (possibly with parallel trail segments for different users).”

Trail use limited to pedestrians in Foothills Park will not be modified by the proposed trail alignment dedication. As such, this proposal is consistent with the adopted Foothills Park Trail Maintenance Plan.

Dedication of the Santa Clara Countywide S-1 regional trail through City-owned park land would require a Comprehensive Plan Amendment to the Pedestrian Circulation Map (Map T-6) to specify the points of entry and exit of Foothills Park and the Preserve. Planning staff will return to Council at a later date with the amendments to the Pedestrian Circulation Map (Map T-6).

TIMELINE
May 25: The California Coastal Conservancy Board reviews and approves the dedicated alignment of a regional pedestrian path through the Palo Alto foothills and approves a contract with the City of Palo Alto for $1,000,000 for the acquisition of the Property.
July 2005: The Midpeninsula Regional Open Space District formally approves the trail connection between Foothills Park and the Los Trancos Open Space Preserve for pedestrian trail access and dedicates an alignment as the Countywide S-1 trail within the Los Trancos Open Space Preserve.

October 2005: Council approves purchase agreement with POST and associated BAO to allocate funds for the purchase of the property.

ENVIRONMENTAL REVIEW
The adoption of a resolution granting an easement and the adoption of ordinances amending the Palo Alto Municipal Code are not projects subject to California Environmental Quality Act (CEQA) requirements.

Designating access between parks and open space areas is a Comprehensive Plan Policy (T-14), as is completing the development of the Bay-to-Foothills Trail (Program T-26).

Trail designations referred to in the amendment of P.A.M.C. Section 22.04.330 have been identified and analyzed in several local and County documents, including the City's Comprehensive Plan (EIR certified on July 20, 1998), the Arastradero Preserve Trails Management Plan (MND adopted with project on May 14, 2001) and the Santa Clara County-wide Trail Master Plan. The dedication and marking of these alignments as a Countywide trail routes, utilizing existing trails and pathways previously analyzed within the Preserve and Foothills Park do not present any substantial changes nor new information that would alter the previous environmental analysis conducted nor any related mitigation measures of these documents.

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ATTACHMENTS
Attachment A: Resolution of the Council of Palo Alto approving the grant of conservation easement in the Arastradero Preserve Gateway property to the County of Santa Clara in connection with the acquisition of the Gateway property by the City of Palo Alto
Attachment B: Ordinance of the Council of the City of Palo Alto amending Sections 22.04.310 and 22.08.330 of Chapter 22.04 of Title 22 of the Palo Alto Municipal Code pertaining to the Enid Pearson-Arastradero Preserve
Attachment C: Ordinance of the Council of the City of Palo Alto amending Section 22.04.150 of Chapter 22.04 of Title 22 of the Palo Alto Municipal Code pertaining to Foothills Park access
Attachment D: Santa Clara Countywide Trail Master Plan Map
Attachment E: Alignment of the Santa Clara County C1and De Anza regional trails along existing trails within the Pearson-Arastradero Preserve and the S1 trail through the Preserve and Foothills Park