



City of Palo Alto

City Council Staff Report

(ID # 12205)

Report Type: Consent Calendar

Meeting Date: 5/10/2021

Summary Title: Foothills Nature Preserve: Vehicle Fees, Removal of Nine BBQ Pits, and Code Cleanup

Title: Parks and Recreation Commission and Staff Recommend the City Council: 1) Adopt an Ordinance Amending the Fiscal Year (FY) 2021 Municipal Fee Schedule to Include Foothills Nature Preserve Daily Vehicle Entrance Fees Based on Passenger Capacity and Free Vehicle Entrance for Certain Students and on Certain Days; 2) Prohibit the use of Certain Entrances to Foothills by Horse and Bicycle Users; and 3) Direct Staff to Permanently Remove Nine Hillside Barbecues at Foothills to Improve Fire Safety

From: City Manager

Lead Department: Community Services

Recommendation

Staff and the Parks and Recreation Commission recommend that Council:

- A. Adopt an ordinance (Attachment A) to:
 1. Amend the FY 2021 Municipal Fee Schedule to include several new vehicle entry fees and discounts for Foothills Nature Preserve, including new fees for medium and large vehicles/buses, free entry on six specified days per year, free passes to be distributed at libraries; and free entry for student field trips and all fourth-grade students; and
 2. Prohibit bicycles and horses from using the Gate D and Page Mill Trail entrances to Foothills Nature Preserve (this provision was inadvertently removed in a previous ordinance cleanup in 2020).
- B. Direct staff to permanently remove the nine hillside BBQs at Foothills Nature Preserve to help improve fire safety. This includes all BBQs at Pine Gulch, Encinal, Shady Cove, and Lakeside picnic areas.

Background

On November 2, 2020, City Council passed the following motion regarding Foothills Nature Preserve ([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- B. Amend or delete outdated and duplicative code language.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.

Foothills Nature Preserve opened to the general public on December 17, 2020. On January 26, 2021 ([Minutes](#)), Parks and Recreation Commission (PRC) discussed several items related to Foothills Nature Preserve that were referred to them by City Council (fees, discounts, rules, and enforcement policies). Included in this 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 limited to 400 people, not to exceed a maximum of 500 people.

On February 1, 2021 ([Minutes](#)), 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 Nature Preserve.

On February 11, 2021, the PRC held a special meeting to discuss an annual pass option and the visitor capacity limit for Foothills Nature Preserve ([Minutes](#)). On February 22 ([Staff Report](#) and [Minutes](#)), City Council adopted an ordinance to change the name of Foothills Park to Foothills Nature Preserve, established an annual pass including several discounts and fee waivers for entry to Foothills Nature Preserve, adjusted the visitor limit to Foothills Nature Preserve, and identified groups (e.g. visitors with reservations in Towle Campground) who do not count toward the visitor limit. Staff began collecting vehicle entrance fees for weekends and holidays beginning Saturday, February 27, 2021.

On February 23, 2021 ([Minutes](#)), the PRC reviewed and discussed a range of Foothills Nature Preserve Daily/Annual Entrance Fee and Visitor Limit policy considerations. This included some policy guidelines that had been recently adopted by City Council but had not previously been commented on by the PRC. The PRC agreed to support some guidelines, while referring additional details back to the Ad Hoc Committee for additional assessment and follow-up recommendation.

Discussion

On March 23, 2021 ([Staff Report](#) and [Minutes](#)), the PRC discussed several Foothills Nature Preserve policies and voted unanimously (6-0, 1 absent) to recommend that Council adopt an ordinance to:

A. Amend the FY 2021 Municipal Fee Schedule to include:

1. Foothills Nature Preserve daily vehicle entrance fee based on passenger capacity, as follows:
 - a. \$6 for vehicles with up to 9 passenger capacity (Note: This is the existing fee with discounts/free entry as already adopted)
 - b. \$30 for vehicles with 10-24 passenger capacity (small buses). No discounts or free entry other than student groups with a reservation or part of a City permitted event.
 - c. \$60 for vehicles with 25+ passenger capacity (large buses) only with a valid permit, obtained in advance:
 - i. Gathering Permit (required for groups of 25+), available on weekdays only.
 - ii. Oak Grove Group Picnic Area Permit, available every day
 - iii. No discounts or free entry other than student groups with a reservation or part of a City permitted event.
2. Free vehicle (9-person capacity or fewer) entrance to Foothills Nature Preserve on the following days, subject to visitor capacity limits:
 - a. First Saturday in December
 - b. Third Monday in January (Martin Luther King Jr. Day)
 - c. First Tuesday in March
 - d. Last Wednesday in April
 - e. Third Thursday in June
 - f. First Friday in October
3. Free vehicle entrance to Foothills Nature Preserve on weekdays for student groups (Kindergarten through 12th grade) with a valid Student Field Trip Reservation.
4. Up to 10 free vehicle entrance passes to Foothills Nature Preserve per day:
 - a. Passes are available from designated Palo Alto City Libraries (no library card is required)
 - b. Passes are valid for one specific date for one passenger vehicle (9-person capacity or fewer)
 - c. Entry is subject to visitor capacity limits.
5. Free Foothills Nature Preserve Annual Pass for 4th Grade Students, as follows:
 - a. Passes are available to U.S. 4th grade students (or home school equivalent), beginning each August.
 - b. Passes are valid for free entry of one passenger vehicle (9-person capacity or fewer) if the 4th grader is present in the vehicle when entering, and passes are not transferrable.

- c. Passes are valid for one school year, ending on August 31st, following the student's 4th grade year.
 - d. Passes must be procured in advance.
- B. Direct staff to:
 1. Permanently remove the 9 hillside BBQs at Foothills Nature Preserve to help improve fire safety. This includes all BBQs at Pine Gulch, Encinal, Shady Cove, and Lakeside picnic areas.
- C. The Parks and Recreation Commission confirms its support for the following interim policies that have already been adopted either explicitly or implicitly:
 1. \$6 daily entrance fee for vehicles with up to 9 passenger capacity
 2. The daily fee is specifically a "vehicle entrance fee", and not a "parking fee".
 3. Free daily entry for vehicles with a disabled person license plate or placard.
 4. Pedestrians and bicyclists entering Foothills Nature Preserve main entrance are not counted toward the visitor capacity limit or charged an entrance fee.
- D. The Parks and Recreation Commission has reviewed the following policies and does not currently recommend making changes, but recommends that investigation and further review continue during calendar year 2021 (along with consideration of other existing policies):
 1. Visitor Reservation System
 2. Dog Policy
 3. Daily Entry Fee Waivers
- E. The Parks and Recreation Commission recommends that Council direct the Commission and staff to review the following Parks & Open Space policies, and return to Council with considerations:
 1. Photography and Videography Policy
 2. Special Event Permits (weddings, etc.)
 3. Gathering Permits for Groups 25+ (picnic groups, hiking groups, docent-led walks, etc.)
 4. Groups of 24 or Fewer (no reservation or permit required)
 5. Special Request Interpretive Programs (canoe rentals, ranger talks, Campfires, etc.)
- F. The Parks and Recreation Commission recommends that Council prioritize funding to:
 1. Fill the vacant Foothills Nature Preserve Supervising Ranger position
 2. Implement a capital project to create a Comprehensive Conservation Plan for Foothills Nature Preserve

Among the items above, this staff report deals with only sections A (Foothills entry fees) and B (Hillside BBQ pits). The other items will be addressed in the PRC's workplan for

the coming year or as otherwise appropriate. The following provides a summary and description of the Commission's recommendations.

New Vehicle Entry Fee Categories, Free Days, Free Passes at Libraries, and Student Access

- Large Vehicles (over 9-person capacity)
- Free Days
- Free Vehicle Entry for Student Groups with a Reservation
- Free passes available at Palo Alto City Libraries
- Free Foothills Nature Preserve Annual Pass for 4th Grade Students
- Removal of the 9 Hillside BBQs for Fire Safety

Large Vehicles (over 9-person capacity)

The PRC recommends that the fee structure for larger vehicles should be modeled on the California State Parks fees, which include \$30 for vehicles with 10-24 passenger capacity (small buses) and \$60 for vehicles with 25+ passenger capacity (large buses). Due to concerns of pedestrian and bicyclist safety and the parking and space limitations in the preserve, large buses would only be allowed entry on weekdays with a valid permit, obtained in advance. No discounted fees or free entry would be allowed to small or large buses, unless affiliated with a student group with a Student Field Trip Reservation.

Free Days

The PRC recommends the following as free vehicle entry days:

1. First Saturday in December
2. Third Monday in January (MLK Day)
3. First Tuesday in March
4. Last Wednesday in April
5. Third Thursday in June
6. First Friday in October

The free days are loosely modeled on the National Park Free Park Days, which include six free days. These six days provide free access to passenger vehicles (nine-person capacity or fewer) on different days of the week, including one holiday. The days are spread out throughout the year to avoid some of the busier times of the summer so that people are less likely to find the preserve at capacity when they visit.

Free Vehicle Entry for Student Groups with a Reservation

The PRC recommends that Kindergarten through 12th grade student groups with a valid Student Field Trip Reservation be allowed free entry into Foothills Nature Preserve. The Ad Hoc Committee noted that supporting student access to nature is something the PRC strongly supports.

Free passes available at Palo Alto City Libraries

The PRC recommends that up to 10 free passenger vehicle entrance passes to Foothills Nature Preserve per day be made available from designated Palo Alto City Libraries. No library card is required for pick up of the passes. The passes are valid for one vehicle (9-person capacity or fewer) on one specific date and would not need to be returned to the library. Entry with the library pass is subject to visitor capacity, just like an annual pass.

Free Foothills Nature Preserve Annual Pass for 4th Grade Students

The National Parks has a program called “Every Kid Outdoors”, which is an initiative to get all 4th graders and their families to experience nature throughout the school year. The Ad Hoc Committee recommends a similar initiative for Foothills Nature Preserve, which would help engage and create our next generation of park visitors, supporters, and advocates.

Annual passes would be free for U.S. 4th grade (or home school equivalent) students. Passes are valid for one vehicle (9-person capacity or fewer) if the 4th grader is present in the vehicle when entering and passes are not transferrable. Passes are valid for one school year, ending on August 31st, following the student’s 4th grade year. Passes must be procured in advance of visiting the preserve.

Removal of Nine Hillside BBQs for Fire Safety

The PRC recommends removing the nine hillside BBQs at Foothills Nature Preserve to help improve fire safety in the preserve ([Foothills Park BBQ Analysis](#)). There are 39 BBQs in the preserve. Nine of the BBQs are located on hillsides. While the surrounding vegetation is cleared for fire safety, there is leaf litter and duff on the ground around the BBQs and thick vegetation and trees a short distance away. The picnic tables adjacent to these hillside BBQs will remain. Given how seldomly the BBQs on the hillsides are used, removing them from these areas will have a negligible impact on the visitor experience and make Foothills safer from wildfires.

Reinstatement of the Prohibition of Horses and Bicycles from Using Gate D and the Page Mill Trail Entrances to Foothills Nature Preserve

Staff recommend reinstating the City’s previous prohibition on horses and bicycles using Gate D and the Page Mill Trail entrances to Foothills Nature Preserve. Horses and bicycles have been prohibited from using these entrances since at least 2005 ([See Ordinance 4865](#)). However, staff recently identified that this provision was inadvertently removed in a previous code amendment and clean-up in 2020. The ordinance also clarifies the specific entrance locations and removes duplicative language without making any substantive changes.

Timeline

If City Council approves the attached ordinance, this would be the first reading of the ordinance, and it would become effective 31 days after the second reading.

Resource Impact

The fee changes recommended in this report are estimated to result in a net increase of \$7,000 in annual revenue, although revenue impacts are challenging to predict due to uncertainty about future visitation trends and the number of free entrance options. If City Council adopts the recommended large vehicle fees and free entry options, staff will bring forward appropriate budgetary action to recognize this revenue estimate adjustment during the annual budget process. Cost recovery levels would align with a Low (0 to 30%) cost recovery level group per the City's User Fee Cost Recovery Level Policy (Policy 1-57).

The approximate cost to maintain Foothills Nature Preserve (staff, vehicles, equipment, supplies and materials, utilities, and maintenance contracts) is \$1,530,000. Staff will evaluate the revenue collected in FY 2021 and once more data is available, additional revenue and expense adjustments may be brought forward to Council as part of future budget cycles.

Stakeholder Engagement

- On February 11, 2021, the PRC held a special meeting to discuss an annual pass option and the visitor capacity limit for Foothills Nature Preserve ([Minutes](#)).
- On February 22, 2021 City Council adopted an ordinance to change the name of Foothills Park to Foothills Nature Preserve, established an annual pass including several discounts and fee waivers for entry to Foothills Nature Preserve, adjusted the visitor limit to Foothills Nature Preserve, and identified groups (e.g. visitors with reservations in Towle Campground) who do not count toward the visitor limit ([Minutes](#)).
- On February 23, the PRC reviewed and discussed a range of Foothills Nature Preserve policy considerations.
- On March 23, the PRC discussed and passed a recommendation to City Council regarding Foothills Nature Preserve policies.

Environmental Review

The City, acting as the lead agency, finds the actions exempt from CEQA in accordance with CEQA Guidelines Sections 15301 (Existing Facilities) and 15323 (Normal Operations of Facilities for Public Gatherings). Other than the removal of the nine hillside BBQs, there are no physical changes or improvements to Foothills Nature Preserve proposed as part of this project.

Attachments:

- Attachment A – Ordinance to Approve New Vehicle Entry Fees for Foothills Nature Preserve and Reinstate the Prohibition of Horses and Bicycles from Using Two Entrances to Foothills

Ordinance No. ____

Ordinance of the Council of the City of Palo Alto Amending Section 22.04.150(b) of the Palo Alto Municipal Code to Reinstate Preexisting Restrictions on Horses and Bicycles Using Certain Entrances to Foothills Nature Preserve; and Amending the Fiscal Year 2021 Municipal Fee Schedule to Add New Vehicle Entry Fee Categories and Free Passes for 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 Nature Preserve is reserved for park, playground, recreation, or conservation purposes by Palo Alto Municipal Code (PAMC) 22.08.090 *et seq.*;

B. The preexisting restrictions for bicycles and horses at Gate D and the Page Mill Trail entrances to Foothills Nature Preserve were inadvertently left out when PAMC section 22.04.150 was amended and cleaned up in 2020, and the City Council desires to reinstate this provision;

C. Based on recommendation from the Parks and Recreation Commission, the City Council desires to add new vehicle categories and fees for entry to Foothills Nature Preserve, to offer free entry days on six specific days, and offer free passes at libraries, free vehicle entrance on weekdays for student groups (Kindergarten through 12th grade) with a valid Student Field Trip Reservation, and to fourth grade students.

SECTION 2. Subsection (b) of section 22.04.150 (Foothills Nature Preserve) of Chapter 22.04 (Parks and Recreation Building Use and Regulations) of Title 22 (Parks) is hereby amended as follows (new text in underline, deleted text in ~~striketrough~~):

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

(1) The main gate on Page Mill Road (Gate 1);

(2) Designated entry and exit locations on the park boundaries shared with the Enid Pearson Arastradero Preserve (Gate D) and the Los Trancos Open Space Preserve (Page Mill Trail). These entry and exit locations shall not be used by bicycles or horses; or

~~(3) The Bay To Foothills Ridge trails; or~~

~~(4) (3)~~ As authorized by the director.

Violations of this subsection shall be a misdemeanor.

SECTION 3. The Council of the City of Palo Alto amends the Fiscal Year 2021 Municipal Fee Schedule by adopting the new fees for Foothills Nature Preserve as set forth in Exhibit "A" of this ordinance and incorporated here by reference.

SECTION 4. 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 5. The fees in this Ordinance are for voluntary entrance and/or use of government property. Pursuant to Art. XIII C, Section I(e)(4) of the California Constitution, these fees are not a tax.

SECTION 6. The Council finds that this project is categorically exempt from the provisions of the California Environmental Quality Act ("CEQA") under sections 15301 (Existing Facilities) and 15323 (Normal Operations of Facilities for Public Gatherings).

SECTION 7. 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:

Deputy City Attorney

City Manager

Director of Community Services

Director of Administrative Services

Attachment A

Fiscal Year 2021 Municipal Fee Schedule
 Community Services Fees
 Open Space, Parks, & Golf

Park Activities – Foothills Nature Preserve (formerly Foothills Park)	
Foothills Nature Preserve – daily entry for vehicles that have up to 9 person capacity	<p>\$6 per vehicle per day; Free for City-designated preserve volunteers, active military, veterans, students with ID who are driving, and vehicles with a valid disabled person parking placard or license plate.</p> <p>Free on the following days: First Saturday in December Third Monday in January (MLK Day) First Tuesday in March Last Wednesday in April Third Thursday in June First Friday in October</p>
Foothills Nature Preserve – daily entry for vehicles that have 10-24 person capacity	\$30 per vehicle per day
Foothills Nature Preserve – daily entry for vehicles that have 25 person or more capacity (Only available in conjunction with group permit)	\$60 per vehicle per day
Foothills Nature Preserve – annual pass for vehicles with a capacity of up to 9 persons	<p>\$65 per year for non-residents; \$50 per year for Palo Alto residents and City employees; 25% discount for seniors (65+); Free for active military, veterans, and low-income visitors; (Discount/free pass can be applied to non-resident and resident pass).</p>
Foothills Nature Preserve – weekday entry for vehicles in conjunction with a City-permitted student field trip	Free
Foothills Nature Preserve – library free pass program	Free regular vehicle (up to 9 person capacity) entry with pass. Passes available at Palo Alto libraries, subject to conditions on pass, including any date restrictions. Up to 10

	passes may be distributed for free admission for any given day.
Foothills Nature Preserve – fourth grade annual pass program	Free for fourth grade students. Pass valid for one year, beginning in August of the year the student begins fourth grade and ending the following August 31. Pass allows entry of one regular vehicle (up to 9 person capacity) when the fourth grader is present.