



CITY OF PALO ALTO OFFICE OF THE CITY CLERK

November 16, 2020

The Honorable City Council
Palo Alto, California

SECOND READING: Adoption of an Ordinance Amending Chapters 9.64 (Regulation of Community Facilities) and 22.04 (Parks and Recreation Building Use and Regulations) of the Palo Alto Municipal Code to Open Foothills Park to the General Public and to Amend or Delete Outdated and Duplicative Code Language (FIRST READING: November 2, 2020 Passed: 5-2 Kou, Tanaka no)

Recommendation

Staff recommends that City Council adopt an ordinance, as amended (Attachment A) on second reading to open Foothills Park to the general public and amend or delete outdated and duplicative code language.

Background

On November 2, 2020, the Council adopted an ordinance on first read to open Foothills Park to the general public upon the following motion and vote:

MOTION: Mayor Fine moved, seconded by Vice Mayor DuBois to adopt an Ordinance to:

- A. Open Foothills Park to the general public by removing limits on nonresidents, 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- B. Amend or delete outdated and duplicative code language;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 City 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.

MOTION SPLIT FOR THE PURPOSE OF VOTING

MOTION PARTS A, B and C PASSED: 5-2 Kou, Tanaka no

MOTION PARTS D and E PASSED: 7-0

Discussion

The ordinance attached has been amended from first reading so that Foothills Park retains its name for the time being. The park's name will not immediately be changed to "Foothills Nature Preserve" as it was in the proposed ordinance before Council on November 2, 2020.

Going forward, staff will work towards Council's request to change the park's name to Foothills Nature Preserve. The City's policy "Naming City-Owned Land and Facilities" dictates that the Parks and Recreation Commission (PRC) first review name suggestions for parks by holding a public hearing. If the PRC recommends the name change, the recommendation would come to Council for a vote. At that time, staff would bring an ordinance to Council to update all of the references to "Foothills Park" in the City's municipal code to reflect the new name.

ATTACHMENTS:

- Attachment A - Ordinance Amending Chapters 9.64 and 22.04 to Open Foothills Park to the General Public and to Amend or Delete Outdated and Duplicative Code Language (PDF)

Department Head: Beth Minor, City Clerk

Ordinance No. _____

Ordinance of the Council of the City of Palo Alto Amending Chapters 9.64 (Regulation of Community Facilities), and 22.04 (Parks and Recreation Building Use and Regulations) of the Palo Alto Municipal Code to Open Foothills Park to the General Public and to Amend or Delete Outdated and Duplicative Code Language

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.*;
- B. The City Council desires to open Foothills Park to the general public by removing limits to non-residents; and
- C. The City Council desires to make the operation hours of the City’s open-space interpretive centers consistent with the hours of the open spaces themselves.

SECTION 2. Section 9.64.010 (Use of community facilities prohibited from 10:30 p.m. to sunrise) of Chapter 9.64 (Regulation of community facilities) of Title 9 (Public peace, morals, and safety) is hereby amended as follows (additions are in underline, deletions are in ~~strikethrough~~):

9.64.010 Use of community facilities prohibited from 10:30 p.m. to sunrise.

(A) No person shall use, remain in or enter any Community Facilities between 10:30 pm and sunrise, other than a duly authorized city employee or persons participating in city-sponsored activities or other activities for which the city has provided written permission to utilize the grounds beyond the closing time, provided however that the additional closure of specific facilities during portions of the day or the year may be specified by the City Manager or his or her designee.

(B) For the purposes of this chapter, "Community Facilities" means all buildings and premises of City of Palo Alto Libraries, the Cubberley Community Center, Lucie Stern Community Center, Children's Theatre, Community Theatre, Junior Museum & Zoo, Mitchell Park Community Center and Field House, Art Center, Peers Park Field House, ~~Lucy Evans Baylands Nature Interpretive Center, Pearson Arastradero Preserve Gateway Center, Foothills Park Interpretive Center,~~ and Civic Center Plaza, (as defined in Municipal Code Section 9.60.020(b)), but not any land dedicated for park use.

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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 Park shall be open to all persons, regardless of residency.

(a) 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. Reservations for Towle Camp and the Oak Grove Group Area shall be made available to residents of the city before being offered to the general public, according to regulations promulgated by the city manager. All other reservations shall be made available to the general public on a first come first served basis. Foothills Park may be accessible to the general public for the purpose of using the Bay-To-Foothills trails.

~~(a) Only 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 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 entitled to enter and remain in Foothills Park. Each person 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 a misdemeanor.~~

(b) No person shall enter or exit Foothills Park 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.

~~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 ~~during the hours of park closure except, for other than~~ duly authorized city employees, ~~holders of permits which authorize afterhours use, and permit holders or and~~ 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.

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 Council finds that adoption of this Ordinance is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Sections 15301 (Existing Facilities) and 15323 (Normal Operations of Facilities for Public Gatherings).

SECTION 6. 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

City Manager

Director of Community Services