



CITY OF  
**PALO  
ALTO**

## City Council Staff Report

**From: City Manager**

**Report Type: ACTION ITEMS**

**Lead Department: Community Services**

**Meeting Date: April 3, 2023**

Report #: 2302-0942

### **TITLE**

Parks and Recreation Commission Recommend Adoption of a Park Dedication Ordinance to Dedicate the 10-acre Measure E site as Parkland. CEQA status – not a project.

### **RECOMMENDATION**

The Parks and Recreation Commission (PRC) recommend that City Council adopt a Park Dedication Ordinance (Attachment A) to dedicate the 10-acre parcel at Byxbee Park, also known as the Measure E site, as parkland.

### **BACKGROUND**

On April 5, 2010, City Council directed staff to initiate a feasibility study for an Energy/Compost Facility in Palo Alto. On October 3, 2011, a Final Feasibility Report was presented to City Council (Staff Report<sup>1</sup>). The Feasibility Report recommended that if a 10-acre parcel at Byxbee Park became available through the passage of Ballot Measure E, then the City should take further actions to consider anaerobic digestion and other technologies for managing the City's food scraps, yard trimmings, and biosolids at the site. In November 2011, Palo Alto voters passed Measure E, which removed a 10-acre parcel of land adjacent to the Regional Water Quality Control Plant from dedication as parkland for a 10-year term, only for the limited use as an Energy/Compost Facility. The 10 acres were reserved exclusively for this purpose until November 2021, at which time the City Council could choose to return the area to parkland.

Key Sections from Ballot Measure E (Resolution) include the following:

- The Property shall be removed from dedication as parkland, for the exclusive purpose of building a facility ("Facility" herein) for converting yard trimmings, food waste, other

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<sup>1</sup> City Council, October 3, 2011; Agenda Item #10; SR #2037, <https://www.cityofpaloalto.org/files/assets/public/from-archive/agendas-minutes-reports/reports/city-manager-reports-cmrs/2011/id-2037.pdf>

municipal organics and/or sewage sludge from the regional wastewater treatment plant by biological and/or other environmentally equally protective technology.

- Ten years from the passage of this Initiative, the City Council may rededicate any portion of the Property not utilized for the purposes of this Initiative to parkland.
- Any other use, except for parkland, would require a new vote of Palo Alto residents.

On December 8, 2014, City Council directed staff to not pursue the development of a compost facility (Staff Report<sup>2</sup>). After an extensive process of requesting and evaluating proposals, staff concluded the compost facility was not cost effective. Palo Alto's yard trimmings and food scraps are instead taken to a dry anaerobic digester in San Jose. On October 26, 2021, Public Works staff presented an update on Measure E (presentation<sup>3</sup>) to the Parks and Recreation Commission.

The Council approved PRC Work Plan<sup>4</sup> includes a goal (#6) to identify, review, and recommend potential sites within our community to dedicate as parkland. The high priority of the goal is to review and make recommendations regarding potential dedication of the 10-acre Measure E site at Byxbee Park.

The Measure E site is bordered by the Regional Water Quality Control Plant, Emily Renzel Wetlands, and Byxbee Park (Attachment B). Approximately, one-third of the 10 acres is relatively flat terrain (from the exterior fence of the Regional Water Quality Control Plant to just beyond the service road), and the remaining two thirds is on a sloped hillside adjacent to Byxbee Park, which is the closed landfill. There is a Public Works post landfill closure maintenance facility on the Measure E site. Maintenance infrastructure, like these facilities, can be found in several parks and open space areas. This maintenance facility and the access road were in their current location (on parkland) prior to the 2011 Ballot Measure E.

## ANALYSIS

On September 27, 2022, the PRC discussed and provided feedback regarding the dedication of the 10-acre Measure E site as parkland (Staff Report<sup>5</sup>). The PRC voiced support for dedicating the site as parkland. On October 25, 2022, the PRC voted 4- 2 to recommend that City Council

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<sup>2</sup> City Council, December 8, 2014; Agenda Item #14; SR #5182, <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/reports/city-manager-reports-cmr/yr-archive/2014/id5182.pdf>

<sup>3</sup> Parks and Recreation Commission, October 26, 2021; Agenda Item #4; <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/parks-and-recreation-commission/agendas-minutes/2021-agendas-and-minutes/measure-e-site-prc-10-26-2021.pdf>

<sup>4</sup> Parks and Recreation 2022-2023 Work Plan; <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/parks-and-recreation-commission/parks-and-recreation-commission-2022-work-plan.pdf>

<sup>5</sup> Parks and Recreation Commission, September 27, 2022; Agenda Item #3; <https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/parks-and-recreation-commission/agendas-minutes/2022-agendas-and-minutes/09.2022/measure-e-staff-report-09.27.22.pdf>

dedicate the Measure E site (Staff Report<sup>6</sup>). The Ad Hoc Committee articulated the following reasons for pursuing the parkland dedication:

- The Measure E site can only be used for the exclusive purpose of building a processing facility for yard trimmings, food waste and other organic materials.
- Any non-parkland use, other than the one exactly specified in Measure E, would require a new vote of Palo Alto residents.
- Neither the Public Works nor Utilities Departments currently have plans for the Measure E site.
- The Measure E site includes a wildlife habitat corridor between the Renzel Wetlands and the Bay that should be protected, and a trail connection for a loop around Byxbee Park.
- As dedicated parkland, the Measure E site would be limited to “park, playground, recreation, or conservation purposes (as defined by Article VIII of the Palo Alto City Charter). Dedicated parkland can't be used for non-park purposes unless a majority of the City's voters vote to un-dedicate the land.

The two Commissioners with dissenting votes suggested that the City do more research before concluding whether the site is a potential location for a processing facility for yard trimmings, food waste, and other organic materials. Several public speakers, many of whom were original sponsors of Measure E, encouraged the PRC not to rededicate the 10 acres as parkland. They encouraged more study of the feasibility of building a processing facility at the site. Other public speakers advocated for dedicating and protecting the 10-acre site for native plants and wildlife habitat.

Independent of these discussions, the City has proceeded with other sustainability and climate change related initiatives. This includes evaluating the development of an advanced water purification facility at the former Los Altos Treatment Plant, other wastewater treatment needs, and sea level rise planning. These interests could lead to other potential uses for the Measure E site. The City Council may wish to discuss these interests as part of its deliberations.

## **FISCAL/RESOURCE IMPACT**

If City Council adopts the recommendation in this staff report, no additional budgetary action is required. The 10-acre site will remain in its current condition.

## **STAKEHOLDER ENGAGEMENT**

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<sup>6</sup> Parks and Recreation Commission, October 25, 2022; Agenda Item #5;  
<https://www.cityofpaloalto.org/files/assets/public/agendas-minutes-reports/agendas-minutes/parks-and-recreation-commission/agendas-minutes/2022-agendas-and-minutes/10.2022/prc-staff-report-measure-e-action-10.25.22.pdf>

The following community meetings and hearings were held to obtain public input on the proposed policy:

1. September 27, 2022, Parks and Recreation Commission meeting
2. October 25, 2022, Parks and Recreation Commission meeting

#### **ENVIRONMENTAL REVIEW**

The recommendation does not meet the definition of a project under Section 21065 of the Public Resources Code (California Environmental Quality Act [CEQA] Guidelines Section 15378) because adoption of this policy would not cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment.

#### **ATTACHMENTS**

Attachment A: Ordinance Re-Dedicating the Measure E site as Dedicated Parkland

Attachment B: Measure E Site Map

#### **APPROVED BY:**

Kristen O'Kane, Community Services Director