



CITY COUNCIL STAFF REPORT

MEETING DATE: September 25, 2023

ITEM TITLE: Consideration of Adopting a Resolution Finding that Hiking and Pedestrian Use of the One-Foot-Wide Non-Access Strip and Easement at the End of Los Vientos Way Dedicated to and Accepted by the City of San Carlos is Consistent with the Public Use Granted.

RECOMMENDATION:

Staff recommends that the City Council adopt a Resolution finding that hiking and pedestrian use of the one-foot-wide non-access strip and easement at the end of Los Vientos Way dedicated to and accepted by the City of San Carlos is consistent with the public use granted.

FINANCIAL IMPLICATIONS:

There is no fiscal impact and no additional appropriation is needed.

BACKGROUND:

In 1979, as part of a new parcel map Parcel C for road purposes and Parcel D, a one foot wide non-access strip, also described as an easement (See Figure 1) at the end of Los Vientos Way, was dedicated to the City of San Carlos for public use. At the time, the property located immediately to the west was privately owned and the “non-access” strip would prohibit the extension of any road and vehicular traffic. At the end of Los Vientos Way, and behind the non-access easement, is an existing gate (see Image 1) that limits access to the site from Los Vientos Way. In 1983 the land west of the non-access strip was acquired by Midpeninsula Regional Open Space District (“Midpen”) and the gate is now controlled by them. This land is part of the Pulgas Ridge Open Space Preserve (the “Preserve”) which contains trails within the regional trail system (See Image 2).

Figure 1. Parcel Map - 1979

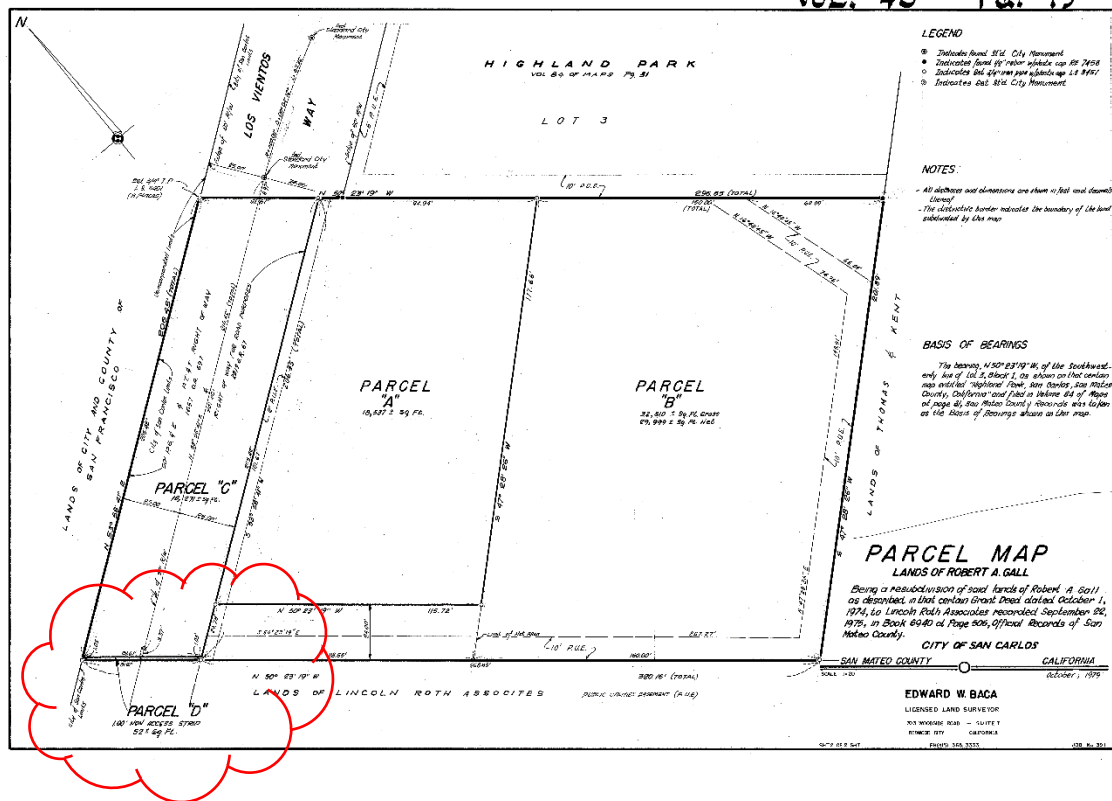
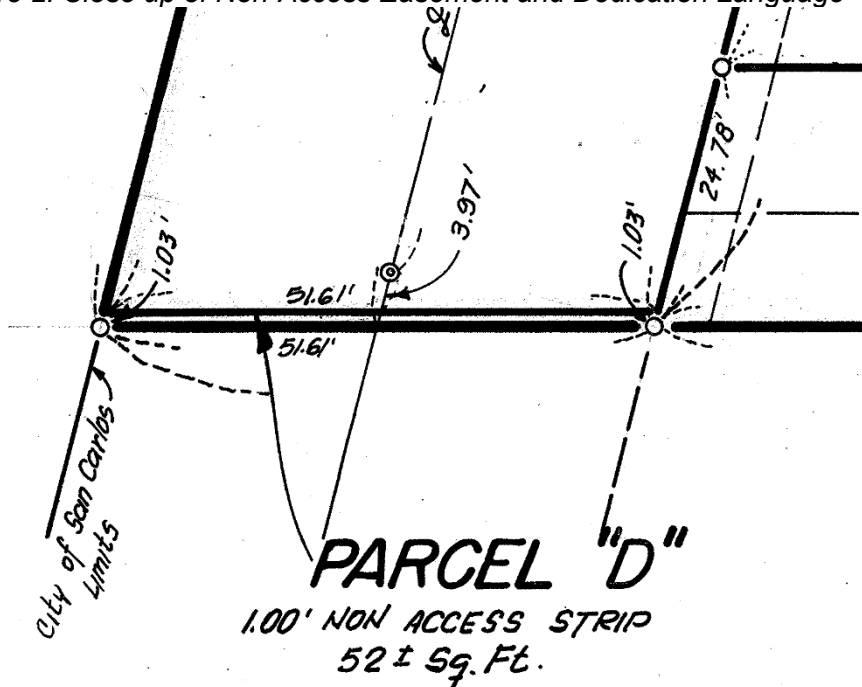


Figure 2. Close up of Non-Access Easement and Dedication Language



OWNER'S CERTIFICATE

I hereby certify that I am the owner of, or have some right, title or interest, in and to the real property included within the subdivision shown upon this map and that I am the only person whose consent is necessary to pass clear title to said real property and I consent to the preparation and recordation of said map and subdivision as shown within the distinctive border line. And I do hereby dedicate for the public use to the City of San Carlos all of Parcel C for Right of Way purposes and all of Parcel D being a 1.00' wide Non Access Strip as said parcels are shown on said map and within said Subdivision. I also hereby dedicate for public use to The City of San Carlos the easement shown as "P.U.E." on said map.

Owner:

Robert A. Gall

Robert A. Gall

Image 1: View Looking Towards Gate from Los Vientos Way

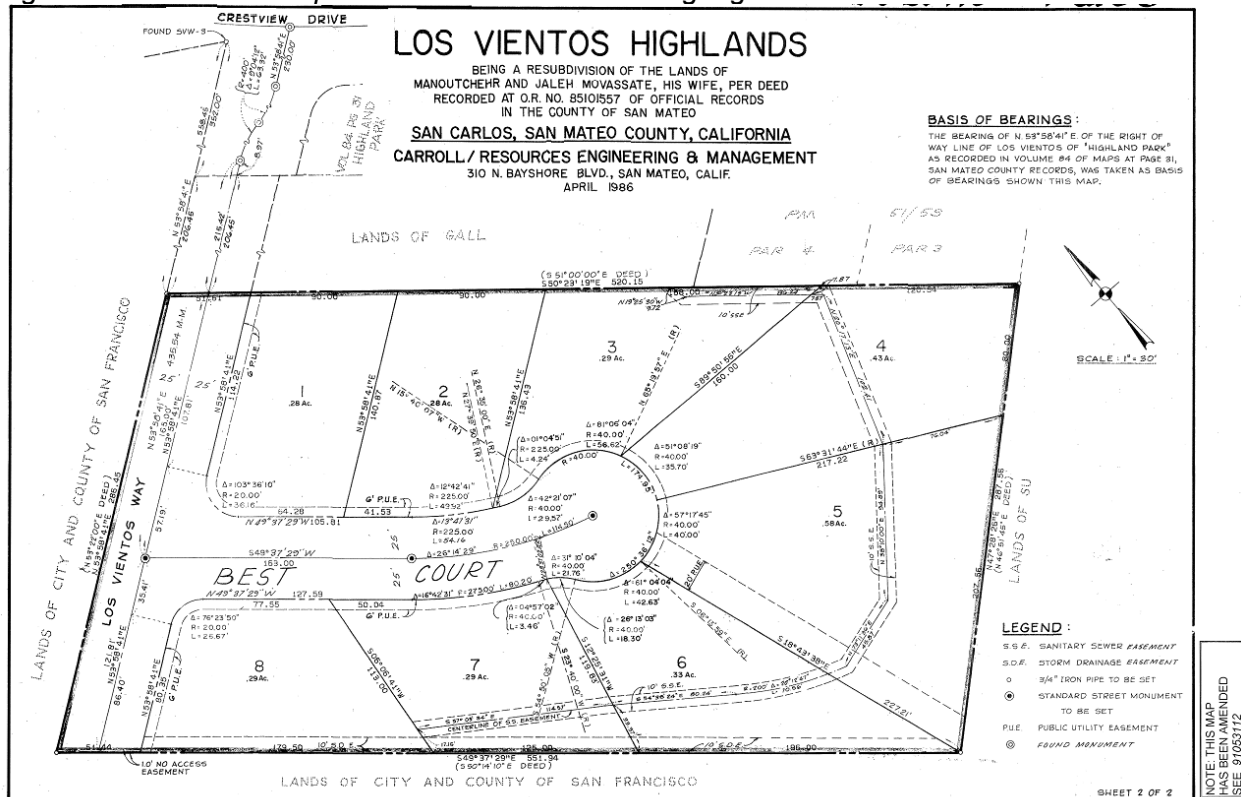


Image 2: Aerial View of the End of Los Vientos Way and the Greater Pulgas Ridge Open Space Preserve



The approved subdivision map from 1986, which divided the parcel map into specific lots, carried this same language over and continued to refer it as an easement for public use on the map itself. The City Council accepted the dedications for public use by Resolution on February 10, 1986 as reflected on the map.

Figure 3. Subdivision Map – 1986 and Dedication Language



OWNER'S CERTIFICATE

We hereby certify that we are the owners of, or have some right title or interest in and to the real property included within the subdivision shown upon this map, and that we are the only persons whose consent is necessary to pass a clear title to said property, and that we consent to the making of said map and subdivision as shown within the blue border lines, and hereby dedicate to public use for the purpose of public highways Los Vientos Way and Best Court as shown on said map within said subdivision.

We also hereby dedicate to public use a 1' non access strip and non-exclusive easements for storm drainage and public utilities as shown, or designated as S.D.E. and P.U.E., respectively, on said map within said subdivision, said easements to be kept free and open from buildings and structures of any kind except as required for the normal operation of said easements.

OWNERS

Manoutchehr Movassate and Jaleh Movassate, his wife, as joint tenants.

BY Manoutchehr Movassate BY Jaleh Movassate
 Manoutchehr Movassate Jaleh Movassate

On September 28, 2010, there was a Special Meeting of the Midpeninsula Regional Open Space District Use and Management Committee on site at Los Vientos Way. This meeting also included members of the City Council, representatives of Midpen, and neighbors to discuss the possibility of creating an access point at this location. Thirteen people expressed concerns about traffic, parking, illegal activities, fire danger, dog waste, and noise. Eleven members of the public spoke in favor of the access point. No further direction was given to proceed at that time.

ANALYSIS:

The Los Vientos Way access location was identified as a top priority in the San Carlos Potential Trail Connections Plan which was revised in 2011, as it eases access between a future Devonshire Canyon trail system and Pulgas Ridge Open Space. The Dusky-footed Woodrat Trail located on the Preserve is located one-tenth of a mile from the gate at Los Vientos (See Image 3).

Image 3: Aerial View of the Termination of Los Vientos Way



The City Council has further identified the importance of trails connections within the San Carlos 2023 Strategic Plan, which includes the following:

- Goal 7: The City of San Carlos will explore new recreational opportunities by completing an assessment of parks, open space, and other recreation facilities to support the health and well-being for community members of all ages.
 - Objective #3: Assess new opportunities to implement Trails Connection Plan for public trails.

The General Plan includes several Actions and Policies which support the identification and creation of trail connections.

- Action PR-1.7: Investigate acquisition of open space lands or easements to expand trail network, especially in areas adjacent to existing open space.
- Policy PR-2.3: Continue to support implementation of trail connections as identified in the City's Master Plan for Parks, Open Space, Buildings and other Recreation facilities.
- Policy PR-2.4: Continue to maintain City-owned open space trails and connections to regional trails.
- Policy PR-2.5: Promote the development of publicly-accessible urban trails throughout the

city to provide access to the natural environment and facilitate non-motorized transportation options.

In support of these guiding principles and documents, staff is analyzing possible trail construction as well as access points to existing local and regional trails throughout the City. This included outreach with Midpen who indicated that the City would need to affirm pedestrian access over the non-access strip prior to any decision by Midpen about opening the gate.

If the Council were to adopt this Resolution, Midpen would review opening the gate at an upcoming board meeting within the next three months. The action to open the gate would be the decision of Midpen; however, Council's adoption of this Resolution would indicate that once the gate was opened, pedestrian access from Los Vientos Way to the existing Pulgas Ridge Open Space trails could occur.

As mentioned above, there were several neighbor concerns mentioned in 2008 when the idea of opening this access point was last discussed. Staff has provided a response to these concerns below:

- Traffic. Staff does not anticipate a large increase in traffic. As noted by Midpen in 2008, there is no formal parking or restroom facilities. This entrance is further away from many of the popular amenities (including the off-leash dog area), and the entrance is at a high elevation, which would result in hikers traveling uphill to end their hike.
- Parking. If access is opened, the City could monitor any parking issues that may arise; however, due to the available parking area along both Los Vientos Way and Crestview Drive, staff is not anticipating any overflow parking into the neighborhood. Staff would also consider the cleanup of any brush overhanging the street which may interfere with potential parking along the north side of Los Vientos Way.
- Illegal Activities. Opening up this area to the public would make this area more frequented and less likely to shelter illegal activities. If opened, this access point would become part of the Sheriff's Office regular patrol.
- Fire danger. Since 2008, Midpen has made significant improvements with regard to fire safety. Their Wildland Fire Resiliency Program has cleared acres of brush below the Los Vientos neighborhood. They also have a fire clearance permit program for neighbors who want to do additional clearance.
- Dog Waste. If opened, the City would install a waste receptacle as well as dog waste bags. This would be serviced by the City along with other parks in the area.
- Noise. Staff does not anticipate significant noise impacts. The Preserve is closed from sunset to sunrise.

Overall, staff anticipates this access point will primarily serve local residential users. The City has a history of managing trail and trail access along public streets at Eaton and Big Canyon parks and there have not been any significant parking or noise issues.

Although a "non-access" strip easement was included as part of the original parcel map in 1979, the most logical intent for the easement was to prevent extension of the roadway for vehicular

The history of development in this area of San Carlos strongly suggests that the easement was granted to San Carlos to prevent a vehicular roadway extension from Los Vientos Way to Hassler Road across adjacent private property that existed at the time. Four years earlier, a similar one-foot-wide non-access “strip” was created at the location where Hallmark Drive in Belmont touches Crestview Drive in San Carlos to prevent through vehicular traffic between Belmont and San Carlos related to developments approved around 1975. This non-access strip at the San Carlos-Belmont border has continuously allowed pedestrian, cyclist and emergency vehicular access, but does not provide for through vehicular traffic. The one-foot width of the easement is identical to the Crestview/Hallmark strip. There is no reason to believe that the easement was intended to prevent pedestrians and hikers or to be treated any differently than the non-access strip at Hallmark Drive and Crestview Drive, which is only about a mile away.

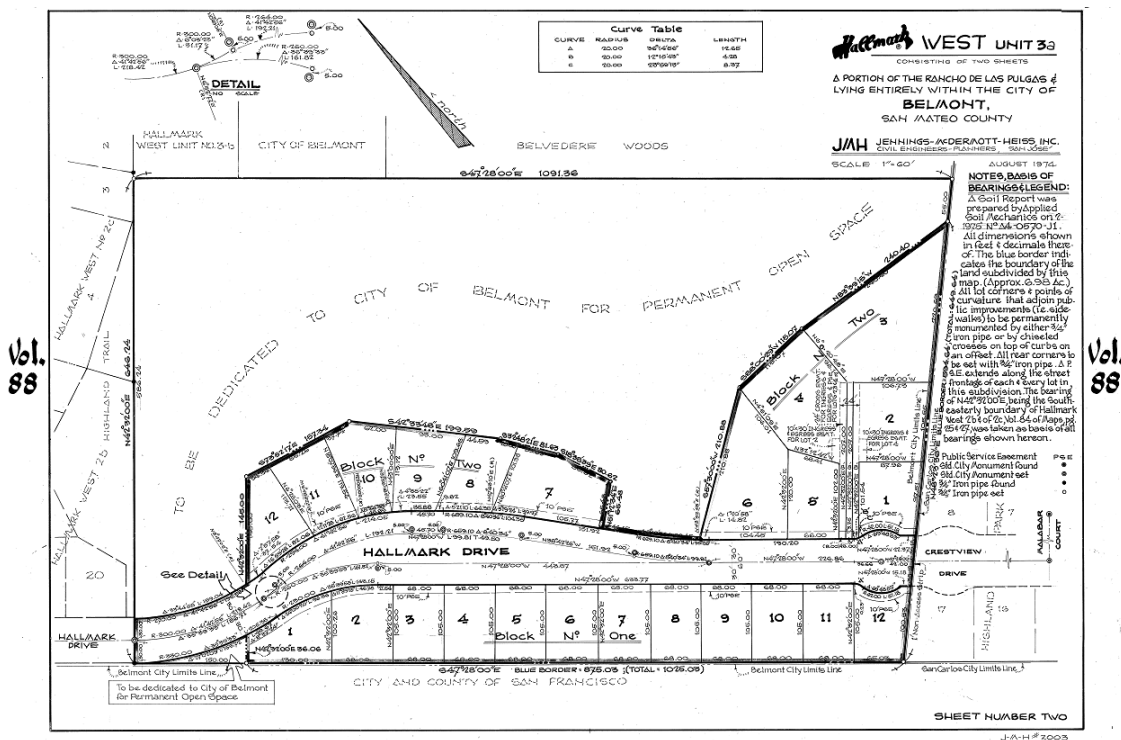


Figure 5. Close up of Non-Access Strip

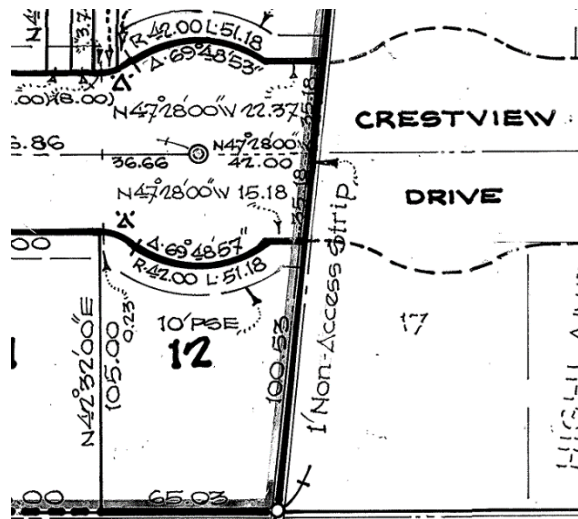


Image 4: View of Hallmark Drive/Crestview Drive Non-Access Strip



Environmental Review. This project was found to be exempt from the California Environmental Quality Act (CEQA), under Section 15301, Existing Facilities as the project does not propose new development and no construction or earth disturbing activities are proposed. The project does not propose new street parking. Opening of the gate and the addition of signage, garbage cans, and dog waste bags are considered a minor alteration to an existing facility. A Certificate of Exemption has been filed with the project.

Courtesy Notice. A courtesy notice was mailed to the adjacent neighbors with information about how to access the staff report and how to attend the hearing.

ALTERNATIVES:

Options available to the City Council include:

1. Adopt a Resolution finding that hiking and pedestrian use of the one-foot wide non-access strip and easement at the end of Los Vientos Way dedicated to and accepted by the City of San Carlos is consistent with the public use granted; or

2. Do not adopt the Resolution; or
3. Provide an alternative recommendation.

Respectfully submitted by:
Gregory Rubens, City Attorney

Approved for submission by:

A handwritten signature in black ink, appearing to read 'J. Maltbie', written over a horizontal line.

Jeff Maltbie, City Manager

ATTACHMENT(S):

1. Resolution