

RESOLUTION NO. 2023 – ____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN CARLOS
FINDING THAT HIKING AND PEDESTRIAN USE OF THE ONE-FOOT-WIDE NON-ACCESS
STRIP AND EASEMENT LOCATED AT THE END OF LOS VIENTOS WAY DEDICATED TO
AND ACCEPTED BY THE CITY OF SAN CARLOS IS CONSISTENT WITH THE PUBLIC USE
GRANTED.**

WHEREAS, Los Vientos Way is a public street in the City of San Carlos. At the end of the street is a one-foot-wide non-access strip, also identified as an easement on both the parcel map and the subdivision map (the “Easement”), that was granted to the City of San Carlos for “public use” as part of the subdivision; and

WHEREAS, the Easement was recorded as part of a new parcel map in 1979 and further accepted by action of the City Council when the subdivision map was approved on February 10, 1986; and

WHEREAS, 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. Eleven 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 and 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 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; and

WHEREAS, in 1983, the land on the south side of the Easement became part of the Midpeninsula Open Space District (“Midpen”) as the Pulgas Ridge Open Space Preserve (the “Preserve”). As a result, no public vehicular roadway will ever be constructed from Los Vientos Way into the Preserve; and

WHEREAS, 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 minor alterations to an existing facility. A Certificate of Exemption has been filed with the project; and

WHEREAS, since San Carlos accepted the easement on September 24, 1979 and again on February 10, 1986, access to the Preserve at the end of Los Vientos Way has been through a gate, first by the former property owner and then by Midpen. Even though Midpen has restricted public access through the gate over the years, San Carlos has never interpreted the Easement to prevent access by the employees of Midpen or, by extension, potential recreational users of the district lands should Midpen open the gate for public access.

WHEREAS, the Preserve is located in the City of San Carlos Local Agency Formation

Commission (LAFCO) sphere of influence; and

WHEREAS, after acquisition of the property, Midpen constructed the Dusky Footed Woodrat trail which is approximately 175 meters from the existing gate. An existing path connects the gate to the trail. An access point to the Dusky Footed Woodrat Trail from the existing gate is consistent with the goals and mission of Midpen and the General Plan of San Carlos. The Park and Recreation Element of the City of San Carlos identifies this location as a potential trail connection; and

WHEREAS, the San Carlos General Plan has several policies and actions related to the establishment of trails and regional 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; and

WHEREAS, 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; and

WHEREAS, opening of the existing gate by Midpen will provide convenient neighborhood access to the upper portions of the Preserve, especially to those physically unable to reach this area from Edmonds Road; and

WHEREAS, the area between the Preserve, Belmont's trail system, and San Mateo County's Sheep Camp Trail is a missing link in a larger regional trail system. The San Mateo County Master Trail Plan has for decades included a proposed eastern boundary trail, which the San Francisco Public Utilities Commission concurs is consistent with their recreational use plans; and

WHEREAS, the City has trail easements along the eastern side of Crestview Drive via Vista Park and other lands that will also provide a link for pedestrian and hiking access to the Preserve; and

WHEREAS, trail access across the Easement would be a first step to provide access from the Preserve to the many regional trails in the area, other City trails and the future eastern boundary trail. Until the eastern boundary trail is established, trail users will use Crestview Drive to connect to Belmont's system and Sheep Camp Trail via Hallmark Drive.

NOW, THEREFORE, BE IT FOUND, DETERMINED AND RESOLVED BY THE CITY COUNCIL THAT:

- a. The above recitals are incorporated by this reference; and

- b. This project has been found to be Categorically Exempt under the California Environmental Quality Act (CEQA), Section 15301, Existing Facilities. A categorical exemption is on file; and
- c. Pedestrian and hiking uses over and across the Easement are consistent with the purposes of the dedication for public purposes to the City; and
- d. A pedestrian and hiking access point into the Preserve over and across the Easement would provide San Carlos residents and the neighborhood with convenient access to the Preserve and provide connections with other regional trails; and
- e. A pedestrian and hiking access point into the Preserve over and across the Easement is consistent with and will implement the Park and Recreation Element of the San Carlos General Plan; and
- f. The opening of the gate by Midpen for access into the Preserve over and across the Easement is also consistent the Park and Recreation Element of the San Carlos General Plan.

I, City Clerk Crystal Mui, hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the City Council of the City of San Carlos at a scheduled meeting thereof held on the 25th day of September 2023, by the following vote:

AYES, COUNCILMEMBERS:

NOES, COUNCILMEMBERS:

ABSENT, COUNCILMEMBERS:

CITY CLERK of the City of San Carlos

APPROVED:

MAYOR of the City of San Carlos