RESOLUTION NO. 4297

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO APPROVING AN AMENDMENT TO THE SAN ANSELMO GENERAL PLAN LAND USE ELEMENT AND PLANNED LAND USE MAP FOR OPEN SPACE PARCELS

WHEREAS, the Town of San Anselmo has a local open space plan for the comprehensive and long-range preservation and conservation of open space land within its jurisdiction, consistent with California Government Code Section 65563; and

WHEREAS, the Town of San Anselmo General Plan identifies a “Parks and Open Space” land use category “intended to designate existing and planned parks, recreation facilities, and natural open space areas;” and

WHEREAS, the General Plan further states that “open space areas identified as contributing to the Town’s natural setting and community image fall into this category, and are shown on the open space map;” and

WHEREAS, the Town of San Anselmo and the Marin County Open Space District have acquired several parcels designated on the Town’s General Plan Open Space Map for open space purposes, but some of the sites remain designated for residential land use on the General Plan Planned Land Use Map; and

WHEREAS, the Town seeks to implement an open space land use designation and zoning ordinance and add parcels designated for open space and passive recreation to ensure consistency between the Town’s zoning regulations and General Plan; and

WHEREAS, on August 19, 2019, the Planning Commission conducted a duly noticed public hearing to consider the proposed amendment to the General Plan and recommended in favor of the amendment; and

WHEREAS, the proposed General Plan amendment is categorically exempt from the requirement for the preparation of environmental documents under the California Environmental Quality Act (CEQA) under the “common sense exemption” as the amendments preserve land already designated for open space and acquired by the Town or Marin County Open Space District for open space and will not change the development of the parcels, which will result in no environmental impact. Adoption of the amendments is also exempt under CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment or will result in cumulative adverse environmental impacts or any other potentially significant impact described in CEQA Guidelines Section 15300.2; and
NOW, THEREFORE, BE IT RESOLVED based on the findings set forth above, the Town Council of the Town of San Anselmo hereby approves the following amendments to the General Plan Land Use Element and Planned Land Use Map:

1. The General Plan Land Use Element Section E “Land Use Categories” Subsection 3 “Parks and Open Space” shall be amended to read as follows with additions shown by underline text and deletions shown by strike-through text:

This land use category is intended to designate existing and planned parks, recreation facilities, and natural open space areas.

The open space areas identified as contributing to the Town’s natural setting and community image fall into this category, and are shown designated as Open Space on the Planned Land Use Map or shown on the open space map. The open space land use issues are dealt with in more detail in the Open Space Element of the General Plan. Areas designated as parks on the Planned Land Use Map are not intended to be developed with anything other than small structures which accommodate the citizens of the community as it relates to recreation. Commercial structures will not be allowed in the parks. The parks will only be improved with facilities for which the park was intended (e.g., tennis courts, baseball diamonds, and open playfields).

It is the objective of the General Plan to have all areas identified as "open space parcels" on the Planned Land Use Map or Open Space Map to remain in their natural state without any development at all. However, should the Town be unable to acquire, or set aside these areas the parcels identified on the Open Space Map as permanent open space parcels, a very limited form of residential development would be allowed. Development is to conform to Objective 3, Policy 3.1 of the Open Space Element. Residential development within the current Town limits would be no greater than one unit per acre, and in many instances may be even less dense for those properties listed on the Table of Hillside and Ridge Density Parcels. Building coverage on these properties would be no greater than 15 percent per gross acre.

Policies

LU-E.3-1: Memorial Park may not be utilized as a flood detention basin, nor may any non-recreational uses be permitted that adversely affect or reduce the recreational amenities at the Park.

LU-E.3-2: No public land parcel occupied by Memorial Park may be sold or transferred by the Town without approval by the citizens of San Anselmo as part of a general election.

2. All of the lots listed in Attachment 1 should be designated as Open Space on the amended Town General Plan Planned Land Use Map, Attachment 2, for the reasons set forth in
Attachment 1.

The foregoing Resolution was adopted at the regular meeting of the San Anselmo Town Council held on September 10, 2019, by the following vote:

AYES: Brown, Greene, Colbert, Wright, Fineman
NOES: None
ABSENT: None
ABSTAIN: None

Matt Brown, Mayor

ATTEST:

Carla Kacmar

Carla Kacmar, Town Clerk
Attachment 1
Open Space Lots

Bald Hill Preserve – Town-owned lots

1. 007-093-04 (vacant lot between 131 and 147 Allyn Avenue)

Acquisition date: 1974

Background: Acquired in tax sale. Purchased from State for $10. Town approved transferring site to Marin County Open Space District in 1994 as open space in association with other open space acquisitions. Though the Council approved conveying the parcel to the County they would not accept it as there is an encroachment by a neighboring property. Despite efforts by then Planning Director Ann Chaney the property owner refused to remedy the encroachment.

Current GP Designation: Single Family Conservation 1 Unit/Acre

Current Zoning: R-1 Single Family Residential

On Current Open Space Map? No

Benefits/Development Constraints: Provides public access to 100,000 acres of public lands
Future trail (stairs and primitive trail exist)
Bay and Oak tree forest
Steep slopes
Wildland Urban Interface Area (WUI)
Narrow access road

2. 007-092-38 (150 Allyn, vacant lot across the street from 155 Allyn Avenue and between 112 and 118 Floribel Avenue)

Acquisition date: 1974 (upper part of lot, formerly 007-092-34)
1975 (lower portion of lot, formerly 007-092-33)

Owner offered 007-092-34 to Town “for maintenance as Open Space in perpetuity” for costs of $305.02. Staff report recognized potential to acquire the downslope lot and to create path to connect Floribel to vacant town lot 007-093-04 and open space.

Town acquired 007-092-33 in a tax sale. Council unanimously authorized purchase “for the purpose of retaining visual open space and potential trail access to
other town and public lands.” Town sold a portion of the lot to an adjacent owner but retained a trail easement.

Current GP Designation: Single Family Conservation 1 Unit/Acre
Current Zoning: R-1 Single Family Residential
On Current Open Space Map? No, but a proposed trail right of way is shown across the site on the General Plan Open Space-Conservation Map
Benefits/Development Constraints: Future trail (very rough trail exists)
Heritage Bay and Oak trees
Steep slopes
Seasonal drainage
WUI
Narrow access road

Bald Hill Preserve – Marin County Open Space (MCOSD) Lots
The Bald Hill Preserve (which currently does not include the 60-acre summit of Bald Hill) is a 46-acre preserve owned and managed by Marin County Parks and adjacent to Marin Municipal Water District lands. The Bald Hill Ridge is significant because of its proximity to Bald Hill’s summit, a high priority for preservation due to its potential development. Adjacent to Bald Hill, this preserve is located at the second highest elevation along this vital ridgeline and greenbelt and is highly visible land that can be seen from many parts of San Anselmo. The purchase price of approximately $2,150,000 for all the properties was funded by many public grants and hundreds of private donations. The Bald Hill summit land is still under private ownership.¹

Benefits/Development Constraints: Scenic value to community
Oak and bay woodlands and other native vegetation
Unique or irreplaceable remnants of natural biological diversity
Vegetation types with high biological value
Home to native wildlife such as raptors, rabbits, deer, coyotes, bobcats and mountain lions
Connects to more than 100,000 acres of additional public lands and hundreds of miles of public trails stretching west to Point Reyes and south to the Golden Gate
Steep slopes
Narrow access roads
WUI

¹ From http://www.sananselmoopenspace.org
3. Marin County Open Space lots: 007-071-01, 007-071-02, 007-071-06, 007-101-01, 007-154-01, 007-360-09, 007-360-08 (including Parcels A and C of the Map of the Redwood Hills Subdivision)

Acquisition date: 1994
Background: Approximately 20 acres of open space acquired in connection with the Redwood Hills Subdivision (now 370, 376, 392, 394, 396, 398, 570 Oak Avenue) from Peter and Pamela Fraser after many months of negotiation for $450,000 from MCOSD and Marin Community Foundation and the Town entered into a land exchange agreement. The Frasers ended up with four lots and the Town owned three lots of the subdivision to be used in a land sale or exchange for additional open space. In exchange, the Town conveyed a parcel it owned on Indian Rock Court to the Frasers.

Current GP Designation: Very Low Density Residential 1 Unit/Acre
Current Zoning: R-1-H Very Low Density Residential
On Current Open Space Map? Yes, as proposed open space

4. 007-071-02

Acquisition date: 1996
Background: Purchased for open space from Anthony Quilici. The Marin Community Foundation, Marin County Open Space District and Town San Anselmo Open Space Endowment Fund each contributed 1/3 of the $105,000 purchase price to acquire the property for open space.

Current GP Designation: Very Low Density Residential 1 Unit/Acre
On Current Open Space Map? Yes, as proposed open space
Current Zoning: R-1-H Very Low Density Residential

5. 007-071-01

Acquisition date: 2015
Background: Part of Sky Ranch, a picturesque 16.2-acre property that straddles Fairfax and San Anselmo, purchase by MCOSD. The Marin Open Space Trust (MOST) purchased the property in February 2015 from a private landowner and
offered to sell it to the MCOSD. MOST purchased the property to ensure its protection as open space, allow for access for recreation, protect the ridge top and secure wildlife habitat. MOST paid $1.2 million for the 16 acres plus another $110,000 for restoration of the land. Funds toward the purchase from the Town were $100,000 from the San Anselmo Open Space Committee Fund and $55,000 from Measure A. MOST conveyed the land to Marin Parks & Open Space for $330,000.

Current GP Designation: Very Low Density Residential 1 Unit/Acre
On Current Open Space Map? Yes, as proposed open space. Sky Ranch is within an area targeted for open space preservation in the Marin County Parks and Open Space Strategic Plan.
Current Zoning: R-1-H Very Low Density Residential

6. 007-101-01 and 007-154-01
Acquisition date: 1995
Lots were purchased from Hugh Cadden. The terms of the purchase agreement involved lots from the Fraser/Redwood subdivision (above). The Town paid $155,000 (selling two lots from Fraser subdivision for funds), $215,000 was paid by MCOSD and Marin Community Foundation and Town conveyed Redwood Hills Subdivision/ Fraser Lot A valued at $80,000 to the Caddens.

Current GP Designation: Very Low Density Residential 1 Unit/Acre
On Current Open Space Map? Yes, as proposed open space.
Current Zoning: R-1-H Very Low Density Residential

C. Fredrick Faudé Park

7. 005-172-42 and 005-212-01
Acquisition date: 1973
Background: Gift from C. Fredrick Faudé “for use as a park or open space.”

Current GP Designation: 005-172-42 Single Family Conservation 1 Unit/Acre
005-212-01 Parks/Open Space
On Current Open Space Map? 005-212-01 shown as existing open space
005-212-01 not on map

Current Zoning: 005-212-01 Public Facilities (PF)
005-172-42 R-1 Single Family Residential

Benefits/Development Constraints: Trails
Scenic value
Views
Habitat for special status plants and animal species
Steep slopes
WUI

8. 005-165-59

Acquisition date: 1974

Background: Gift of 30,892 sq. ft. “park area” from Ronald and Alice Hill associated with Hill Subdivision at Elk Horn Way and Tomahawk Drive. Gift included a pedestrian right-of-way between Berkeley Ave. and Tomahawk Drive and a public street within the subdivision (Alice Court).

Current GP Designation: Parks/Open Space
On Current Open Space Map? not on map
Current Zoning: Public Facilities (PF)
Benefits/Development Constraints: Adjacent to C. Fredrick Faudé Park
Pedestrian trail
Scenic value
Habitat for special status plants and animal species
Steep slopes
WUI

9. 005-212-03

Acquisition date: unknown


Current GP Designation: Parks/Open Space
On Current Open Space Map? not on map
Current Zoning: R-1 Single Family Residential
Benefits/Development Constraints: Adjacent to C. Fredrick Faudé Park
Narrow width is unsuitable for development
Provides trail access from Oakland to Elkhorn and C. Fredrick Faudé Park
Oak trees
Steep slopes

Staff Recommendation: Designate as Open Space as part of C. Fredrick Faudé Park

Halperin Park

10. 005-254-08 and 005-022-56

Acquisition date: 1975

Background: Accepted as open space gift from Edward Halperin for $650 costs

Current General Plan Designation: Parks/Open Space

On Current Open Space Map? Shown as existing open space

Current Zoning: Public Facilities (PF)

Benefits/Development Constraints: Steep, heavily wooded
Deer and wildlife
Hiking trails
Slope stability issues
WUI

Hawthorne Canyon and area lots

“For at least three generations, while San Anselmo and Fairfax continued to grow, Hawthorne Canyon seemed too wild and inaccessible for development. Nestled between these two towns on the north side of the Ross Valley, the lower Hawthorne Canyon consists of 22 acres of pristine wooded hills. Neighbors with their children, seeking refuge from cars and suburbia, created hiking trails, tree houses, and favorite picnic spots, inevitably making a park Hawthorn Canyon Preserve in a part of town devoid of public open space. But what many experienced and used as a park was in fact privately-owned land. In 1996 development plans were submitted to the town and story poles erected - just the catalyst needed for local preservation efforts to take off.

With broad support, the town of San Anselmo entered into a contract agreement to purchase the entire 22 acres. Neighbors in the immediate area raised a large share of the purchase price, and the Town contributed significant resources. Through a lot of hard work, the Open Space Committee and Hawthorne Canyon friends and neighbors reached the $590,000 needed to acquire this beautiful wooded open space. In 1999 the acquisition of lower Hawthorne Canyon was completed, adding another special area to the open space of Ross Valley. The park can now
be enjoyed by all for picnicking, hiking, and admiring the lush views over the Ross Valley.”

11. APNs 005-081-07, 005-081-19, 005-031-38

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<thead>
<tr>
<th>Acquisition date:</th>
<th>1999</th>
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<tbody>
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<td>Background:</td>
<td>See above. Significant community fundraising effort resulted in purchase for open space after owner submitted subdivision application for 4 units.</td>
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<td>Current General Plan Designation:</td>
<td>Very Low Density Residential 1 Unit/Acre</td>
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<td>On Current Open Space Map?</td>
<td>005-031-38 shown as priority for open space, lower/smaller lots were not on map</td>
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<td>Current Zoning:</td>
<td>R-1-H Very Low Density Residential</td>
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<td>Benefits/Development Constraints:</td>
<td>Public trails, Views, Habitat for special status plants and animal species, Steep slopes, Landslides, Wildland Urban Interface Area</td>
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12. APN 005-011-40

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<td>Background:</td>
<td>Was owned by Oak Springs Homeowner’s Association. Purchased from County as tax deeds property with another lot for $10. Planning Commission report indicates, “would be suitable additions as open space preserves” as part of proposed Hawthorn Park. Town Council authorized purchase unanimously “for the purpose of retaining visual open space and potential trail access to other town and public lands.” In 1982 Council expressed willingness to exchange it in association with development of adjacent vacant parcel to north (005-011-60 “Jamshed” development, that lot is currently for sale).</td>
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<td>Current General Plan Designation:</td>
<td>Parks/Open Space</td>
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<td>On Current Open Space Map?</td>
<td>Yes, shown as existing open space</td>
</tr>
<tr>
<td>Current Zoning:</td>
<td>Public Facilities (PF)</td>
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<tr>
<td>Benefits/Development Constraints:</td>
<td>Trails</td>
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\(^2\) From [http://www.sananselmoopenspace.org](http://www.sananselmoopenspace.org)
Views
Heritage oaks
Ridge area found to be potentially suitable for development in 1982
Landlocked
Slopes as steep as 60%
Area prone to landslides
Wildland Urban Interface Area

13. APN 005-300-15 (Off of Cherne Lane/Idlewood Drive, off Woodside Drive)

Acquisition date: 2002

Background: Site graded for development in the 1960's. Various developments proposed in 1979, 1980 and 1982 and 1989. One development approved for 8 units and not built, In 1998 a landslide occurred flowing downslope to the bottom of the hill and a complaint by the owner of the site against the Town and uphill property owners followed. A 2002 settlement agreement required the Town to: a) pay $500,000 into the settlement, b) take ownership of the property and c) fix the slide at an estimated cost of $700,000. In 2003, the Town’s insurance pool Bay Cities Joint Powers Insurance Authority fronted the Town $500,000 for the slide repair, with the understanding that the Town would repay the money, either out of Town funds or by marketing and selling the property. In 2005 the slide repair was completed. From 2007-2009 the Town worked towards obtaining geotechnical and other reports to determine the feasibility of selling a portion or all the property to repay insurance money. Sometime later the Town insurance pool wrote off the Town debt.

Current General Plan Designation: Very Low Density Residential 1 Unit/Acre
On Current Open Space Map? Yes, shown as priority for acquisition for open space
Current Zoning: R-1-H Very Low Density Residential
Benefits/Development Constraints: Heritage oaks, bays and native grasses
Slopes 50-80%
Fill material
Drainage issues
Area prone to landslides
Wildland Urban Interface Area
Kite Hill

14. 005-011-63

Acquisition date: 1983
Background: Open Space committee led acquisition of site from Marin Municipal Water District for $10,000 for its open space value. MMWD was selling as surplus land.
Current GP Designation: Public Facility
On Current Open Space Map? Yes, shown as existing open space
Current Zoning: Public Facilities (PF)
Benefits/Development Constraints: Recreational and open space asset
Scenic Value
Views of Ross Valley and beyond
Visual asset for community as highest elevation within the Town

15. 005-011-65

Acquisition date: 1986
Background: Area granted to Town in return for granting lot split and exchanged access easements. Intended to expand Kite Hill open space.
Current GP Designation: Very Low Density Residential 1 Unit/Acre
On Current Open Space Map? No
Current Zoning: Public Facilities (PF)
Benefits: Recreational and open space asset
Scenic value
Views of Ross Valley and beyond
Trail link

Oak Park

16. 005-172-30 and 005-172-59

Acquisition date: 1937
Background: Site created in 1925 as a park in Morningside No. 2 subdivision as Lot J. Acquired by Town in through a tax
Current GP Designation: Parks/Open Space
On Current Open Space Map? No
Current Zoning: Public Facilities (PF)
Benefits: Neighborhood open space
Heritage trees
Seasonal drainage
Steep slopes >45%
WUI

Red Hill

17. 006-061-34

Acquisition date: 1977
Background: Was to be sold for taxes. Owner A. H. Tucker Company offered as gift for cost of $1,529.66. Deed includes parking and parking lot easement on adjacent site.
Current GP Designation: Parks/Open Space
On Current Open Space Map? Yes, shown as existing open space
Current Zoning: Public Facilities (PF)
Benefits: Trail
Views of Ross Valley and Mt. Tam
Habitat for special status plants and animal species
Landlocked (but has parking easement)
Landslides
Wildland Urban Interface Area

18. 006-091-06

Acquisition date: Unknown
Background: Lots M and N of the 1908 Bunker Hill subdivision by James Tunstead. Resolutions 253, 254 and 255 of 12/10/1940 concern acceptance of lots from Tunstead Co., but no list of the lots.
Current GP Designation: Parks/Open Space
On Current Open Space Map? No
Current Zoning: Public Facilities (PF)
Sorich Ranch Park

19. APN 177-220-61

*Entire lot proposed for open space except an area reserved for Public Facility designation for corporation yard, parking area, and public works staging area (area in blue on map).*

**Acquisition date:** 1965

**Background:**

Town annexed Sorich Dairy from County in 1959 and entered into an agreement to lease the land, with an option to purchase the property. In 1965, the Town acquired the site. The park has been improved and maintained since 1990 by the Open Space Committee and now Friends of Sorich Park. The Town prepared a Sorich Park Master Plan that discusses the anticipated uses of the Park and goals for the park including Goal 1 to “Protect the intrinsic values of Sorich Ranch Park - a quiet, neighborhood park and open space that invites passive recreation, exploration and relaxation.”

**Current GP Designation:** Parks/Open Space

**Current Zoning:** Public Facilities (PF)

**On Current Open Space Map?** Shown as existing open space

**Benefits/Development Constraints:** Trails
Scenic value to community
Views
Special species and habitat
Steep slopes
WUI
Slope stability