



TOWN OF TIBURON
Tiburon Town Hall
1505 Tiburon Boulevard
Tiburon, CA 94920

Regular Meeting
Tiburon Planning Commission
January 13, 2016
7:30 p.m.

AGENDA
TIBURON PLANNING COMMISSION

CALL TO ORDER AND ROLL CALL

Chair Kulik, Vice Chair Williams, Commissioners Corcoran, Weller, and Welner

ORAL COMMUNICATIONS

Persons wishing to address the Planning Commission on any subject not on the agenda may do so under this portion of the agenda. Please note that the Planning Commission is not able to undertake extended discussion, or take action on, items that do not appear on this agenda. Matters requiring action will be referred to Town Staff for consideration and/or placed on a future Planning Commission agenda. Please limit your comments to no more than three (3) minutes. Testimony regarding matters not on the agenda will not be considered part of the administrative record.

COMMISSION AND STAFF BRIEFING

Commission and Committee Report
Director's Report

NEW BUSINESS

1. LAS LOMAS LANE (UPPER)

Review of Proposed Real Property Acquisition and Real Property Disposition for Consistency with the Tiburon General Plan; Portion of Unimproved Las Lomas Lane Adjacent to Assessor Parcels 059-121 -08, 059-122 -56 and 57; Vicinity of Centro West Street and Las Lomas Lane

Documents: [REAL PROPERTY ACQ STAFF REPORT.PDF](#)

MINUTES

2. Planning Commission Minutes - Special Meeting of December 14, 2015

ADJOURNMENT

GENERAL PUBLIC INFORMATION

ASSISTANCE FOR PEOPLE WITH DISABILITIES

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Division Secretary at (415) 435-7390. Notification 48 hours prior to the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.

AVAILABILITY OF INFORMATION

Copies of Design Review Board Agendas, Staff Reports, project files and other supporting data are available for viewing and inspection at Town Hall during business hours. Agendas and Staff Reports are also available at the Belvedere-Tiburon Public Library and on the Town of Tiburon website (www.ci.tiburon.ca.us) after 5:00 PM on the Friday prior to the regularly scheduled meeting.

Any documents produced by the Town and distributed to a majority of the Design Review Board regarding any item on this agenda, including agenda-related documents produced by the Town after distribution of the agenda packet at least 72 hours in advance of the Board meeting, will be available for public inspection at Town Hall, 1505 Tiburon Boulevard, Tiburon, CA 94920.

Upon request, the Town will provide written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in public meetings. Please deliver or cause to be delivered a written request (including your name, mailing address, phone number and brief description of the requested materials and preferred alternative format or auxiliary aid or service) at least five (5) days before the meeting to the Planning Division Secretary at the above address.

PUBLIC HEARING ITEMS AND BUSINESS ITEMS

Public Hearing items and Business items provide the general public and interested parties an opportunity to speak regarding items that typically involve an action or decision made by the Board. If you challenge any decision in court, you may be limited to raising only those issues you or someone else raised at the meeting, or in written correspondence delivered to the Board at, or prior to, the meeting.

GENERAL PROCEDURE ON ITEMS AND TIME LIMIT GUIDELINES FOR SPEAKERS

The Design Review Board's general procedure on items and time limit guidelines for speakers are:

- Staff Update on Item (if any)
- Applicant Presentation – 5 to 20 minutes
- Design Review Board questions of staff and/or applicant
- Public Testimony (depending on the number of speakers) – 3 to 5 minutes for each speaker; members of the audience may not allocate their testimony time to other speakers
- Applicant may respond to public comments – 3 minutes
- Design Review Board closes the public testimony period, deliberates and votes (as warranted)
- Time limits and procedures may be modified in the reasonable discretion of the Chairman

Interested members of the public may address the Design Review Board on any item on the agenda.

ORDER AND TIMING OF ITEMS

No set times are assigned to items appearing on the Design Review Board agenda. While the Design Review Board attempts to hear all items in order as stated on the agenda, it reserves the right to take items out of order without notice.

NOTE: ALL PLANNING COMMISSION MEETINGS ARE AUDIO RECORDED

TOWN OF TIBURON LATE MAIL POLICY

(Adopted and Effective 11/7/2007)

The following policy shall be used by the Town Council and its standing boards and commissions, and by staff of the Town of Tiburon, in the identification, distribution and consideration of late mail.

DEFINITION

"Late Mail" is defined as correspondence or other materials that are received by the Town after completion of the written staff report on an agenda item, in such a manner as to preclude such correspondence or other materials from being addressed in or attached to the staff report as an exhibit.

IDENTIFICATION OF LATE MAIL

All late mail received by Town Staff in advance of a meeting shall be marked "Late Mail" and shall be date-stamped or marked with the date of receipt by the Town. Late mail received at a meeting shall be marked as "Received at Meeting" with a date-stamp or handwritten note.

POLICY

For regular meetings of the Town Council and its standing boards and commissions:

1. All late mail that is received on an agenda item prior to distribution of the agenda packet to the reviewing authority shall be stamped or marked as "Late Mail" and shall be distributed to the reviewing authority with the agenda packet.
2. All late mail received on an agenda item before 5:00 PM on the Monday prior to the meeting shall be date-stamped and marked as "Late Mail" and distributed to the reviewing authority as soon as practicable. Such mail shall be read and considered by the reviewing authority whenever possible. If the Monday, or Monday and Tuesday, prior to the meeting are a Town-recognized holiday, the deadline shall be extended to the following day at Noon.
3. Any late mail received on an agenda item after the deadline established in paragraph (2) above shall be date-stamped, marked as "Late Mail" and distributed to the reviewing authority as soon as reasonably possible, but may not be read or considered by the reviewing authority. There should be no expectation of, nor shall the reviewing authority have any obligation to, read or consider any such late mail, and therefore such late mail may not become part of the administrative record for the item before the reviewing authority.

These provisions shall also apply to special and adjourned meetings when sufficient lead time exists to implement these provisions. If sufficient lead time does not exist, the Town Manager shall exercise discretion in establishing a reasonable cut-off time for late mail. For controversial items or at any meeting where a high volume of correspondence is anticipated, Town staff shall have the option to require an earlier late mail deadline, provided that the written public notice for any such item clearly communicates the specifics of the early late mail deadline, and the deadline corresponds appropriately to any earlier availability of the agenda packet.

Pursuant to state law, copies of all late mail shall be available in a timely fashion for public inspection at Tiburon Town Hall, 1505 Tiburon Boulevard, Tiburon.



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Planning Commission Meeting
January 13, 2016
Agenda Item:

STAFF REPORT

To: Members of the Planning Commission
From: Community Development Department
Subject: Review of Proposed Real Property Acquisition and Real Property Disposition for Consistency with the Tiburon General Plan; Portion of Unimproved Las Lomas Lane Adjacent to Assessor Parcels 059-121-08, 059-122-56 and 57; Vicinity of Centro West Street at Las Lomas Lane

BACKGROUND

The Town of Tiburon is currently considering the acquisition of a “real property” interest in the form of a public pedestrian access easement over part of the unimproved portion of Las Lomas Lane located immediately below Centro West Street. At the same time, the Town is also considering disposition of a public service easement/recreational trail that would be relocated and superseded by the grant of public pedestrian easement once the latter is recorded.

This item is the Planning Commission’s “general plan consistency” review of the proposed acquisition and disposition of these real property interests. Such reviews are authorized by Government Code Section 65402(a), attached as **Exhibit 1**. The purpose of such reviews is to ensure that a proposed acquisition and/or disposition are consistent with the local General Plan in terms of “location, purpose and extent”.

ANALYSIS

The local public has used this route for pedestrian use for decades, but the Town had no formal dedication document indicating that the public had a right to use the area, since the ownership was officially with the heirs of Hugh A. Boyle (a Benjamin Lyford descendant) dating from a 1921 deed. In 2005, the Town Council adopted a resolution “accepting” the path as a public recreational trail in the absence of any owner offer of dedication. However, the proposed easement is a superior document that would perfect the public’s rights over this pathway. At the same time, the legal description has been rewritten to better match the actual path of travel used by the public. The prior alignment is proposed for abandonment (vacation) by the Town, with eventual quitclaim to the owners following recordation of the public pedestrian easement.

There has been a significant change in circumstance of the ownership of this undeveloped portion of Las Lomas Lane since 2005. In March 2015, adjoining property owners Bill and Susan Lukens, with the Town’s encouragement, obtained title to the undeveloped (upper) part of Las Lomas Lane through a quiet title action filed in Marin superior court.

Mr. and Mrs. Lukens agreed to offer the Town free of charge a formal public pedestrian easement to ensure the public's continued access through the site, using the existing well-travelled route, and they have paid for all related surveying costs. Mr. and Mrs. Lukens have also placed the parcel under a conservation easement held by the Belvedere-Tiburon Landmarks Society to ensure its undeveloped status in perpetuity. Staff would like to thank Mr. and Mrs. Lukens for their public spirit and generosity in this matter.

General Plan Consistency Factors (Location, Purpose, Extent)

Acquisition

The proposed easement would follow a well-established route that connects Centro West Street to Mar West Street, from which other public rights of way and easements connect to Downtown. The purpose of the easement is to perfect public pedestrian access rights over an area historically used by the local residents living in the Old Tiburon and Hill Haven neighborhoods, but which at present lacks any easement or other offer of permanent public rights from the property owner. The extent of the acquisition is an easement of varying width (but generally at least six feet wide) for a length of approximately 300 feet, for a total easement area of roughly 2,000 square feet. The easement follows the existing path with space to either side and is adequate for its intended public pedestrian access purposes.

Relevant General Plan policies goals and policies are as follows:

- DT-D To improve and enhance pedestrian and vehicular connectivity throughout Downtown.
- C-E Bike-Pedestrian Improvements. To improve the circulation system for pedestrians and bicyclists, including safety enhancements.
- C-J Non-Auto Travel. To provide facilities and incentives to encourage non-auto travel throughout the Planning Area.
- C-22 The pedestrian paths and bicycle trails in Tiburon should connect with other paths and trails where practical.
- C-24 Pedestrian routes, particularly for school children, shall be established for all neighborhoods.

Staff concludes that the proposed acquisition would be consistent with the General Plan and would further public interests set forth in the General Plan.

Disposition

The legal description associated with the current recreational trail alignment (as described in Resolution No. 51-2005) does not match the route travelled by users, especially near the top as it approaches Centro West Street. This circumstance would be corrected in the proposed public pedestrian easement legal description. Once the easement is recorded, the Town would vacate

the recreational trail and quitclaim any possible rights over it resulting from Resolution No. 51-2005 to the underlying property owners. The Commission would need to find that the abandonment of the recreational trail would be consistent with the Tiburon General Plan. Staff believes this finding to be self-evident, since the relocated public pedestrian easement would be a superior route that precisely matches the route currently used by the public, and the former route would no longer be necessary.

RECOMMENDATION

Staff recommends the Planning Commission:

1. Take any public comment on this item.
2. Approve a motion finding the proposed acquisition consistent with the Tiburon General Plan and recommending Town Council acceptance of the grant of easement.
3. Approve a motion finding the proposed disposition consistent with the Tiburon General Plan and recommending Town Council vacation and conveyance.

EXHIBITS

1. Government Code Section 65402.
2. Drawing depicting proposed public pedestrian easement area.
3. Drawing depicting the recreational trail area proposed for vacation and quitclaim.

Prepared by: Scott Anderson, Director of Community Development



recommendations and shall prepare a coordinated program of proposed public works for the ensuing fiscal year. Such coordinated program shall be submitted to the county or city planning agency for review and report to said official agency as to conformity with the adopted general plan or part thereof.

(Amended by Stats. 1970, Ch. 1590.)

65402. Restrictions on acquisition and disposal of real property

(a) If a general plan or part thereof has been adopted, no real property shall be acquired by dedication or otherwise for street, square, park or other public purposes, and no real property shall be disposed of, no street shall be vacated or abandoned, and no public building or structure shall be constructed or authorized, if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such acquisition or disposition, such street vacation or abandonment, or such public building or structure have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof. The planning agency shall render its report as to conformity with said adopted general plan or part thereof within forty (40) days after the matter was submitted to it, or such longer period of time as may be designated by the legislative body.

If the legislative body so provides, by ordinance or resolution, the provisions of this subdivision shall not apply to: (1) the disposition of the remainder of a larger parcel which was acquired and used in part for street purposes; (2) acquisitions, dispositions, or abandonments for street widening; or (3) alignment projects, provided such dispositions for street purposes, acquisitions, dispositions, or abandonments for street widening, or alignment projects are of a minor nature.

(b) A county shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another county or within the corporate limits of a city, if such city or other county has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, and a city shall not acquire real property for any of the purposes specified in paragraph (a), nor dispose of any real property, nor construct or authorize a public building or structure, in another city or in unincorporated territory, if such other city or the county in which such unincorporated territory is situated has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or

part thereof. The provisions of this paragraph (b) shall not apply to acquisition or abandonment for street widening or alignment projects of a minor nature if the legislative body having the real property within its boundaries so provides by ordinance or resolution.

(c) A local agency shall not acquire real property for any of the purposes specified in paragraph (a) nor dispose of any real property, nor construct or authorize a public building or structure, in any county or city, if such county or city has adopted a general plan or part thereof and such general plan or part thereof is applicable thereto, until the location, purpose and extent of such acquisition, disposition, or such public building or structure have been submitted to and reported upon by the planning agency having jurisdiction, as to conformity with said adopted general plan or part thereof. Failure of the planning agency to report within forty (40) days after the matter has been submitted to it shall be conclusively deemed a finding that the proposed acquisition, disposition, or public building or structure is in conformity with said adopted general plan or part thereof. If the planning agency disapproves the location, purpose or extent of such acquisition, disposition, or the public building or structure, the disapproval may be overruled by the local agency.

Local agency as used in this paragraph (c) means an agency of the state for the local performance of governmental or proprietary functions within limited boundaries. Local agency does not include the state, or county, or a city.

(Amended by Stats. 1974, Ch. 700.)

65403. Optional school/special district CIPs: content and procedure requirements

(a) Each special district, each unified, elementary, and high school district, and each agency created by a joint powers agreement pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 that constructs or maintains public facilities essential to the growth and maintenance of an urban population may prepare a five-year capital improvement program. This section shall not preclude, limit, or govern any other method of capital improvement planning and shall not apply to any district or agency unless it specifically determines to implement this section. As used in this section, "public facilities" means any of the following:

- (1) Public buildings, including schools and related facilities.
- (2) Facilities for the storage, treatment, and distribution of nonagricultural water.
- (3) Facilities for the collection, treatment, reclamation, and disposal of sewage.
- (4) Facilities for the collection and disposal of storm waters and for flood control purposes.
- (5) Facilities for the generation of electricity and the distribution of gas and electricity.
- (6) Transportation and transit facilities, including, but not limited to, streets, roads, harbors, ports, airports, and related facilities.

Proposed For Acquisition

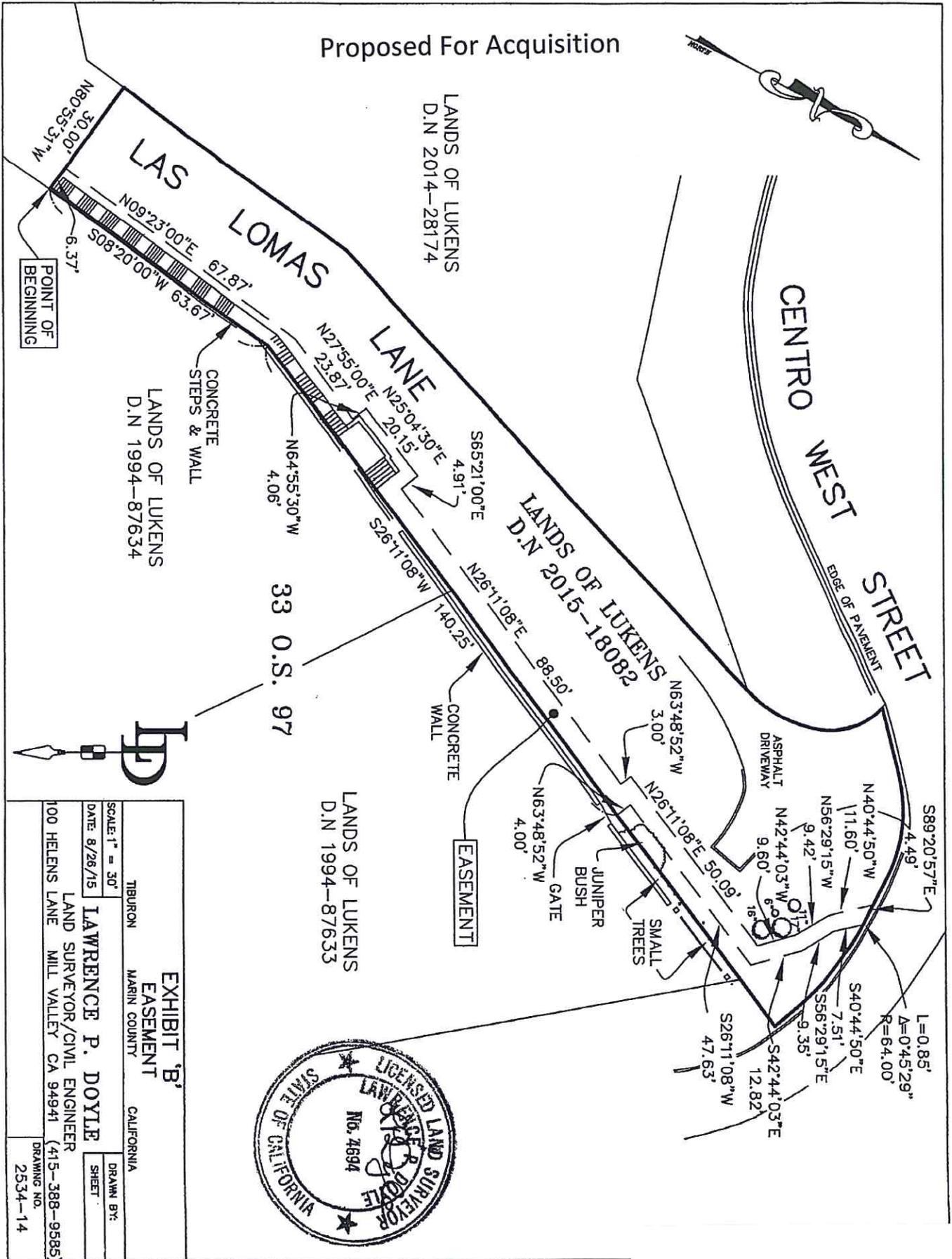


EXHIBIT 'B'
EASEMENT
 TIBURON MARIN COUNTY CALIFORNIA
LAWRENCE P. DOYLE
 LAND SURVEYOR/CIVIL ENGINEER
 100 HELENS LANE MILL VALLEY CA 94941 (415-388-9585)
 DRAWING NO. 2534-14

