

PLANNING COMMISSION  
MINUTES NO. 1060  
Regular Meeting  
January 13, 2016  
Town of Tiburon Council Chambers  
1505 Tiburon Boulevard, Tiburon, California

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**CALL TO ORDER AND ROLL CALL:**

Chair Kulik called the meeting to order at 7:30 p.m.

Present: Chair Kulik and Commissioners Weller and Welner

Absent: Vice Chair Williams and Commissioner Corcoran

Staff Present: Director of Community Development Anderson

**ORAL COMMUNICATIONS:**

There were none.

**COMMISSION AND STAFF BRIEFING**

Commission and Committee Reports/Director's Report

Director Anderson referred to a training opportunity which he emailed to Commissioners and he asked that Commissioners alert him as to whether they wish to participate. Staff also would like the Commission to select a volunteer to appear at the February 3, 2016 Town Council meeting regarding the Sam's Anchor Café Canopy Use Permit appeal. He requested the Commission also cancel the January 27, 2016 Planning Commission meeting.

Commissioner Weller volunteered to attend the February 3, 2016 City Council meeting.

<p><b>ACTION:</b> It was M/S (Weller/Welner) to cancel the January 27, 2016 Planning Commission meeting. Motion carried: 3-0.</p>
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**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 at Las Lomas Lane

Director Anderson gave the staff report, stating that the item was a General Plan consistency review to ensure that the proposed acquisition and/or disposition of property are consistent with the General Plan in terms of its location, purpose and extent. He stated that the property the Town would be acquiring, is a public pedestrian easement over a section of unimproved Las Lomas Lane that connects down to the improved section of Las Lomas Lane and then down to Mar West Street. It begins at Centro West Street.

Anderson noted that the staff report provides background on the matter and describes an existing recreational trail that the Town accepted in 2005 which is a less than perfect instrument for guaranteeing continued public access over the site. The Town, with the assistance of Mr. and Mrs. Lukens, has been working for many years on a more permanent solution for public access. After a great deal of work acquiring both quiet title and performing survey work, the Lukens have succeeded in gaining title to the entire portion of unimproved Las Lomas Lane and creating a conservation easement over it which the Belvedere-Tiburon Landmarks Society has accepted. Currently, the Lukens are in the process of offering to the Town a public pedestrian easement that would ensure continued public access through this unimproved stretch of Las Lomas Lane. Anderson recognized and thanked the Lukens for their public spirit and generosity.

In terms of General Plan consistency, the proposed easement would be consistent with several General Plan goals and policies and would further the public interests set forth in the General Plan. Staff also believes that removing the old alignment once the pedestrian easement has been secured and recorded would also be consistent as it would be duplicative of something that would exist in a more secure format for the Town, and there would be no reason not to abandon the old alignment once the new one is accepted.

Therefore, staff's recommendation is to take public comment, approve a motion finding the proposed acquisition to be consistent with the Tiburon General Plan and approve a motion finding the proposed disposition consistent with the Tiburon General Plan.

Chair Kulik invited Mr. Lukens to provide a presentation.

Bill Lukens stated his wife Susan is also present tonight and said this is a final step representing 35 years of planning to turn Las Lomas Lane into something that they believe will benefit the community as well as them. He said it was originally an undeveloped lane and because of its steepness was never turned into a road. The public path portion which is now being accepted and which they are granting goes back to the 1890's and was a popular path for people coming from San Francisco on weekends with their families and pets for picnicking and hiking. He said the path was well-traveled and people would take this route from ferry boats.

Mr. Lukens further explained that the original builder of their house installed a steep, ramped staircase through the area to serve the public as a place to sit. They have since improved it with very nice stairs designed by Paul Leffingwell of Sausalito. A dirt path, which historically was the accurate path, and which they are now confirming via easement goes the rest of the way up the hill. They hope to someday improve this and complete the steps going all the way up. Mr. Lukens indicated that the action would grant the official right-of-way to the Town and he thinks this is a great step.

Mr. Lukens complimented Director Anderson for his cooperation and work on the matter and he commended planning staff, noting that they are almost to the point of completion.

Chair Kulik opened the public hearing. There were no public comments and he returned discussion to the Planning Commission.

Commissioner Welner echoed staff's comments from the staff report regarding the Lukens' public spirit and generosity. He is pleased to support the item and said it sounds like a thoughtful project.

Commissioner Weller commented that the Commission does not often get to review something that is entirely non-controversial and good-spirited, as well as entirely for the benefit of the Town and he acknowledged this is a rare occasion. He whole-heartedly supported the proposed acquisition and disposition.

Chair Kulik said he thinks this matter is something extremely easy to support and he supported the acquisition and disposition and noted the magnanimous service for decades that Mr. & Mrs. Lukens have made to the Town and the gesture tonight.

**ACTION:** It was M/S (Weller/Welner) to approve the proposed acquisition and disposition of the property associated with the plan and find them consistent with the General Plan and recommend the Town Council accept the acquisition and approve the disposition as proposed. Motion carried: 3-0.

## **MINUTES**

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

Commissioner Weller requested the following amendments:

- Page 3, the paragraph which starts with Commissioner Weller, he asked that it state: “approves the project with the condition that no food service is to occur.”
- Page 18, last paragraph: “Commissioner Weller said that his questions were answered; he found that the proposed....”

Commissioner Weller commented that he will not quarrel with the accuracy of the recitation because he cannot, but he noted for the record that there may be some narrowness of some words reflected in the minutes that were not necessarily the intention of any Commissioners. He said he will bring this up at the Town Council meeting but will not seek to change the minutes.

Chair Kulik requested the following amendment:

- Page 9, paragraph 3, second to the last line: “He agreed with most of the proposed conditions, particularly with finding some way to provide for a solid wall between the new canopy and the hotel, a specific time for the Eisenglass panels to go down, a time limit on the last placement of a plate on a table, and a review cycle of 69 months rather than 96 months to capture a full summer of data and see how things are going.”

ACTION: It was M/S (Welner/Weller) to approve the minutes of the December 14, 2015, as amended. Motion carried: 3-0.

**ADJOURNMENT**

The Planning Commission adjourned the meeting at 7:49 p.m.

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DAVID KULIK, CHAIR  
Tiburon Planning Commission

ATTEST:

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SCOTT ANDERSON, SECRETARY (ACTING)