



MARIN COUNTY  
COMMUNITY DEVELOPMENT AGENCY  
BRIAN C. CRAWFORD, DIRECTOR

**STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR  
SERENITY KNOLLS USE PERMIT RENEWAL**

Item No:	C1	Application No:	EX 08-19
Applicant:	Michael Neustadt	Owner:	Serenity Knolls
Property Address:	145 Tamal Rd., Forest Knolls	Assessor's Parcel	168-081-36, 46
Hearing Date:	January 15, 2008	Planner:	Veronica Corella-Pearson

<b>RECOMMENDATION:</b>	<b>Approved with Conditions</b>
<b>APPEAL PERIOD:</b>	<b>5 working days to the Planning Commission</b>
<b>LAST DATE FOR ACTION:</b>	<b>January 19, 2009</b>

**PROJECT DESCRIPTION:**

The applicant is requesting a renewal of a previously approved Use Permit extension (UP 99-24, UP 02-1) authorizing continued operation of a drug and alcohol rehabilitation facility in Forest Knolls. The present maximum capacity is 33 residents, including not more than 30 clients and 3 staff residents. No change in the number of residents, hours of operation, or number of existing buildings located on site is proposed. The applicant has requested the extension be considered for a period between 5-10 years.

**GENERAL INFORMATION:**

Countywide Plan:	SF3 (Single Family, one dwelling unit per 1-5 acres)
Zoning:	R-A:B-4 (Suburban Agricultural District, one acre minimum lot size)
Lot size:	12.3 acres
Adjacent Land Uses:	Single-family residential
Vegetation:	The subject property is primarily vegetated with mature conifer and oak woodlands with a chaparral understory.
Topography and Slope:	The site is characterized by moderate and steep sloping hillsides.
Environmental Hazards:	None identified.

**ENVIRONMENTAL REVIEW:**

The Environmental Coordinator has determined that this project is Categorically Exempt from the requirements of the California Environmental Quality Act pursuant to 15301, Class 1 of the CEQA Guidelines because it entails continued use of an existing facility and because a Negative Declaration of Environmental Impact was previously adopted for the original Use Permit for the facility.

**PUBLIC NOTICE:**

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and giving the earliest possible decision date in accord with California Government Code requirements. This notice has been mailed to all property owners within 600 feet of the subject property.

**PLAN CONSISTENCY:**

The proposed project is consistent with the goals and policies of the Marin Countywide Plan, and the San Geronimo Valley Community Plan. Please refer to the plan consistency findings contained in the attached resolution.

**PROJECT ANALYSIS:**Background:

Serenity Knolls Rehabilitation Center provides alcohol and drug recovery programs to a maximum of 30 adult clients and limited outpatient services for graduates and family members with the support of three full-time staff members. The camp-like facility consists of a main office, dining hall and kitchen, staff residence, 13 cabins, ancillary buildings, and 23 parking spaces on the 12.3-acre site. Pursuant to the previous Use Permit, the site is authorized to accommodate 15 vehicles Monday through Saturday, and 25 vehicles on Sundays. Based on the recently revised site plan, staff is recommending limiting the site to 23 vehicles on Sunday. The programs and services provided by Serenity Knolls are described in detail in the applicant's October 29, 1990 letter (Attachment 5)

Serenity Knolls has been managed by three operators since the beginning of its operation in June, 1984. Originally approved by the Planning Commission on November 21, 1983, this Use Permit was subject to appeals to and periodic review by the Planning Commission and Board of Supervisors and legal challenge in Superior Court, ultimately resulting in the Board of Supervisors' grant of a Use Permit on October 1, 1985. Subsequent to this original approval, the applicant has applied for four Use Permit extensions, the most recent of which expired on November 29, 2006. On July 16, 2007 the applicant was notified by the Planning Division that Use Permit approval had expired, and on March 17, 2008, the applicant submitted for Use Permit renewal.

In the past comments were received by neighbors with concerns regarding the septic system, unauthorized work, and noise. These issues were clarified during the previous Use Permit renewal and a condition of approval was placed to limit single events and ambient noise increases to levels that are compatible with the surrounding noise environment.

**ANALYSIS:**

A site visit was conducted by staff on April 9, 2008 and staff found that there was ample parking, and did not note new development or uses that were inconsistent with the Use Permit approval. During transmittal of the application to interested parties and agencies, the Department of Public Works required a revised site plan showing all property boundaries, right-of-way, easements and all parking spaces available on site and designated staff, tenants, and ADA parking spaces. The revised site plan provides for a total of 23 parking spaces. In addition the center provides shuttle service from the San Geronimo Community Center for all visitors.

Since the public notice, staff has only received a letter of support from the San Geronimo Valley Community Center. Environmental Health Services has also confirmed that since the last Use Permit

renewal, the center has provided timely annual reports, and has been in full compliance with all requirements.

Staff finds that since the applicant has been in compliance with all regulations, and staff has not received any complaints regarding traffic, noise, or septic, it is recommending that the Use Permit be renewed with conditions for a period of 10 years. Since the Use Permit renewal application was submitted after the Use Permit expiration, staff is recommending that the applicant be required to submit fees in the amount of \$3,265 within the next 90 days.

**RECOMMENDATION:**

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached resolution approving the Serenity Knolls Use Permit Renewal.

Attachments:

1. Proposed Resolution recommending approval of the Serenity Knolls Use Permit Renewal
2. CEQA Exemption
3. Location Map
4. Utilization Table
5. Letter of Commitment
6. Covers Sheet and Notes
7. Site Plan
8. Parking Lot Detail Sheet
9. Building Locations
10. Applicant letter, 2/19/08
11. Department of Public Works, Land Use and Water Resources Memorandum, 11/12/08
12. Marin County Environmental Health Services Transmittal, 11/3/08
13. Marin Municipal Water District letter, 4/8/08
14. Marin County Fire Department email sent 4/23/08
15. San Geronimo Valley Community Center letter 4/8/08

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION\_\_\_\_\_

A RESOLUTION APPROVING THE SERENITY KNOLLS USE PERMIT RENEWAL  
ASSESSOR'S PARCELS 168-081-36 AND -46  
145 TAMAL ROAD, FOREST KNOLLS

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**SECTION I: FINDINGS**

- I. WHEREAS Michael Neustadt, on behalf of Serenity Knolls, is requesting Use Permit Renewal approval to renew a previously approved Use Permit (UP 99-24, UP 02-1) authorizing continued operation of a drug and alcohol rehabilitation facility. The present maximum capacity is 33 residents, including not more than 30 clients and 3 staff residents will be maintained. No change in the number of residents, hours of operation, or number of existing buildings located on site is proposed. The subject property is located at 145 Tamal Road, Forest Knolls, and is further identified as Assessor's Parcels 168-081-36 and -46.
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on January 15, 2009, to consider the merits of the project, and hear testimony in favor of and in opposition to the project.
- III. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15301, Class 1 because it entails continued use of an existing facility and because a Negative Declaration of Environmental Impact have been adopted for the original Use Permit for the facility.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the Marin Countywide Plan due to the following reasons:
  - A. The project would be consistent with the SF3 (Single Family, one dwelling unit per 1-5 acres) land use designation.
  - B. The project would comply with Marin County standards for flood control, geotechnical engineering, and seismic safety, and include improvements to protect lives and property from hazard.
  - C. The project would provide job opportunities in the Inland Rural Corridor without adversely affecting agricultural areas or public open space in the project vicinity.
  - D. The project would contribute to the diversity of employment for Forest Knolls residents.
  - E. The project would allow for the continued use of an alcohol and drug recovery center, a conditionally permitted use under the governing R-A:B-4 zoning designation.
  - F. The project would comply with governing development standards related to roadway construction, parking, grading, drainage, flood control and utility improvements as verified by the Department of Public Works.

- G. The project would not cause significant adverse impacts on water supply, fire protection, waste disposal, schools, traffic and circulation, or other services.
  - H. The project would minimize soil disturbance and maximize of natural vegetation.
- V. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the San Geronimo Valley Community Plan due to the following reasons:
- A. The project involves continued operation of a drug and alcohol treatment facility, with no changes in operation proposed, which has previously secured zoning approval.
  - B. The project would provide for adequate on-site parking as verified by the Department of Public Works.
  - C. Public water facilities and utilities exist for the existing use.
  - D. Environmental Health Services will continue to monitor the facility on an annual basis.
  - E. The property would be adequately served by the existing roadway network.
  - F. No new buildings have been proposed as part of this Use Permit Renewal request.
- VI. WHEREAS the Marin County Deputy Zoning Administrator finds that the project, in accordance with the conditions of approval, is consistent with the Mandatory Findings for a Use Permit (Section 22.48.040 of the Marin County Code).
- A. The operation of the existing facility under the Use Permit conditions would not result in traffic hazards which would be detrimental to public safety and welfare because the current manager conducts only limited after-care services pursuant to Condition 3. Additionally, current conditions established to specifically prohibit large scale events have been retained and the center would continue to provide shuttle service for all events.
  - B. The renewal of the Use Permit for the existing facility would not be detrimental to the public health because the existing septic system has been in compliance with all Environmental Health Services regulations and would continue to be monitored on an annual basis.
  - C. Renewal of the Use Permit for the existing facility would not be detrimental to the public health because Condition 12 requires the manager to hire additional security if threats to public safety become a significant problem.
  - D. Renewal of the Use Permit for the existing facility would benefit public health by providing alcohol and drug recovery services to an adult population.
  - E. The existing facility is compatible with the existing characteristics of the land and the vicinity and is in compliance with the all environmental laws and regulations.

## SECTION II: CONDITIONS OF PROJECT APPROVAL

NOW, THEREFORE, BE IT RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Serenity Knolls Use Permit Renewal (EX 08-19) subject to the following conditions:

### Marin County Community Development Agency, Planning Division

1. Use Permit Renewal EX 08-19 is hereby granted to Serenity Knolls, Inc., to allow continued operation of a "social rehabilitation facility" as described in the State of California Department of Social Services Title 22, Chapter 2, Article 4. The subject property is located at 145 Tamal Road in Forest Knolls and is further identified as Assessor's Parcels 168-081-36 and -46.
2. This Use Permit shall supersede Use Permit 02-1, approved by the Marin County Deputy Zoning Administrator on November 29, 2001.
3. In order to vest this Use Permit Renewal, the applicant must submit the remaining Use Permit application fees in the amount of \$3,265 by April 15, 2009.
3. The program shall be limited to a maximum of 33 residents, including not more than 30 clients and not less than 3 staff residents. Operation of the program at levels below the maximum capacity shall be limited to the client/staff ratio set forth in the attached Utilization Table Appendix I incorporated into this Use Permit and identified as "Exhibit B." The maximum number of staff-administrative, clinical, property management, and kitchen management – permitted at the facility at any one time shall be limited to ten. The maximum number of daily vehicle trips for staff shall be 48 (7 staff positions x 3 eight-hour shifts x 2 trips per person). The restriction on daily vehicle trips accounts for a maximum of three staff residents, a maximum nonresident staff of seven, and a twenty-four hour operation of the facility with three shifts for each staff position.
4. The following non-residential activities directly related to the primary function of the program, including interviews, family counseling, weekly A.A. meetings, and after care groups, shall be permitted provided that Serenity Knolls continues to utilize a transportation plan carpooling visitors from the San Geronimo Valley Community Center to Serenity Knolls, and that the septic system proves suitable for such use. Conduct of large scale after care programs which cause traffic congestion on Tamal Road are prohibited. When anticipated parking demand exceeds the permitted maximums, carpooling or vanpooling to the site is required. Nonresidential activities directly related to the primary function of the program shall be permitted subject to the following maximum number of vehicles for each program, allowing two trips for each vehicle: Monday through Saturday 15 vehicles for all after care programs each day; and 23 vehicles for all after care programs on Sundays. Other uses not specifically identified herein may be permitted to occur at the facility subject to securing written approval by the Community Development Agency at least 30 days prior to any anticipated event.
5. Social events at the facility shall be permitted on Sundays, or as permitted within the program, for family and friends or residents.
6. The manager of the facility shall provide free advisory or counseling services for the San Geronimo Valley Community pursuant to the Letter of Commitment incorporated into this Use Permit and identified as "Exhibit C." Announcement of such services shall be provided to the community through posted notices on community bulletin boards, community newsletters, or other available community publications.

7. The uses permitted herein shall be subject to the following standards:
  - a) All facility parking shall be on-site and car and van pooling shall be encouraged. No facility parking shall be permitted on Tamal Road. Visitor vehicles shall be parked in an approved off campus location for the purposes of shuttle or carpooling systems.
  - b) The State Fire Marshal, or his designated representative, shall perform an annual fire safety inspection of the site and facilities. Any and all improvements shall be completed to the satisfaction of the inspecting officer. Informal gathering or groups shall be monitored by the operators of Serenity Knolls to ensure that complaints and nuisances are reduced to acceptable levels.
  - c) Smoking shall be restricted to areas so designated by the Fire Marshal and shall not be permitted within the dwelling units.
  - d) Purveyors may only deliver goods to the facility between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.
  - e) Employees and residents shall not conduct meetings or other group events outside the meeting area before 8:00 a.m. or after 8:00 p.m.
  - f) Outdoor amplified music and/or speaking events are prohibited.
8. No expansion of the approved operation of facilities shall be allowed without review and/or amendment of the Use Permit. The property owner shall advise the Community Development Agency in writing 30 days prior to a change in operation of the program, including a change in management or expansion of operation. If the Community Development Agency determined that the proposed change or expansion is substantially different in scale or character than approved as part of this Use Permit, a Use Permit Amendment shall be required for the proposed change.
9. Approval of this Use Permit shall be in accordance with the document submitted with the application titled "Serenity Knolls, Inc. – Description of Proposed Use," except that this approval allows for the conditioned operation as herein described. Said document is further identified as "Exhibit A" on file at Marin County Community Development Agency. This approval extends the Use Permit for a period of 7 years. **The Use Permit will expire on January 15, 2029** unless it is revoked pursuant to Condition 12 below or unless the manager of the facility applies for another renewal in writing at least 60 days before the expiration date.
10. When the program is operating at maximum capacity, a full-time physician (40 hours per week) shall be on duty during the day and on call during the evening hours. When the operation of the program is below the maximum capacity range, on duty physician requirements shall be in accordance with the Utilization Table Appendix I incorporated into this Use Permit and identified as "Exhibit B."
12. Should the continued operation and maintenance of the approved facility become a significant public health and safety project to either the Sheriff's Department or the Fire Department, additional security shall be provided by Serenity Knolls, Inc. based on a request from said in writing by the above mentioned Marin County Agencies.
13. This Use Permit is subject to revocation procedures contained in Section 22.88.040 and 22.88.045 of the Marin County Code in the event any of the terms of this approval are violated or if the uses are conducted or carried in a manner so as to adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or detrimental to the public welfare or injurious to property or improvements in the neighborhood.

Marin County Environmental Health Services

14. No on-site laundry services may be performed unless approval is first obtained by Environmental Health Services.
15. The applicant shall maintain an Annual Operating Permit for the septic system from Environmental Health Services. Monitoring of the system shall be in accordance with the provisions contained in Title 18 of Marin County Code.
16. The applicant shall continue to submit a copy of the water bills for the subject property to Environmental Health Services on a quarterly basis for septic system monitoring purposes.

Marin Municipal Water District

17. The property shall not exceed its current entitlement of 3.9 acre-feet per year.

**SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS**

NOW, THEREFORE BE IT FURTHER RESOLVED that the applicant must vest the Serenity Knolls Use Permit approval by complying with the conditions and dates specified in Section II above.

This Use Permit shall be valid upon timely vesting of the approval and will remain valid until January 15, 2029, unless the conditions of approval are violated, in which case the Use Permit may be revoked. The Community Development Agency shall conduct annual permit compliance reviews of this facility to ensure that all conditions of approval are maintained.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Marin County Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency - Planning Division, Room 308, Civic Center, San Rafael, no later than **4:00 p.m.** on January 29, 2009.

**SECTION IV: ACTION**

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 15<sup>th</sup> day of January, 2009.

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JOHANNA PATRI, AICP  
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

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Joyce Evans  
Deputy Zoning Administrator Secretary