

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR MINUTES
Marin County Civic Center, Room #328 - San Rafael
MEETING – January 14, 2009

Hearing Officer Johanna Patri, AICP

Staff Present: Veronica Corella-Pearson, Planner

Joyce Evans, Recording Secretary

Convened at 9:01 A.M.
Adjourned at 9:15 A.M.

January 15, 2009

Marin County Community Development Agency

Brian C. Crawford, Director

NOTICE OF DECISION

Applicant's Name: **SERENITY KNOLLS**

Application (type and number): Use Permit Renewal (Ex 08-19):

Assessor's Parcel Number: 168-081-36, 46

Project Location: 145 Tamal Rd., Forest Knolls

For inquiries, please contact: Veronica Corella-Pearson, Planner

Decision Date: January 15, 2009

DETERMINATION: Approved with Conditions

Minutes of the January 15, 2009, Deputy Zoning Administrator's hearing are attached specifying action and applicable conditions 1-18.

Marin County Community Development Agency

Johanna Patri, Senior Planner, AICP
Hearing Officer

C1. USE PERMIT RENEWAL (EX 08-19): SERENITY KNOLLS

A proposal requesting renewal of a previously approved Use Permit (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 requests have been received requesting a 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. The subject property is located at **145 Tamal Rd., Forest Knolls**, and is further identified as **Assessor's Parcel 168-081-36, 46**.

The Hearing Officer acknowledged receipt this morning, of a supplemental memorandum from staff dated January 15, 2009, noting corrections in the staff report.

In response to the Hearing Officer, staff stated that no additional correspondence had been received since the issuance of the staff report.

The Hearing Officer asked the applicant if they had received and reviewed the memo dated January 15, 2009, and if they had any questions or comments. The applicants had no comments.

The Hearing Officer accepted the revised resolution, and amended the Findings made in Section VI to read as follows:

- VI. WHEREAS, the Marin County Deputy Zoning Administrator finds that the mandatory findings pursuant Marin County Code, Section 22.10.030, Table 2-3 and Section 22.48-040 can be made to grant a Use Permit for the reasons cited below
 - A. The continued use of Serenity Knolls is allowed, as a conditional use, within the R-A:B-4 governing zoning district and complies with all of the applicable provisions of Marin County Code, Chapter 22.48.
 - B. The continued use of Serenity Knolls is consistent with the Countywide Plan as discussed in Finding IV above.
 - C. The approval of the Use Permit Renewal for the continued use of Serenity Knolls is in compliance with the California Environmental Quality Act and the project was previously granted a Negative Declaration of Environmental Impact.
 - D. The design, location, size, and operating characteristics of the facilities and structures for the continued use of Serenity Knolls are compatible with the existing and future land uses in the vicinity and no new changes are proposed.
 - E. No new structural design changes or building or site improvements are proposed, and the facility and improvements remain compatible with the character of the surrounding residential community. The project will be served by public safety personnel and equipment, as well as water and a County-improved on-site sewage disposal system s with access from Tamal Road, Forest Knolls.
 - F. The continued use of the Serenity Knolls facility and the granting of the Use Permit Renewal will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, or injurious to the property or improvements in the vicinity and

zoning district in which the real property is located. The development site is not impacted by hazardous materials, or natural hazards.. The facility has a County approved on-site sewage disposal system, monitored by the Marin County Environmental Health Services. The property shall not exceed its current entitlement of 3.9 acre-feet of water per year in accordance with the regulations of the Marin Municipal Water District. The project site contains adequate, unconstrained areas for the parking of 23 vehicles and related on-site circulation. The project will not result in noise impacts to the surrounding neighborhood created by special events. The project will not result in adverse affects to the surrounding natural environment or the character of the local community. Conditional approval requires the manager to hire additional security if needed for public safety.

The Hearing Officer concurred with staff's analysis and approved the Serenity Knolls Use Permit Renewal, based on the revised Findings and subject to the conditions in the revised Resolution.

The Hearing Officer informed all parties of interest that this action may be appealed to the Marin County Planning Commission within 10 working days.

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION 09-100

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

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.
- 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 mandatory findings pursuant Marin County Code, Section 22.10.030, Table 2-3 and Section 22.48-040 can be made to grant a Use Permit for the reasons cited below:

- A. The continued use of Serenity Knolls is allowed, as a conditional use, within the R-A:B-4 governing zoning district and complies with all of the applicable provisions of Marin County Code, Chapter 22.48.
- B. The continued use of Serenity Knolls is consistent with the Countywide Plan as discussed in Finding IV above.
- C. The approval of the Use Permit Renewal for the continued use of Serenity Knolls is in compliance with the California Environmental Quality Act and the project was previously granted a Negative Declaration of Environmental Impact.
- D. The design, location, size, and operating characteristics of the facilities and structures for the continued use of Serenity Knolls are compatible with the existing and future land uses in the vicinity and no new changes are proposed.
- E. No new structural design changes or building or site improvements are proposed, and the facility and improvements remain compatible with the character of the surrounding residential community. The project will be served by public safety personnel and equipment, as well as water and a County-improved on-site sewage disposal system s with access from Tamal Road, Forest Knolls.
- F. The continued use of the Serenity Knolls facility and the granting of the Use Permit Renewal will not be detrimental to the public interest, health, safety, convenience, or welfare of the County, or injurious to the property or improvements in the vicinity and zoning district in which the real property is located. The development site is not impacted by hazardous materials, or natural hazards.. The facility has a County approved on-site sewage disposal system, monitored by the Marin County Environmental Health Services. The property shall not exceed its current entitlement of 3.9 acre-feet of water per year in accordance with the regulations of the Marin Municipal Water District. The project site contains adequate, unconstrained areas for the parking of 23 vehicles and related on-site circulation. The project will not result in noise impacts to the surrounding neighborhood created by special events. The project will not result in adverse affects to the surrounding natural environment or the character of the local community. Conditional approval requires the manager to hire additional security if needed for public safety.

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 approval extends Use Permit 02-1 shall supersede Use Permit 02-1, approved by the Marin County Deputy Zoning Administrator on November 29, 2001.

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 Renewal 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 10 years. **The Use Permit will expire on January 15, 2019** 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 Renewal is subject to revocation procedures contained in Section 22.120.030 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.
 14. Within 30 days of the Serenity Knolls Use Permit Renewal approval, the County shall record the Serenity Knolls Decision against the Title of the property.

Marin County Environmental Health Services, Sewage

15. No on-site laundry services may be performed unless approval is first obtained by Environmental Health Services.
16. 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.

17. 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

18. 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 Renewal approval by complying with the conditions and dates specified in Section II above.

This Use Permit Renewal shall remain valid until January 15, 2019, and so long as the current owner(s) or subsequent owners of the property comply with the conditions of project approval and as long as all terms of the Use Permit are maintained. In the event that the conditions of this Use Permit are violated and are not maintained, or that the approved uses are carried on in such a manner as to adversely affect the health, welfare or safety of persons residing in the neighborhood, the Use Permit could be revoked or suspended in accordance with the terms and provisions of the Marin County Code. 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 30, 2009.

SECTION IV: ACTION

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

JOHANNA PATRI, AICP
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
Deputy Zoning Administrator Secretary