



MARIN COUNTY
COMMUNITY DEVELOPMENT AGENCY

BRIAN C. CRAWFORD, DIRECTOR

**STAFF REPORT TO THE MARIN COUNTY
DEPUTY ZONING ADMINISTRATOR**
KENTFIELD FIRE PROTECTION DISTRICT USE PERMIT RENEWAL

RECOMMENDATION: Approve with conditions
HEARING DATE: April 14, 2011

Application No(s):	UP11-2	Applicant(s):	Mike Justis
Project ID:	10-0218		
Agenda Item:	1	Owner(s):	Kentfield Fire Protection District
Last Date for Action:	May 10, 2011	Assessor's Parcel No(s):	071-144-20
		Property Address:	1004 Sir Francis Drake Boulevard, Kentfield
		Project Planner:	Scott Greeley (415) 499-7043 sgreeley@co.marin.ca.us
		Signature:	

Countywide Plan Designation: PF (Public Facility)
Community Plan Area: Kentfield-Greenbrae
Zoning: PF (Public Facility)
CEQA: The project was been found to be Categorical Exempt, State CEQA Guidelines, Section 15301, Class 1, Existing Facilities

PROJECT DESCRIPTION:

The applicant is requesting a renewal of an unstaffed, wireless Personal Communication Services (PCS) facility located at the Kentfield Fire Protection District fire station at 1004 Sir Francis Drake Boulevard in Kentfield. The existing facility was approved for Pacific Bell Mobile Services on June 20, 1996 and included 6 (6 inch by 5 foot) panel antennas, with 2 antennas mounted on each of the 3 supported posts with a maximum height of 32.5 feet above grade. In addition, there are two base transceiver stations, in all weather cabinets 5 feet high and 10 square feet each.

PROJECT SETTING AND BACKGROUND:

Lot size: 26,832 square feet
Adjacent Land Uses: Commercial, educational, and residential
Vegetation: Native trees and local landscaping
Topography and Slope: Gently sloping
Environmental Hazards: None

The applicant is proposing to renew Use Permit 96-400 which was approved by the Deputy Zoning Administrator via Resolution 96-049 on June 20, 1996, with an expiration date of June 20, 2006. The project applicant was originally Pacific Bell Mobile Services, but has since been acquired by T-Mobile West Corporation.

Pursuant to Resolution 96-049, the applicant needed to submit an application at least 30 days before the June 20, 2006 expiration date for the Director to be able to extend the Use Permit. While this deadline has past, under California State law (as interpreted by *Goat Hill Tavern v. City of Costa Mesa*), unless the Use Permit is formally revoked by the County of Marin, the Use is allowed to remain. Following notification of the expired Use Permit, Mike Justis with Applied Wireless Consulting, Inc, on behalf of T-Mobile West Corporation submitted a request to renew the Use Permit.

While Deputy Zoning Administrator Resolution 96-049 also approved Design Review Exemption (DX) 96-399, but only a renewal to the Use Permit is required. Pursuant to Chapter 22.48.030(C) of the Development Code, such a request for Use Permit renewal needs to be considered by the Deputy Zoning Administrator. The Deputy Zoning Administrator has the authority to renew and extend the Use Permit expiration date for an additional ten years.

As such, because the project has not changed, staff is recommending approval of the Kentfield Fire Protection District Use Permit Renewal.

RECOMMENDATION:

Staff recommends that the Deputy Zoning Administrator review the administrative record, conduct a public hearing, and adopt the attached resolution approving Kentfield Fire Protection District Use Permit Renewal 11-2.

- Attachments:**
1. *Recommended Resolution approving the Kentfield Fire Protection District Use Permit Renewal 11-2*
 2. *CEQA Exemption*
 3. *Assessor's Parcel Map*
 4. *DZA Resolution 96-049 and staff report for Kentfield Fire Protection District/Pacific Bell Mobile Services Use Permit (96-400) and Design Review Exemption (96-399)*
 5. *Department of Public Works memo, dated August 19, 2010*
 6. *Marin Municipal Water District memo, dated August 18, 2010*
 7. *Ross Valley Sanitary District memo, dated August 19, 2010*
 8. *Kentfield Planning Advisory Board Minutest from August 25, 2010*

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. 11-
A RESOLUTION APPROVING THE KENTFIELD FIRE PROTECTION DISTRICT USE PERMIT
RENEWAL
1004 SIR FRANCIS DRAKE BOULEVARD, KENTFIELD
ASSESSOR'S PARCEL 071-144-20

SECTION I: FINDINGS

- I. WHEREAS, Mike Justis, is seeking a renewal of Use Permit 96-400, which permitted the construction of an unstaffed, wireless Personal Communication Services (PCS) facility located at the Kentfield Fire Protection District fire station. The existing facility was approved for Pacific Bell Mobile Services on June 20, 1996 and included 6 (6 inch by 5 foot) panel antennas, with 2 antennas mounted on each of the 3 supported posts with a maximum height of 32.5 feet above grade. In addition, there are two base transceiver stations, in all weather cabinets 5 feet high and 10 square feet each.. **The subject property is located at 1004 Sir Francis Drake Boulevard in Kentfield, and is further identified as Assessor's Parcel 071-144-20.**
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly-noticed public hearing April 14, 2011, 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 of the CEQA Guidelines because it entails renewal of a Use Permit for an existing utility and would not result in potentially significant impacts to the environment.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project has not changed and remains consistent with the Marin Countywide Plan, Kentfield-Greenbrae Community Plan, and the mandatory findings for a Use Permit (Section 22.48.040 of the Marin County Code) as originally approved and conditioned by the Deputy Zoning Administrator, with Resolution 96-049 on June 20, 1996.
- V. WHEREAS the Marin County Deputy Zoning Administrator hereby approves the Kentfield Fire Protection District Use Permit renewal subject to the conditions of approval listed below. This approval authorizes the continued use of an unstaffed, wireless Personal Communication Services (PCS) facility located at the Kentfield Fire Protection District fire station. The facility includes 6 (6 inch by 5 foot) panel antennas, with 2 antennas mounted on each of the 3 supported posts with a maximum height of 32.5 feet above grade. In addition, there are two base transceiver stations, in all weather cabinets 5 feet high and 10 square feet each. The subject property is located at 1004 Sir Francis Drake Boulevard in Kentfield, and is further identified as Assessor's Parcel 071-144-20.

SECTION II: CONDITIONS OF APPROVAL

CONDITIONS OF APPROVAL

Community Development Agency – Planning Division

- 1. All conditions of approval that were part of Use Permit 96-400 and Design Review Exemption 96-399, which were adopted by the Deputy Zoning Administrator with Resolution 96-049 shall remain valid as ongoing conditions of approval.

SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE BE IT FURTHER RESOLVED that this Use Permit shall be valid until **April 14, 2021**, unless the conditions of approval are violated, in which case the Use Permit may be revoked. The applicant shall submit an application to renew the Use Permit at least 60 days before the expiration of the Use Permit.

NOW, THEREFORE BE IT FURTHER RESOLVED that this decision is final unless appealed to the Planning Commission. A Petition for Appeal and a \$600.00 filing fee must be submitted in the Community Development Agency, Planning Division, Room 308, Marin County Civic Center, San Rafael, no later than **4:00 p.m.** on **April 28, 2011**.

SECTION IV: ACTION

PASSED AND ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 14th day of April 2011.

JOHANNA PATRI
MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary