

Marin County Community Development Agency

Alex Hinds, Director

STAFF REPORT TO THE DEPUTY ZONING ADMINISTRATOR MARIN FRENCH CHEESE COMPANY USE PERMIT

Item No:	C2.	Application No:	UP 08-20
Applicant:	Joshua Reichek	Owner:	Marin French Cheese Co.
Property Address:	7500 Redhill Road, Petaluma	Assessor's Parcel:	125-060-10
Hearing Date:	May 15, 2008	Planner:	Christine Gimmler, Planner

RECOMMENDATION:	Approval with Conditions
APPEAL PERIOD:	Ten business days to the Planning Commission
LAST DATE FOR ACTION:	May 29, 2008

PROJECT DESCRIPTION:

The applicant, Joshua Reichek, on behalf of the property owner, Marin French Cheese Company, is requesting Use Permit approval for the temporary use of an existing 6,400 square foot barn as exhibit space for "21 Days of Black Rock City", a presentation of photographic images of the Burning Man Festival. As proposed, the exhibit would be held from May 30 through August 17, 2008 and from September 26 through November 23, 2008. The exhibit would be open Friday through Sunday and holidays, from noon to 5:00 p.m. and no admission fee would be charged. The existing barn proposed to house the temporary exhibit is located behind the main cheese factory complex, approximately 400 feet north of Point Reyes-Petaluma/Redhill Road. No exterior modifications to the structure are proposed. Proposed temporary signage for the exhibit would include two 42" by 48" signs installed along Petaluma-Point Reyes Road as well as two 42" by 70" wall-mounted signs on the barn and an adjacent storage building. This barn was previously approved for a similar temporary art exhibit use in 2005.

GENERAL INFORMATION:

Countywide Plan:	Agricultural, one unit per 60 acres (AG-1)
Zoning:	Agricultural, 60 acre minimum lot size (A-60)
Lot size:	425 acres
Adjacent Land Uses:	Agricultural, fire station
Vegetation:	Native and introduced vegetation and landscaping
Topography and Slope:	Level
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 Section 15303, Class 3(e) of the CEQA Guidelines because it entails use of an existing building as temporary exhibition space on a commercially-developed property which would not result in adverse environmental impacts.

PUBLIC NOTICE:

The Community Development Agency has provided public notice identifying the applicant, describing the project and its location, and giving the scheduled date of the public hearing in accordance with California Government Code requirements. This notice has been mailed to all property owners within 600 feet of the subject property. No adverse comments regarding the proposed project have been received by Community Development Agency staff.

PLAN CONSISTENCY:

The proposed project is consistent with the goals and policies of the Marin Countywide Plan because the project proposes the installation of a temporary art exhibit in an existing barn building on a commercially developed property which would not alter the rural character of the area and would not result in adverse environmental or visual impacts. Please refer to the recommended resolution for detailed findings.

PROJECT ANALYSIS:

The 425-acre subject property is a dairy ranch located on the west side of Redhill Road (also known as Point Reyes-Petaluma Road) just south of the intersection with Novato Boulevard. The Marin French Cheese Company was founded on the property in 1865 and has specialized in the on-site production and sales of French-style cheeses under the "Rouge et Noir" label since 1906. The site is developed with a number of buildings including two historic ranch homes, an approximately 9,000 square foot cheese processing and sales building, and several existing barns and storage buildings.

As described above, the current application proposes to utilize an existing 6,400 square foot barn as a temporary exhibit space for "*21 Days of Black Rock City*", a presentation of photographic images of the Burning Man Festival. This structure was renovated for a similar temporary art exhibit in 2005, including replacement of the roof, and an electrical system upgrade. As proposed, the exhibit would be held from May 30 through August 17, 2008 and from September 26 through November 23, 2008. The exhibit would be open Friday through Sunday and holidays, from noon to 5:00 p.m. and no admission fee would be charged. The exhibit would be open to the public and Cheese Company visitors and the applicant proposes to organize tours of the exhibit for Marin and Sonoma County school children. The existing barn proposed to house the temporary exhibit is located behind the main cheese factory complex, approximately 400 feet north of Point Reyes-Petaluma/Redhill Road. No exterior modifications to the structure are proposed. Proposed temporary signage for the exhibit would include two 42" by 48" signs installed along Petaluma-Point Reyes Road as well as two 42" by 70" wall-mounted signs on the barn and an adjacent storage building.

Overall, staff finds that Use Permit findings can be made for the proposed project. Use of an existing barn building as exhibition space for a temporary art installation would not alter the appearance of the structure or the visual character of existing development on the property and would not generate any activities which are detrimental to the public or adjoining property owners and residents. The property is

served by approximately 200 parking spaces, which Department of Public Works staff has determined would be adequate to serve the proposed use. The art exhibit would serve existing visitors to the Marin French Cheese Company and would be compatible with the existing visitor and local-serving commercial use of the property. The exhibit would also be accessible to other visitors and local residents interested in viewing the photographic images. The space would provide exhibit space without increasing the footprint of development on the site, interfering with neighboring uses, or resulting in grading, tree removal, or other adverse environmental impacts. The proposed hours of operation are reasonable and compatible with existing hours of operation of the Marin French Cheese Company. In addition, the proposed signage would be reasonably sized and would adequately identify the temporary use without adversely impacting the character of the site. Although developed with an existing commercial and retail use, the subject property is located in a rural area with no nearby residential properties that could be adversely impacted by the proposed use. The existing barn that would house the exhibit is located behind the main Cheese Factory building and is not readily visible from the roadway. In addition, the use would be temporary in nature, and any future proposal to extend the time frame of the exhibit would be subject to future public noticing and a public hearing. Finally, no adverse comments regarding the proposed project have been received by Community Development Agency staff.

RECOMMENDATION

Staff recommends that the Deputy Zoning Administrator take the following actions:

1. Review the administrative record
2. Conduct a public hearing; and
3. Approve the Marin French Cheese Company Use Permit application based on the findings contained in the proposed resolution.

- Attachments:
1. Proposed Resolution recommending approval of the Marin French Cheese Company Use Permit
 2. CEQA Document
 3. Location Map
 4. Assessor's Parcel Map
 5. Overall Site Plan
 6. Partial Site Plan
 7. Department of Public Works, Land Use and Water Resources memo, May 7, 2008
 8. Environmental Health Services memo, April 8, 2008

MARIN COUNTY DEPUTY ZONING ADMINISTRATOR

RESOLUTION NO. _____

**A RESOLUTION APPROVING WITH CONDITIONS
THE MARIN FRENCH CHEESE COMPANY USE PERMIT APPLICATION**

**ASSESSOR'S PARCEL 125-060-10
7500 REDHILL ROAD, PETALUMA**

SECTION I: FINDINGS

- I. WHEREAS the applicant, Joshua Reichel, on behalf of the Marin French Cheese Company, is requesting Use Permit approval for the temporary use of an existing 6,400 square foot barn as exhibit space for “21 Days of Black Rock City”, a presentation of photographic images of the Burning Man Festival. As proposed, the exhibit would be held from May 30 through August 17, 2008 and from September 26 through November 23, 2008. The exhibit would be open Friday through Sunday and holidays, from noon to 5:00 p.m. and no admission fee would be charged. The existing barn proposed to house the temporary exhibit is located behind the main cheese factory complex, approximately 400 feet north of Point Reyes-Petaluma/Redhill Road. No exterior modifications to the structure are proposed. Proposed temporary signage for the exhibit would include two 42” by 48” signs installed along Petaluma-Point Reyes Road as well as two 42” by 70” wall-mounted signs on the barn and an adjacent storage building. This barn was previously approved for a similar temporary art exhibit use in 2005. The subject property is located at 7500 Redhill Road, Petaluma, and is further identified as Assessor’s Parcel Number 125-060-10; and
- II. WHEREAS the Marin County Deputy Zoning Administrator held a duly noticed public hearing on May 15, 2008, to consider the merits of the project, and hear testimony in favor of and in opposition to the project; and
- 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 pursuant to Section 15303, Class 3(e) of the CEQA Guidelines because it entails use of an existing building as temporary exhibition space on a commercially-developed property which would not result in adverse environmental impacts.
- IV. WHEREAS the Marin County Deputy Zoning Administrator finds that the proposed project is consistent with the goals and policies of the *Marin Countywide Plan* because it would:
 - A. Provide art exhibition space in the Inland Rural Corridor without adversely affecting agricultural areas, public open spaces, residential areas, or natural resources in the project vicinity;
 - B. Comply with Marin County standards for access, parking, flood control, and seismic safety;
 - C. Not cause soil disturbance or the removal of natural vegetation.

D. Not adversely impact water supply, fire protection, waste disposal, schools, traffic and circulation, or other services.

IV. WHEREAS the Marin County Deputy Zoning Administrator finds that, subject to conditions of approval, the Mandatory Findings for a Use Permit per Section 22.48.040 of the Marin County Development Code can be made because:

A. The proposed use is allowed, as a conditional use, within the subject zoning district and complies with all of the applicable provisions of this Chapter.

The proposed temporary art exhibit is an educational use which is conditionally permitted within the governing A-60 zoning district, and would comply with applicable provisions of this Chapter as described in Findings B through F.

B. The proposed use is consistent with the Countywide Plan and applicable Community Plans.

The proposed use of an existing barn building as a temporary exhibition space would be consistent with the land use designation and policies of the Countywide Plan. The project would provide art exhibit space and serve visitors and local residents without increasing the footprint of development on the site, interfering with neighboring uses, or resulting in grading, tree removal, or other adverse environmental impacts. The project site has adequate water and septic services, and available parking to serve the project.

C. The approval of the Use Permit for the proposed use is in compliance with the California Environmental Quality Act (CEQA).

The proposed project is Categorically Exempt from the requirements of the California Environmental Quality Act, per Section 15303, Class 3(e) of the CEQA Guidelines because it entails use of an existing building as temporary exhibition space on a commercially-developed property with no potentially adverse impacts to the environment.

D. The design, location, size, and operating characteristics of the proposed use are compatible with the existing and future land uses in the vicinity.

As noted previously, the proposed use would be located within an existing building, and would not alter the design, location, size or character of existing development on the subject property. The art exhibit would serve existing visitors to the Marin French Cheese Company and would be compatible with the visitor and local-serving commercial use of the site. The proposed hours of operation are reasonable and compatible with existing hours of operation of the Marin French Cheese Company. Overall, use of an existing barn as temporary exhibition space would not generate any activities which are detrimental to the existing and future land uses in the vicinity.

E. The proposed use would not impair the architectural integrity and character of the zoning district in which it is to be located.

The project proposes the use of an existing renovated barn structure and would not alter the appearance of the structure or the visual character of existing development on the property. In

addition, the proposed signage would be reasonably sized and would adequately identify the temporary use without adversely impacting the character of the site.

F. Granting the Use Permit 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 proposed project would not generate any activities which are detrimental to the public or adjoining property owners and residents. The property is served by approximately 200 parking spaces, which Department of Public Works staff has determined would be adequate to serve the proposed use. Although developed with an existing commercial and retail use, the subject property is located in a rural area with no nearby residential properties that could be adversely impacted by the proposed use. The barn that would house the exhibit is located behind the main Cheese Factory building and is not readily visible from the roadway. Finally, no adverse comments regarding the proposed project have been received by Community Development Agency staff.

SECTION II: DECISION

NOW, THEREFORE, LET IT BE RESOLVED that the Marin County Deputy Zoning Administrator hereby approves the Marin French Cheese Company Use Permit subject to the following conditions:

Marin County Community Development Agency -- Planning Division

1. The Marin French Cheese Company Use Permit approval permits the use of an existing 6,400 square foot barn on the subject property as exhibit space for a temporary art installation. The use is approved to begin May 30, 2008 through August 17, 2008, and again from September 26, 2008 through November 23, 2008. The exhibit is approved to be open to the public Friday through Sunday and holidays from noon to 5:00 p.m.
2. Except as modified by conditions of approval, plans submitted for a Building Permit shall substantially conform to plans identified as "Exhibit A": Partners in Creation – Exhibit Space, prepared by JSW/D Architects, dated 3/11/08, received 3/24/08, and on file in the Marin County Community Development Agency -- Planning Division.
3. Exterior lighting shall be permitted for safety reasons only, must consist of low wattage fixtures, and must be directed downward and hooded.
4. Any changes or additions to the project shall be submitted to the Community Development Agency, Planning Division for review and approval before the contemplated modifications may be initiated.
5. This Use Permit shall be vested by use of the barn for the approved art exhibit use consistent with the terms of the approval and shall remain through November 23, 2008, unless the terms of this Use Permit approval are violated or the approved uses are carried on in such a manner as to adversely affect the health, welfare, or safety of persons residing or working in the neighborhood, or be detrimental to the public welfare or injurious to the property or improvements in the neighborhood, at which time this Use Permit could be revoked or suspended in accordance with the terms and provisions contained in Chapter 22.48 of the Marin County Code.

Marin County Department of Public Works

9. BEFORE ISSUANCE OF ANY BUILDING PERMITS OR USE OF THE EXHIBIT SPACE BY THE PUBLIC, the plans shall be revised to relocate the accessible parking space to the area closest to the path of travel and the bathroom facilities so that the path of travel does not cross the travel lane. The parking space shall be van accessible. Plans shall show signage, striping, and details of the accessible parking space.
10. All signage shall be placed on the subject property and outside of the County road right-of-way along Point Reyes-Petaluma/Redhill Road.

Environmental Health Services

11. WITHIN 30 DAYS OF APPROVAL, the applicant shall confirm that all required EHS permits have been obtained related to construction performed without permits in 2005.

SECTION III: VESTING, PERMIT DURATION, AND APPEAL RIGHTS

NOW, THEREFORE, LET IT BE FURTHER RESOLVED that the applicant must vest the Marin French Cheese Company Use Permit approval by May 30, 2008, or all rights granted in this approval shall expire, unless the applicant applies for an extension at least 30 days before the expiration date above and the Agency Director approves it. Vesting this Use Permit approval entails installing the art exhibit as proposed and complying with all conditions of approval. An extension of up to 90 days may be granted for cause pursuant to Sections 22.56.050 of Marin County Code.

NOW, THEREFORE BE IT FURTHER RESOLVED that this Use Permit shall be valid until **November 23, 2008**, unless the conditions of approval are violated, in which case the Use Permit may be revoked.

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, Room 308, Civic Center, San Rafael, no later than **4:00 p.m. on May 29, 2008**.

SECTION IV: DECISION

ADOPTED at a regular meeting of the Deputy Zoning Administrator of the County of Marin, State of California, on the 15th day of May, 2008:

JOHANNA PATRI, AICP
DEPUTY ZONING ADMINISTRATOR

Attest:

Joyce Evans
DZA Secretary