

# DEVELOPMENT SERVICES DEPARTMENT

County of  
EL DORADO

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PLANNING  
SERVICES



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## MEMORANDUM

**DATE:** December 27, 2006 **Agenda of:** January 11, 2007  
**TO:** Planning Commission **Item #:** 9.  
**FROM:** Peter N. Maurer, Principal Planner *P. Maurer*  
**SUBJECT:** Olde Coloma Theatre  
Determination of Nonconforming Use

The operators of the Olde Coloma Theatre, the Coloma Crescent Players, have requested that their request for a finding on legal nonconforming status be placed back on the Planning Commission agenda. This item has been heard twice already, with the Commission finding that there was insufficient information to make a determination. Consideration was continued off-calendar on November 9, 2006. Staff had believed that the Players intended to submit a special use permit application, and since no new information had been submitted, recommended continuance. No one representing the theater attended the hearing.

Section 17.20.110 et seq. of the El Dorado County Code sets forth the means to terminate a nonconforming use. The responsibility lies with the Planning Commission with appeal rights to the Board of Supervisors. The basis for termination would be either that the use has been abandoned for a period of one year or that the use is found to be detrimental to the public health and safety or is found to be a nuisance. There is also a well established body of case law applying to nonconforming uses that permit a nonconforming use to continue to operate provided that the use does not expand and that the circumstances applying to the site or use when it was approved does not change.

Although the record is not entirely clear regarding planning review of the relocation of the theater building and subsequent modifications, the County clearly approved the building permits. However, from the beginning, land was available to accommodate the parking needs of the theater, either as a part of the larger site, or through an informal agreement with the adjacent property owner (Vineyard House.) That has now changed. The adjacent property owner no longer is permitting patrons of the theater to park on the adjacent parcel. This has caused a change in circumstances that, based on communication from residents in the area, has caused both a safety problem and a nuisance.

The Coloma Crescent Players have made attempts to address the loss of parking by making improvements to the on-site parking facilities and by arranging for parking at the nearby

convenience store. Unfortunately, neither of these arrangements provides sufficient parking for the theater when fully occupied or for the school groups that attend shows in the spring. As stated in previous reports, the theater requires parking spaces and even with the recent grading and retaining wall work done by the Players, there are perhaps only twelve to fifteen spaces available on site. Many of the stalls shown on the most recent site plan that was submitted in November are not useable due to circulation or size requirements. The zoning ordinance requires 43 spaces.

An off-site agreement was also proposed, utilizing the parking lot for the market on Hwy 49. It is unclear how many spaces this might provide and there are a number of deficiencies in this agreement. To date, there has been no satisfactory resolution to the loss of parking on the Vineyard House site, which has caused the safety and nuisance problems.

**Recommendation:**

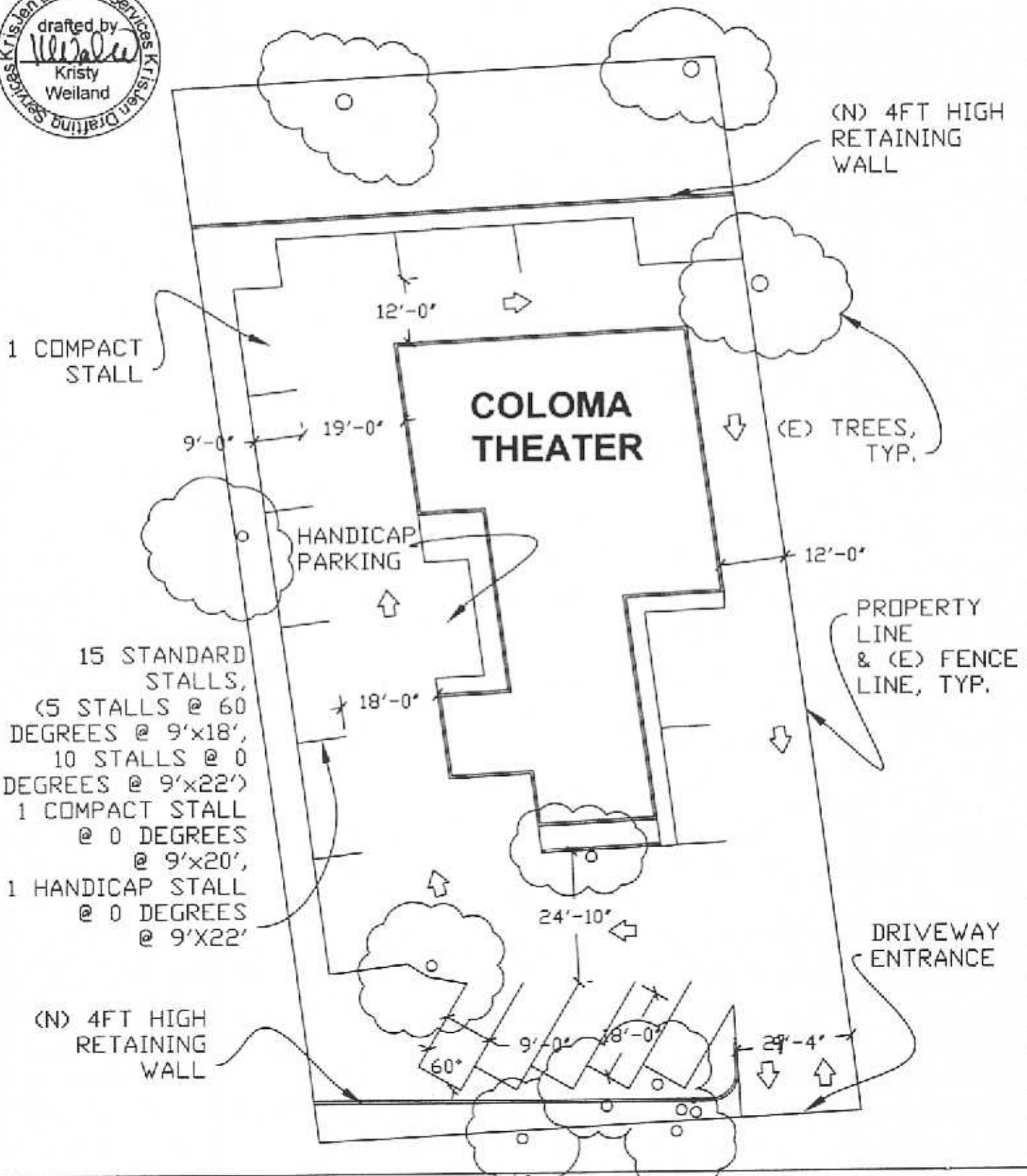
Staff recommends the Planning Commission take find:

1. That there is a change in circumstances with the loss of available parking on the adjacent property;
2. A safety hazard has been created in that theater patrons must walk along a narrow road to attend shows, due to the loss of available parking to the theater;
3. Bus parking and unloading has created a public nuisance by obstructing the free passage on the public highway; and
4. The nonconforming use of APN 006-290-04 for a theater is terminated.

Staff further recommends that enforcement action be stayed if a complete special use permit application is submitted to Planning Services no later than February 1, 2007 and is diligently pursued by the Coloma Crescent Players. During the time that a special use permit is being processed, use of the theater shall be limited to audiences of no more than 40 persons.

**Attachments:**

1. Site Plan
2. Draft parking agreement
3. Photographs taken on Dec. 1, 2006 site visit



*Kris Jen Drafting Services*  
1760 St. Garth Way, Shingle Springs, California

# PARKING PLAN

ATTACHMENT 1

Olde Coloma Theatre  
P.O. Box 472  
Coloma, Ca., 95613

10-31-2006

*RJA*

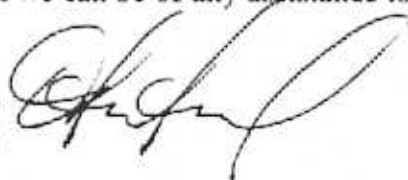
The Olde Coloma Theatre agrees to pay the ~~\$150.00~~ <sup>\$200.00</sup> Kwang Lee for the use of their parking area in the sum of ~~\$150.00~~ per month, for each month that the theatre uses the parking. This shall commence November 23, 2006 and run through December 31<sup>st</sup>, 2006, every Friday and Saturday evening, ending on that date. This agreement shall commence again June 1<sup>st</sup>, 2007 and ending December 31<sup>st</sup>, 2007, every Friday and Saturday evening 7:30 p.m. to 10:30 p.m.

In addition to this agreement, the Olde Coloma Theatre, shall in no way hold Kwang Lee responsible for any damages that may occur to any of our vehicles that are parked on the premises, during the hours of 7:00 p.m. to 10:30 p.m.

We also agree to pay for any damages that we may cause during the use of the premises while parking, on those dates and hours.

Thank you very much for the use of your parking and if we can be of any assistance to you in the future, please let us know.

Contact information.   Dustin Weiland   530-363-0816  
                                  Danny Moreno   530-622-0643  
                                  Rita Archie     530-642-0214



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