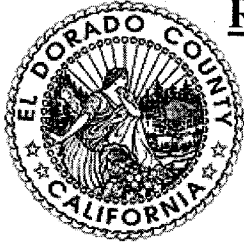


**COUNTY OF EL DORADO DEVELOPMENT SERVICES
PLANNING COMMISSION
REVISED STAFF REPORT**



Agenda of: January 14, 2010
Item No.: 7.b
Staff: Jason R. Hade

SPECIAL USE PERMIT

FILE NUMBERS: S07-0019/Olde Coloma Theatre

APPLICANT: Coloma Crescent Players, Inc.

AGENT: Carol Fallon

REQUEST: Special use permit (SUP) to authorize the use of an existing building for live theatre performances with a maximum occupancy of 149 persons.

LOCATION: On the south side of Monument Road, approximately 100 feet west of the intersection with Cold Springs Road in the Coloma area, Supervisorial District IV. (Exhibit A)

APN: 006-290-04 (Exhibit B)

LOT SIZE: 19,602 square feet

GENERAL PLAN: Tourist Recreational (TR) (Exhibit C)

ZONING: Recreational Facilities (RF) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Categorically exempt pursuant to Section 15301 of the CEQA Guidelines

RECOMMENDATION: Staff recommends that the Planning Commission take the following actions:

1. Certify that the project is Categorically Exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines; and

2. Approve Special Use Permit S07-0019 subject to the conditions of approval in Attachment 1, based on the findings in Attachment 2.

BACKGROUND

The Olde Coloma Theatre has been in existence since 1975 when a donated structure was relocated to the site. The theatre holds regular weekend performances (one show each Friday and Saturday evening) from May through December. The theatre also provides shows for school groups visiting Marshall Gold Discovery State Historic Park, although they are not affiliated in any way with the state park. These shows run from February through June, with the peak time being in April and May with up to five shows a day. The school performances began in 1988 according to the current operators of the theatre.

The theatre previously had an agreement with the former owners of the Vineyard House to use part of that property for parking. The new owners rescinded that agreement in early 2006, resulting in parking problems that have affected neighboring property owners and the state park. Grading was done on the site to address flooding problems during the winter storms of 2006 as well as to improve on-site parking. As no permit was secured prior to the grading and a code enforcement action was initiated on February 28, 2006 for grading without a permit. The investigation also resulted in questions regarding the legality of the theater activity.

At the hearing of August 24, 2006, the applicant requested the Planning Commission make a determination that the Theatre is a legal non-conforming use. After several continuances, the Planning Commission determined on March 8, 2007 that the Theatre did not qualify as a legal non-conforming use and that an SUP would be required to continue its operations. The Planning Commission's action was subsequently appealed to the Board of Supervisors (BOS). On April 17, 2007, the BOS denied the applicant's appeal upholding the decision of the Planning Commission to require the submittal of an SUP application. The BOS also directed staff to waive the filing fee for the SUP.

The subject SUP application was submitted on June 4, 2007.

At the hearing of November 12, 2009, at the request of staff, the Planning Commission continued this item to the hearing of January 14, 2010 so that staff could prepare this revised staff report addressing unresolved parking issues and a more appropriate CEQA exemption could be identified.

STAFF ANALYSIS

Staff has reviewed the project for compliance with the County's regulations and requirements. An analysis of the proposal and issues for Planning Commission consideration are provided in the following sections.

Project Description: Special use permit (SUP) to authorize the use of an existing building for live theatre performances with a maximum occupancy of 149 persons. Hours of operation would be 9:00

AM to 8:00 PM Monday through Thursday, 9:00 AM to 10:30 PM Friday, and 1:00 PM to 10:30 PM Saturday and Sunday. Up to five special events would be authorized per year consistent with the maximum occupancy and hours of operation above. Up to 15 employees would be authorized for each performance, excluding performers. The sale of alcoholic beverages would be prohibited. Fifteen on-site parking spaces would be provided consistent with Exhibit E.

Although the project description outlined above represents the applicant's request, staff recommends the Planning Commission restrict the maximum occupancy to 45 persons, including employees and performers, as only 15 parking spaces are available on-site. Staff also recommends the hours of operation be restricted to 10:00 PM rather than the requested 10:30 PM to achieve consistency with Table 6-2 regarding acceptable noise levels in rural areas. Parking and noise issues are discussed in greater detail below.

Site Description: The 19,602 square foot project site lies at an elevation of approximately 877 feet above sea level. As mentioned above, the site has been used for theatre operations since 1975 when a donated structure was relocated to the site. Site improvements consist of a 4,689 square foot structure (theatre), retaining wall constructed near the western property line, and approximately eight oak trees. Existing project access is via Monument Road.

Adjacent Land Uses

	Zoning	General Plan	Land Use/Improvements
Site	RF	TR	Commercial/Theatre
North	RF	TR	State Park/Monument Road
South	RE-5	MDR	Residential/Single-family residence
East	RE-5	MDR	Residential/Single-family residence
West	RE-5	TR	Residential/Undeveloped

Land Use Compatibility: As discussed above, the subject site is surrounded by residential and public land uses. Neighboring property owners and the state park have expressed concerns regarding parking, access, noise, lighting, and grading at the subject site. Staff believes the proposed project is compatible within the context of the surrounding land uses pursuant to General Plan Policy 2.2.5.21 based on compliance with the recommended conditions of approval in Attachment 1.

Access: Site access would continue to be provided via Monument Road with a driveway entrance to be provided consistent with that shown on the submitted site plan (Exhibit E).

Building Services: Based upon recommendations from Building Services, all outstanding building code and ADA issues would need to be addressed by the applicant prior to final building occupancy under the subject SUP, if approved.

Environmental Management Department: If the project would include the sale or give-away of food, including prepackaged food or beverages, the applicant would be required to meet the minimum requirements of the Health and Safety Code – California Uniform Retail Food Facilities Law (CURFFL). This issue has been addressed within the project's recommended conditions of approval (Attachment 1).

Fire Protection: The El Dorado County Fire Protection District reviewed the proposed project and would require the installation of a fire hydrant or alternative fire protection provisions, approved fire alarm system, and submittal of floor plans, if the project were to be approved. Fire issues are addressed within the project's conditions of approval.

Lighting: As recommended in Attachment 1, prior to final building occupancy under S07-0019, all outdoor lighting would need to conform to Section 17.14.170 of the County Code and be fully shielded pursuant to the Illumination Engineering Society of North America (IESNA) full cut-off designation, as determined by Planning Services.

Noise:

Table 6-2 of the General Plan includes a maximum L_{eq} dB of 55 at 10 PM for rural areas such as the project site. The applicant's requested hours of operation extending to 10:30 PM on Friday, Saturday, and Sunday would likely exceed this noise level. Therefore, staff recommends the Planning Commission limit the hours of operation to 10:00 PM rather than the requested 10:30 PM. All occupants of the building, including patrons, crew, and cast would need to exit the parking lot by 10:00 PM.

Parking: Pursuant to Section 17.18.060.44 of the Zoning Ordinance, parking requirements for a theatre are one space per three seats. As such, the theatre would require a total of 50 parking spaces including one handicapped accessible space. However, as shown on Exhibit E, a total of 15 parking spaces are available at the subject site including one handicapped accessible space. Because insufficient on-site parking is available at the subject site for the proposed use, staff suggests the maximum theatre occupancy be limited to 45 persons including employees and performers.

To date, the applicant has not obtained an off-site parking agreement for the use of nearby State-owned parking lots. Such an agreement would be subject to California State Parks review and approval or other party if alternative parking location is used. If the applicant is able to obtain such an agreement, they could file an SUP revision request to seek an expansion of occupancy for the theatre.

Pursuant to proposed Condition 10, large tour and school buses would be prohibited from parking and dropping off theatre patrons on State Route 49 and State Route 153. A final parking management plan would be required to be submitted prior to final building occupancy as detailed in Condition 8.

State Parks: Staff consulted the Marshall Gold Discovery State Historic Park staff in preparing the recommended conditions of approval. State Parks has indicated they may consider the use of the

Marshall Monument parking lot on a case by case special event basis. According to State Parks, use of these parking lots is not ideal as it requires theatre patrons to walk along Highway 153 or Cold Springs Road to reach the theatre property placing pedestrians in a hazardous situation. As mentioned above, at this time, the applicant has not reached an off-site parking agreement with State Parks. State Parks concerns are addressed within Attachment 1.

Trash Enclosure: As outlined in condition of approval number seven, staff recommends, a trash enclosure (wooden or cinder block fence) be constructed to sufficiently screen the waste container located at the front of the subject site prior to final building occupancy.

GENERAL PLAN

This project is consistent with all applicable policies of the adopted 2004 El Dorado County General Plan. Findings for consistency with the General Plan are provided in Attachment 2. The policies and issues that affect this project are discussed below:

Policy 2.2.1.2 states the Tourist Recreational land use designation is to provide areas for tourist and resident serving recreational uses, transit and seasonal lodging facilities, and supporting commercial activities. Types of uses would include campgrounds, golf courses, ski areas, snow parks, riding stables, trail heads, museums, and other similar recreational and sight seeing activities.

Discussion: Although not affiliated with the state park, the Olde Coloma Theatre would continue to provide County residents, visitors, and school groups with cultural and educational opportunities in proximity to Marshall Gold Discovery State Park. As such, the use would be consistent with Policy 2.2.1.2.

Policy 2.2.5.21 directs that new development be compatible with the surrounding land uses.

Discussion: As conditioned, the SUP application would be consistent with the surrounding public and residential land uses.

Policy 5.2.1.2 directs that an adequate quantity and quality of water for all uses, including fire protection, shall be provided for discretionary development.

Discussion: As mentioned above, the El Dorado County Fire Protection District recommends that the project install a new fire hydrant or alternative fire protection provisions, as conditioned in Attachment 1.

Policy 6.2.3.2 directs that the applicant demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.

Discussion: As conditioned and discussed above, the El Dorado County Fire Protection District supports the SUP application. Existing site access is consistent with Policy 6.2.3.2.

Policy 6.5.1.7 states that noise created by new proposed non-transportation noise sources shall be mitigated so as not to exceed the noise level standards of Table 6-2 for noise-sensitive uses.

Discussion: As noted above, restricting the theatre's hours of operation to 10:00 PM would ensure project consistency with Policy 6.5.1.7.

Policy 7.4.4.4 requires all new development projects to adhere to oak tree canopy retention and replacement standards outlined in Option A or to contribute to the County's INRMP conservation fund (Option B).

Discussion: No oak trees are proposed to be removed as part of project implementation. Any future removal of oak tree canopy would be subject to compliance with Policy 7.4.4.4.

Policy 10.1.6.1 directs that the County shall encourage expansion of the types of local industries that promote tourism including but not limited to Christmas tree farms, wineries, outdoor sports facilities, Apple Hill and other agricultural-related activities, the County Fairground, bed and breakfast inns, and ranch marketing activities.

Discussion: Approval of the requested SUP would be consistent with Policy 10.1.6.1 because the theatre would promote continued tourism within the Coloma area.

ZONING

As conditioned in Attachment 1, staff believes the proposed project is consistent with the lighting, parking, and applicable development standards within Section 17.48.070 of the Zoning Ordinance. The proposed use is permitted by special use permit in the Recreational Facilities zone district, pursuant to Section 17.48.060.E. In order to approve the use, the Planning Commission must find that the use is consistent with the General Plan and would not be detrimental to the public health, safety and welfare nor injurious to the neighborhood. Based on staff analysis and comments received from affected public agencies, staff recommends the Planning Commission find that the project would not be detrimental to the public health, safety and welfare and would not be injurious to the neighborhood. Findings for conditional approval are provided in Attachment 2.

ENVIRONMENTAL REVIEW

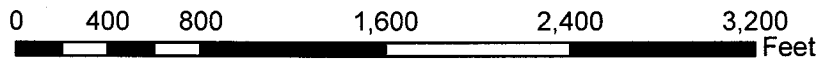
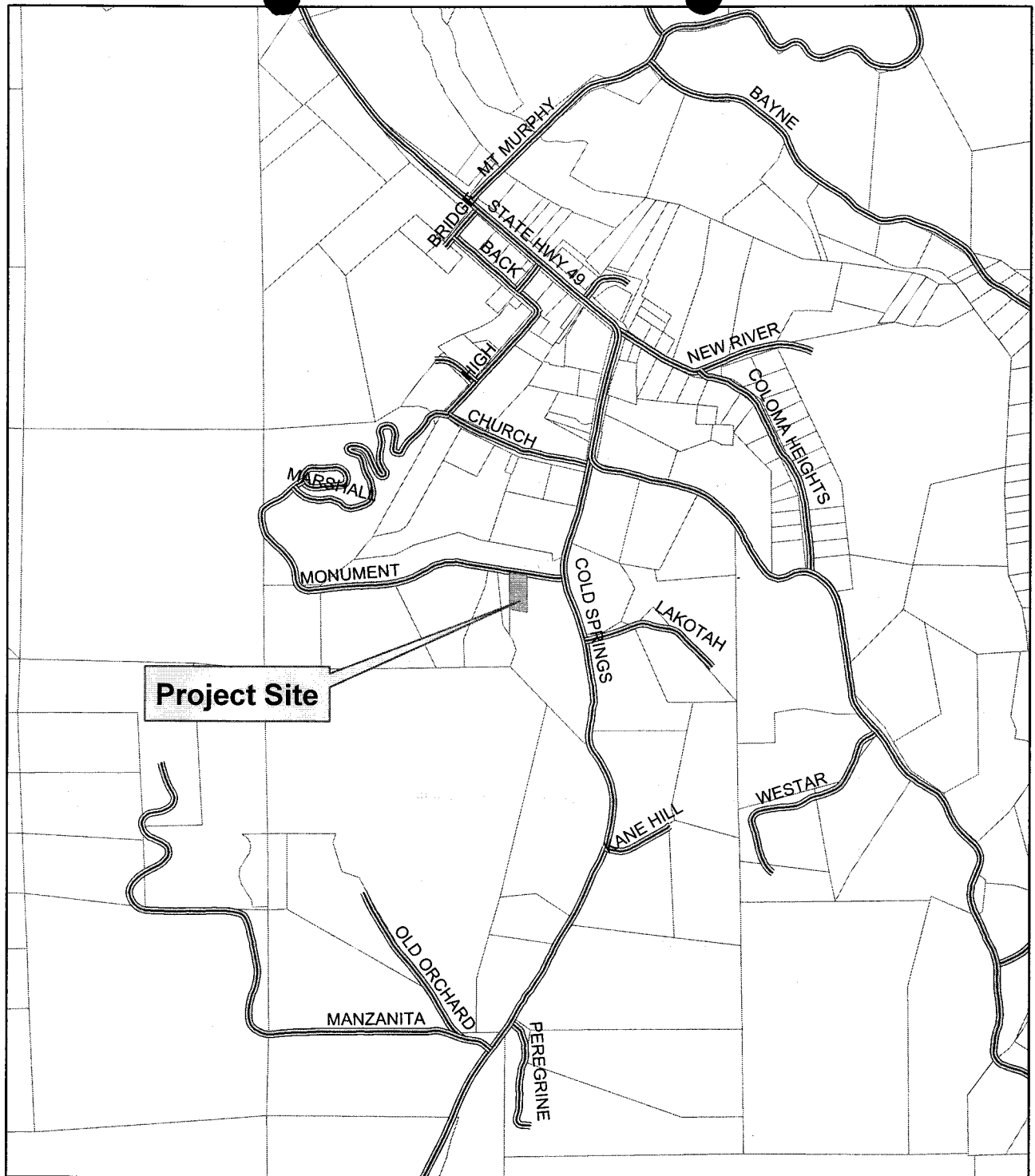
This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15301 of the CEQA Guidelines which states that "the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination" are exempt from further environmental review. A \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption.

SUPPORT INFORMATION

Attachments to Staff Report:

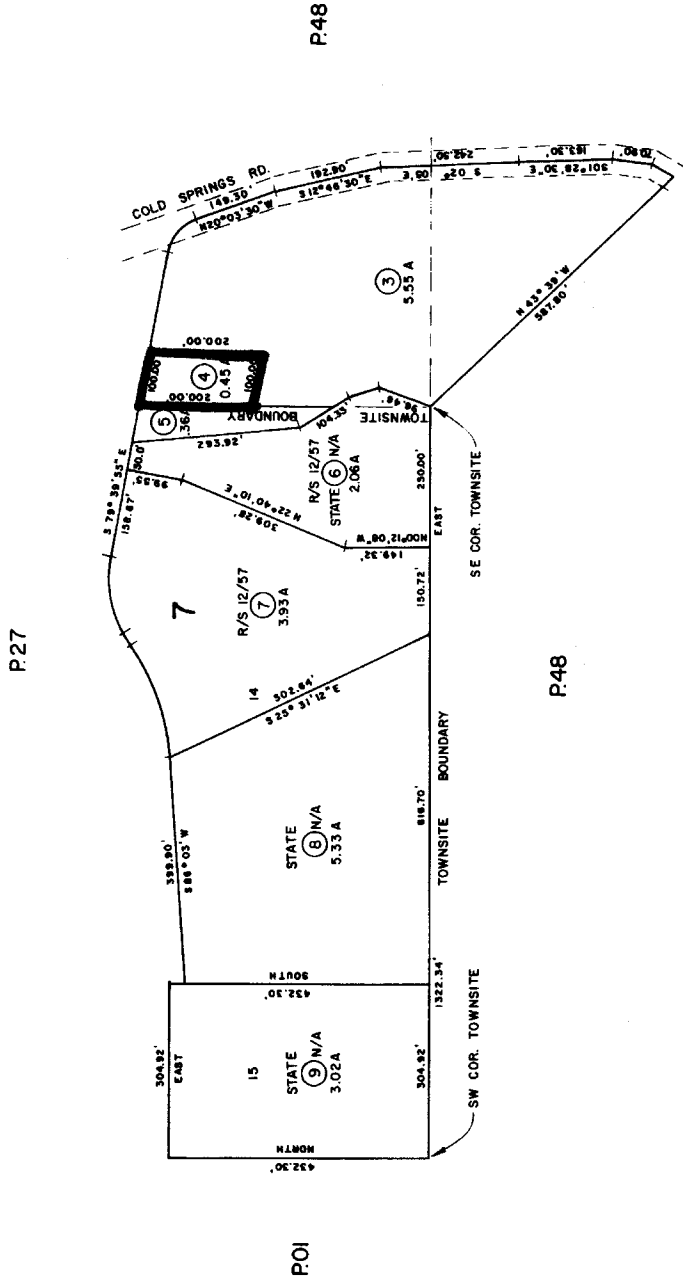
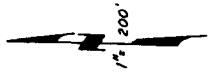
Attachment 1Conditions of Approval
Attachment 2Findings

Exhibit ALocation Map
Exhibit BAssessor's Parcel Map Page
Exhibit CGeneral Plan Land Use Map
Exhibit DZoning Map
Exhibit ESite Plan
Exhibit FState Parks Letter dated August 17, 2009

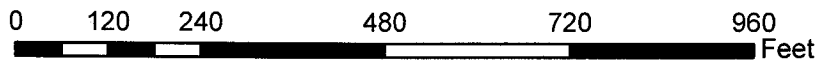
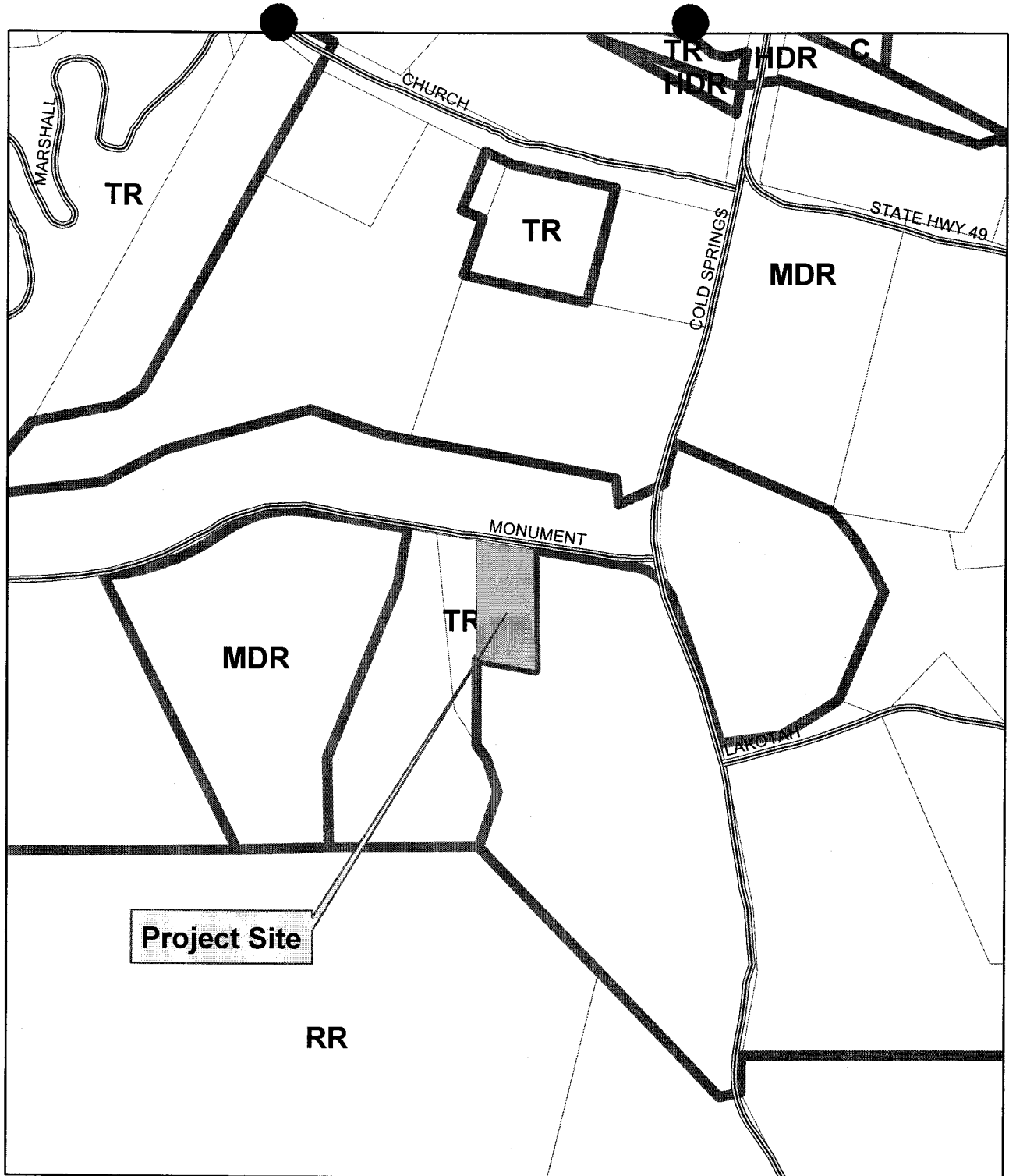


Case No. S07-0019
LOCATION MAP

EXHIBIT A

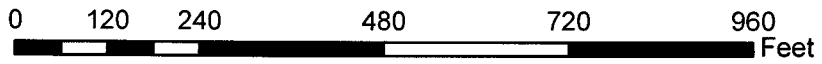
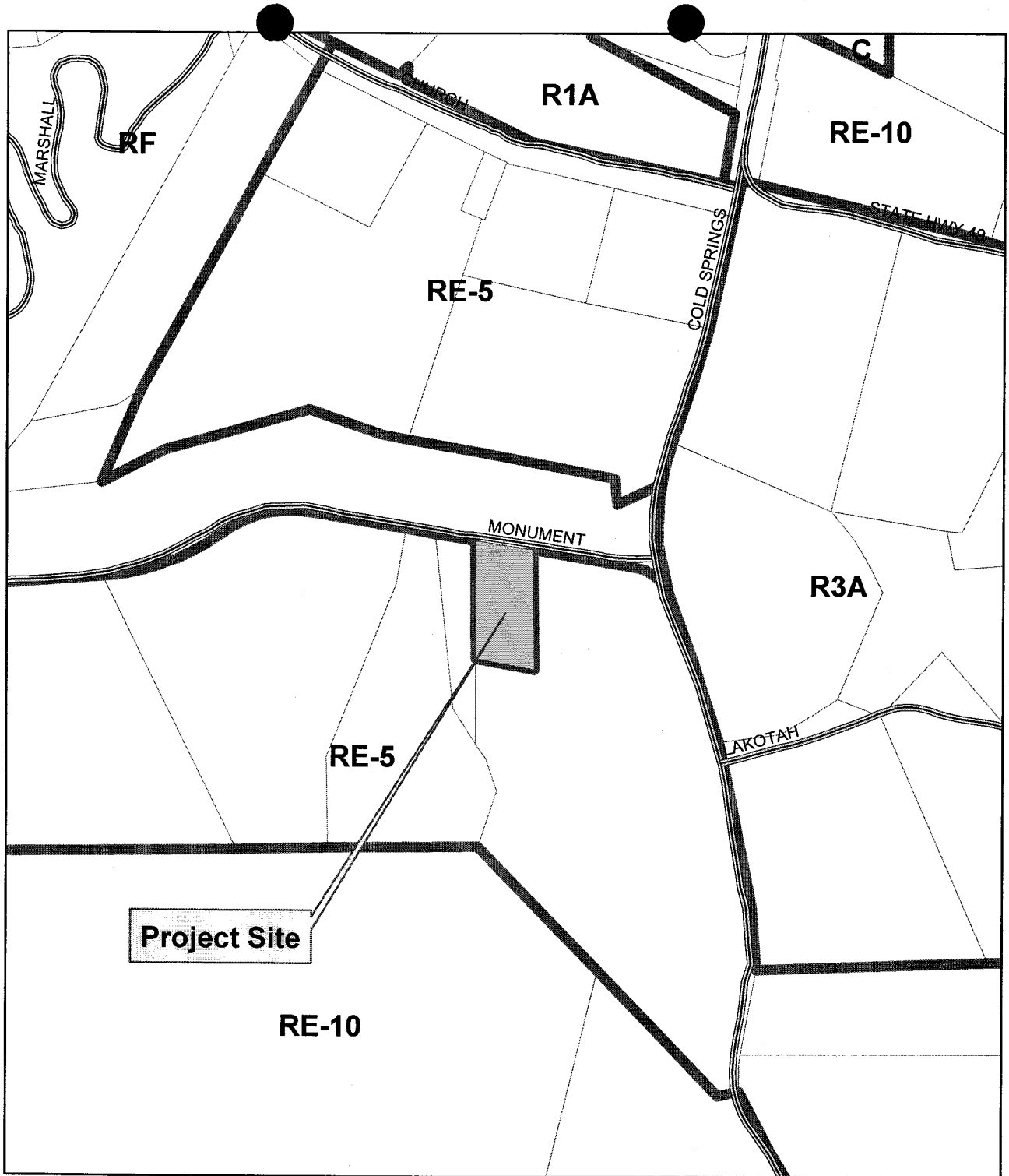


NOTE - Assessor's Block Numbers Shown in Ellipses
 Assessor's Parcel Numbers Shown in Circles



Case No. S07-0019
General Plan Land Use Map

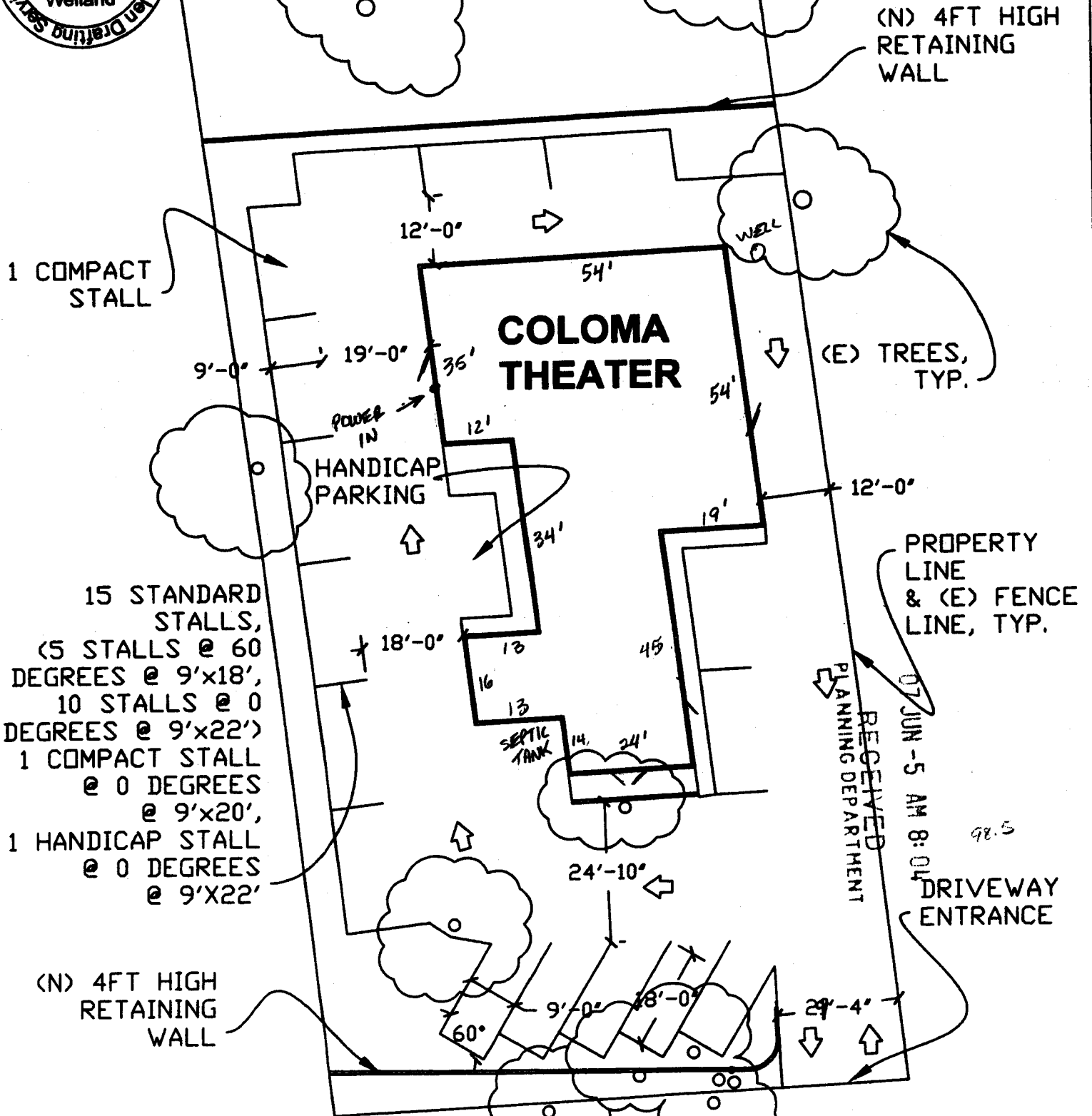
EXHIBIT C



Case No. S07-0019
Zoning Map

EXHIBIT D

EXHIBIT E



S 07-0019

Kris Jen Drafting Services

1760 St. Garth Way, Shingle Springs, California

PARKING PLAN

ATTACHMENT 1

10-0538.J.12



DEPARTMENT OF PARKS AND RECREATION

Ruth Coleman, Director

Gold Fields District
7806 Folsom Auburn Road
Folsom, CA 95630

August 17, 2009

Jason Hade, Senior Planner
El Dorado County Development Services Department
2850 Fairlane Court
Placerville, CA 95667

Dear Mr. Hade,

This letter is regarding the Old Coloma Theatre application to El Dorado County for a Special Use Permit (SUP) for the operation of a live theater performances and the draft Conditions of Approval which County Planning Services has proposed. The Gold Fields District manages Marshall Gold Discovery State Historic Park (SHP) which is adjacent to the Old Coloma Theatre property.

We support the requirement of some on-site parking on the Old Coloma Theatre property. The SUP is for a maximum occupancy of 149 people. This seems high to our casual observation, does the Theatre have seating capacity for this many people? Our concern with the capacity figure is that this will affect the amount of parking and bus traffic required to bring patrons to the theatre, which is a challenge given the limited on site parking that is possible. We request that the County verify the Theatre capacity.

Regarding Condition # 9, the use of parking lots for vehicle parking on State Park land would be on a case by case basis through a special event permit. Condition # 9 in the draft Conditions for Approval proposed the use of the parking lot near the corner of High and Church Streets. The problem with this lot is that it requires people to walk along a portion of Cold Springs Road and Hwy 153 to reach the Theatre. We are concerned that this section of Cold Springs Road has high speed traffic, poor shoulders and is not suitable for pedestrian use. In the past, we have allowed the Theatre use of the Marshall Monument lot for automobiles on a case by case basis through a special event permit. We are willing to consider this in the future, but this option also requires people walk along Hwy 153 which has no shoulder and blind corners, again not an ideal situation for pedestrians. Of the two parking lots and pedestrian walking options, we think the Monument lot is the better choice, though far from ideal. We would not allow bus parking in either of these parking lot options. There is no guarantee that State Parks will continue to permit the ongoing use of these lots.

As suggested in draft condition # 10, we think bus parking at North Beach and shuttling patrons to the Theatre is probably the best option and preferable to the parking lot options in condition # 9. The Coloma Theater would need to approach State Parks and request a concession agreement for this purpose.

RECEIVED
PLANNING DEPARTMENT
AUG 20 PM 2:25

The County and the Old Coloma Theatre need to be aware that Marshall Gold Discovery SHP may be one of the State Park units which are closed due to the ongoing State budget crisis and the recent budget cuts to our Department. If implemented this would put the park unit in caretaker status and would likely eliminate programs and activities such as new special event permits or concession contracts while the park is closed. Determinations on park closures will likely be made in September.

Because the status of Marshall Gold Discovery SHP is uncertain, if agreement is reached between State Parks and the Theatre regarding a concession contract for bus parking and shuttles services there is the possibility that the contract could be terminated prior to the end of the contract period. Renewal of any concession contract would be contingent on satisfactory performance of the contract and an assessment by State Parks that the concession is a benefit to the State Historic Park. If the concession contract is terminated or not renewed, the Theatre would need to make the necessary adjustments to its operation in order to conform to the conditions in the County SUP.

Lastly, we want to make sure it is clear to the applicant that getting a special event permit or concession agreement is a discretionary State Parks action that is separate from the County issued SUP. The applicant can get the County SUP without a special event permit or concession agreement from State Parks – their parking options are just limited.

Thank you for the opportunity to comment on this SUP and the draft Conditions of Approval. If you have any questions regarding this letter, please contact Gold Fields District Planner Jim Micheaels at (916) 988-0513. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read 'Scott Nakaji', written over a horizontal line.

Scott Nakaji
District Superintendent