

Findings

1.0 CEQA FINDINGS

- 1.1 The Planning Commission has determined that the proposed project will have no significant impact on the environment and is exempt from CEQA pursuant to Section 15301 of the CEQA Guidelines.
- 1.2 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services Department - Planning Services at 2850 Fairlane Court, Placerville, CA, 95667.

2.0 GENERAL PLAN FINDINGS

- 2.1 As proposed, the project is consistent with the Tourist Recreational (TR) land use designation of the subject site as defined within General Plan Policy 2.2.1.2 because the TR land use designation is intended to provide areas for tourist and resident serving recreational uses, transit and seasonal lodging facilities, and supporting commercial activities, such as the Olde Coloma Theatre.
- 2.2 As conditioned, the proposal is consistent with General Plan Policies 2.2.5.21, land use compatibility, 5.2.1.2, water quality, 6.2.3.2, emergency access, 6.5.1.7, noise levels, 7.4.4.4, oak tree canopy retention, and 10.1.6.1, tourism promotion. Because of the project's compatibility with surrounding land uses, provision of sufficient water, emergency access, acceptable noise levels, adequate oak tree canopy retention, and tourism promotion, it is consistent with the General Plan policies identified above.

3.0 ZONING FINDINGS

- 3.1 The proposed use is permitted by special use permit in the Recreational Facilities (RF) zone district, pursuant to Section 17.48.060.E provided that the administrative findings outlined below can be made by the Planning Commission.
- 3.2 As proposed and conditioned, the project meets all applicable development standards contained within the El Dorado County Zoning Ordinance because sufficient parking is provided and outdoor project lighting will be fully shielded.

4.0 ADMINISTRATIVE FINDINGS (SPECIAL USE PERMIT)

- 4.1 *The issuance of the permit is consistent with the General Plan.*

As discussed above, the proposal is consistent with the following applicable General Plan Policies 2.2.5.21, land use compatibility, 5.2.1.2, water quality, 6.2.3.2, emergency

access, 6.5.1.7, noise levels, 7.4.4.4, oak tree canopy retention, and 10.1.6.1, tourism promotion.

- 4.2 *The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood; and*

The proposed use will not be detrimental to the public health, safety and welfare or injurious to the neighborhood as it will fit within the context of the surrounding mix of residential and public land uses adjacent to the subject site. Concerns expressed by neighboring property owners and the state park regarding parking, access, noise, lighting, and grading at the subject site will be addressed through compliance with the conditions of approval in Attachment 1.

- 4.3 *The proposed use is specifically permitted by special use permit pursuant to this Title.*

The proposed use is specifically permitted by special use permit pursuant to Section 17.48.060.E of the El Dorado County Zoning Ordinance as the required findings detailed above may be made by the Planning Commission.

Conditions of Approval

El Dorado County Planning Services

I. PROJECT DESCRIPTION

1. This special use permit is based upon and limited to compliance with the project description, hearing exhibit marked Exhibit E, and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

The project description is as follows:

Special use permit (SUP) authorizes the use of existing building for live theatre performances with a maximum occupancy of ~~45~~ 149 persons, including employees and performers. ~~Daily H~~hours of operation are 9:00 AM to 8:00 PM Monday through Thursday, 9:00 AM to 10:00 PM Friday, and 1:00 PM to 10:030 PM Saturday and Sunday. All occupants of the building, including patrons, crew, and cast, must exit the parking lot by 10:030 PM. ~~Up to five special events are authorized per year consistent with the maximum occupancy and hours of operation above. Up to 15 employees are authorized for each performance, excluding performers. The sale of alcoholic beverages shall be prohibited. Fifteen~~ Twenty-one on-site parking spaces shall be provided consistent with Exhibit E.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased, or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto.

II. PROJECT CONDITIONS OF APPROVAL

2. In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

The developer and land owner shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a special use permit.

The County shall notify the applicant of any claim, action, or proceeding, and the County shall cooperate fully in the defense.

3. Prior to issuance of any permits, the applicant shall pay all Development Service fees.
4. Within 120 days from the date of SUP approval, the applicant shall provide a written description, together with appropriate documentation, demonstrating conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services staff within 120 days from the date of SUP approval for verification of compliance with applicable conditions of approval.
5. Pursuant to County Code Section 17.22.250, implementation of the project must occur within twenty-four (24) months of approval of this permit, otherwise the permit becomes null and void. It is the responsibility of the applicant to monitor the time limit and make diligent progress toward implementation of the project and compliance with conditions of approval.
6. Prior to final building occupancy, all outdoor lighting shall 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.
7. Prior to final building occupancy, a trash enclosure (wooden or cinder block fence) shall be constructed to sufficiently screen the waste container located at the front of the subject site.

8. The applicant is responsible for providing ~~15~~ 21 off-street, on-site parking spaces at all times while the theatre is in operation pursuant to 17.18.060 of the Zoning Ordinance. All on-site parking shall meet the parking lot design standards contained in Section 17.18.030 of the County Code. No landscaping shall be required with this permit. The required parking shall be provided as shown on the approved site plan, Exhibit E. ~~A final parking management plan shall be submitted for review prior to final building occupancy.~~
9. No off-site parking on property adjacent to the theatre shall be permitted without an approved off-site parking agreement. In order to provide the remaining 29 parking spaces required by the Zoning Ordinance, an off-site parking agreement shall be maintained with ~~If an off-site parking agreement is obtained from the California State Parks or alternative party,~~ the applicant may submit an SUP revision application for further evaluation of the parking management plan and consideration of additional theatre occupancy. If such an off-site parking agreement cannot be maintained, the applicant shall notify the County and submit an SUP revision application for further evaluation of the parking management plan and theatre occupancy.
10. Large tour and school buses are prohibited from parking and dropping off theatre patrons on State Route 49 and State Route 153.
11. This permit shall be subject to review one year from the date of occupancy for possible modification of conditions, as necessary.
12. Any violation of any of the stated conditions will cause a revocation hearing to be heard by the Planning Commission.
13. Periodic noise monitoring will be performed by the County during the hours of business operation and at the beginning and ending of performances; said information is to be made available on a database for review.

El Dorado County Building Services

14. ~~All outstanding~~ Any building code ~~and ADA~~ issues shall be addressed to the satisfaction of Building Services prior to final building occupancy.

El Dorado County Fire Protection District

15. A site inspection/review fee of \$150.00 shall be submitted to the El Dorado County Fire Protection District (EDCFPD) prior to final building occupancy.
16. A fire alarm system shall be installed within ~~12 months~~ weeks from the date of final building occupancy. A "fire watch" shall be provided whenever the building is occupied. The individual assigned to the fire watch shall have no other function other than to maintain a fire watch record which shall list each area to be inspected on an hourly basis, the time, date, and signature of the fire watch person. This record shall be available at the

theatre for inspection at any time. Failure to maintain the fire watch and record shall subject the SUP to revocation in accordance with Section 17.22.260.B of the Zoning Ordinance. If after 12 ~~months~~ weeks from the date of final building occupancy the fire alarm has not been installed, monitored, and in operation, the SUP will be subject to revocation pursuant to Section 17.22.260.B of the Zoning Ordinance.

17. Within ~~six months~~ one year from the date of SUP approval, a fire hydrant shall be installed at a specific location to be determined by EDCFPD. ~~Alternative fire protection provisions, such as the development of a private water system with 3,000 gallon storage tank, in lieu of the required fire hydrant may be approved at the discretion of the EDCFPD.~~
- ~~18.~~ Within ~~six months~~ from the date of SUP approval, ~~the applicant shall submit plans showing the location of the tank and how the fire service will take water from the tank to the EDCFPD for review.~~
- ~~19~~18. Within ~~three months~~ one year of the date of SUP approval, a high security knox box shall be installed near the right side of the front door subject to review and approval by the EDCFPD.
- ~~20~~19. A fire inspection shall be scheduled by the applicant with the El Dorado County Fire Prevention Bureau within one month from the date of SUP approval.
- ~~21~~20. Prior to final building occupancy, a building floor plan shall be submitted to the EDCFPD and Building Services for review and approval to address building assembly issues (exiting).

El Dorado County Environmental Management Department

- ~~22~~21. If the project will include the sale or give-away of food, including prepackaged food or beverages, the applicant shall be required to meet the minimum requirements of the Health and Safety Code – California Uniform Retail Food Facilities Law (CURFFL). Prior to final occupancy of the facility, plans and a permit shall be submitted to the El Dorado County Department of Environmental Management for review and approval.