

File Number: 507-0019

Receipt No.: 26556

Date Received: 5/5/10

Amount: 100.00

APPEAL FORM

(For more information, see Section 17.22.220 of the Zoning ordinance)

Appeals must be submitted to the Planning Department with appropriate appeals fee. Please see fee schedule or contact the Planning Department for appeal fee information.

APPELLANT Jerry Griffin

ADDRESS 530 Cold Springs Road

DAYTIME TELEPHONE 530 622 7080

A letter from appellant authorizing the Agent to act in his/her behalf must be submitted with this appeal.

AGENT _____

ADDRESS _____

DAYTIME TELEPHONE _____

APPEAL BEING MADE TO: Board of Supervisors Planning Commission

ACTION BEING APPEALED (Please specify the action being appealed, i.e. approval of an application, denial of an application, conditions of approval, etc., and specific reasons for appeal. If appealing conditions of approval, please attach copy of conditions and specify appeal.)

S07-0019/Olde Coloma Theatre Special Use Permit, Condition of Approval: Staff

Recommendation; #1 Certification that project is exempt from CEQA Section 15301, #2 Approval based upon revised site plan, Project Conditions of Approval items #8, #9, #14, #17 as described. APN 006-290-04

DATE OF ACTION BEING APPEALED April 28, 2010

Jerry Griffin
Signature
PLANNING DEPARTMENT
RECEIVED
MAY 5 - 5 PM 3:34

MAY 4, 2010
Date

RECOMMENDATION:

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

The proposed project requires the removal of 400+ yards of material, the construction of approximately 200 lineal feet of retaining wall, 4 to 11-13 feet in height along the sides and rear of the property. This is in addition to the illegal excavation of 600+ yards of earth, hauling and grading of the property which must be considered. Not considering previous illegal grading operations is allowing the applicant to benefit from an illegal act. The estimated cost of \$50,000 to \$100,000 is not considered a minor alteration. CEQA Guidelines Section 15301 clearly identifies the alteration of topographical features as a condition which must be evaluated. Therefore this project is not exempt and must be reviewed for compliance and required documentation drafted.

- 2. Approve special Use permit S07-0019 subject to the revised conditions of approval and revised site plan (Exhibit E replaced by Attachment 2), based upon the findings in Attachment 2.**

Revised site plan has eliminated any accessible routes of travel to the auditorium. Accessible parking space location does not comply with California code or ADA ANSI Standards. Site vehicular drive isles do not provide the minimum 12 feet width per Chapter 17.18.030B.3.

PROJECT CONDITIONS OF APPROVAL:

- 8. The applicant is responsible for providing ~~15~~ 21 off-street 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 of 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.**

The applicant has signed an agreement with the Coloma Country Inn for "Over Flow Parking". No Parking plan of the Coloma Country Inn has been provided. The Inn has at best; graveled parking

for 8 to 10 vehicles all of which would be required for the Inn and none of the Inn parking is in compliance with County Code. Furthermore the approval of Use permit S07-0019 has completely ignored without findings, Code requirements that the off-site parking be located no further than 500 feet from the theatre per 17.18.04.F. The Inn is 1600 feet in a straight line.

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

We believe that this business is required to provide disabled site access and access within the premises and the County has the obligation to require compliance.

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.~~**

The increase in activities at this business has increased the hazard for the theatre and the Coloma area. Capabilities to suppress a fire are not an option. Neighborhood protection must be in place before this business is in operation.

ATTACHMENT 1
REVISED CONDITIONS OF APPROVAL
Old Coloma Theatre
FILE NUMBER S07-0019

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 Hhours 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 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

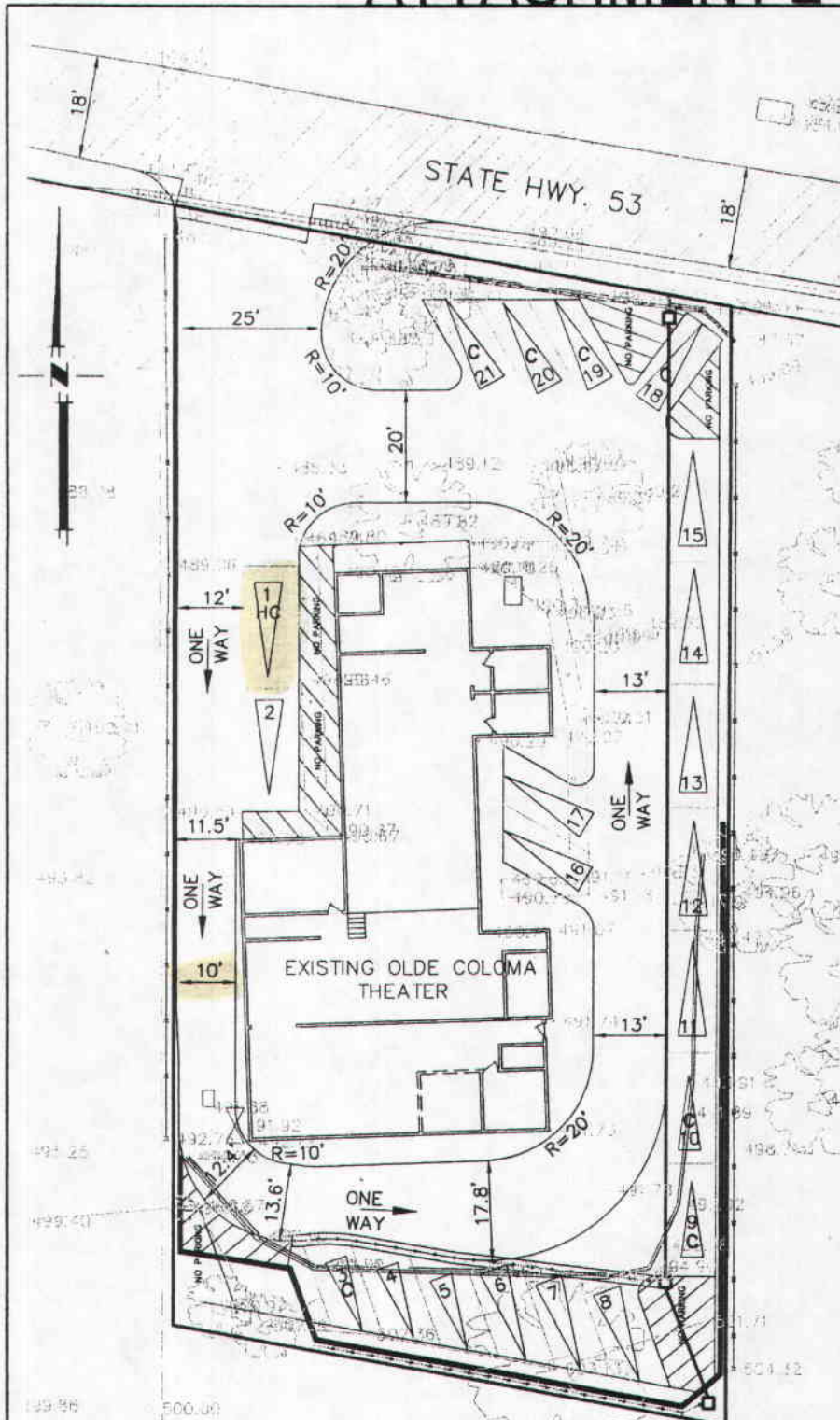
15. A site inspection/review fee of \$150.00 shall be submitted to the El Dorado County Fire Protection District (EDCFPD) prior to final building occupancy.
16. A fire alarm system shall be installed within 12 ~~months~~ weeks from the date of final building occupancy. A "fire watch" shall be provided 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.~~

- ~~1918.~~ 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.
- ~~2019.~~ 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.
- ~~2120.~~ 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

- ~~2221.~~ 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.

ATTACHMENT 2



PARKING SUMMARY

COMPACT STALLS - 7
 REGULAR STALLS - 14
 TOTAL STALLS - 21

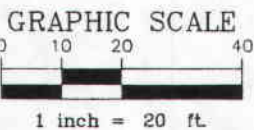
LEGEND

R= - RADIUS
 C - COMPACT

NOTES

- 1) THE PARKING PLAN IS BASED ON THE EL DORADO COUNTY OFF-STREET PARKING AND LOADING REGULATIONS (CHAPTER 17.18) FOR PARKING STALL WIDTHS AND LENGTHS AND DRIVE AISLE WIDTH.
- 2) COMPACT STALLS ARE 8 FEET WIDE AND 15 FEET DEEP. REGULAR STALLS ARE 9 FEET WIDE AND 18 FEET DEEP. THE STALL ANGLE IS 60°.
- 3) THE DRIVE AISLE SHALL BE MARKED AS A "ONE WAY" DRIVEWAY AND ALSO MARKED "NO PARKING-DO NOT BLOCK".
- 4) THE BOUNDARY OF THE PARCEL HAS BEEN SURVEYED AND A RECORD OF SURVEY MAP FOR THE PARCEL WILL BE FILED WITH EL DORADO COUNTY BY MARCH 15, 2010.
- 5) THE PRELIMINARY WATER TANK LOCATION IS SUBJECT TO REVIEW AND APPROVAL OF THE EL DORADO COUNTY FIRE PROTECTION DISTRICT.

Olde Coloma Theater Preliminary On-Site Parking Plan



Prepared By:

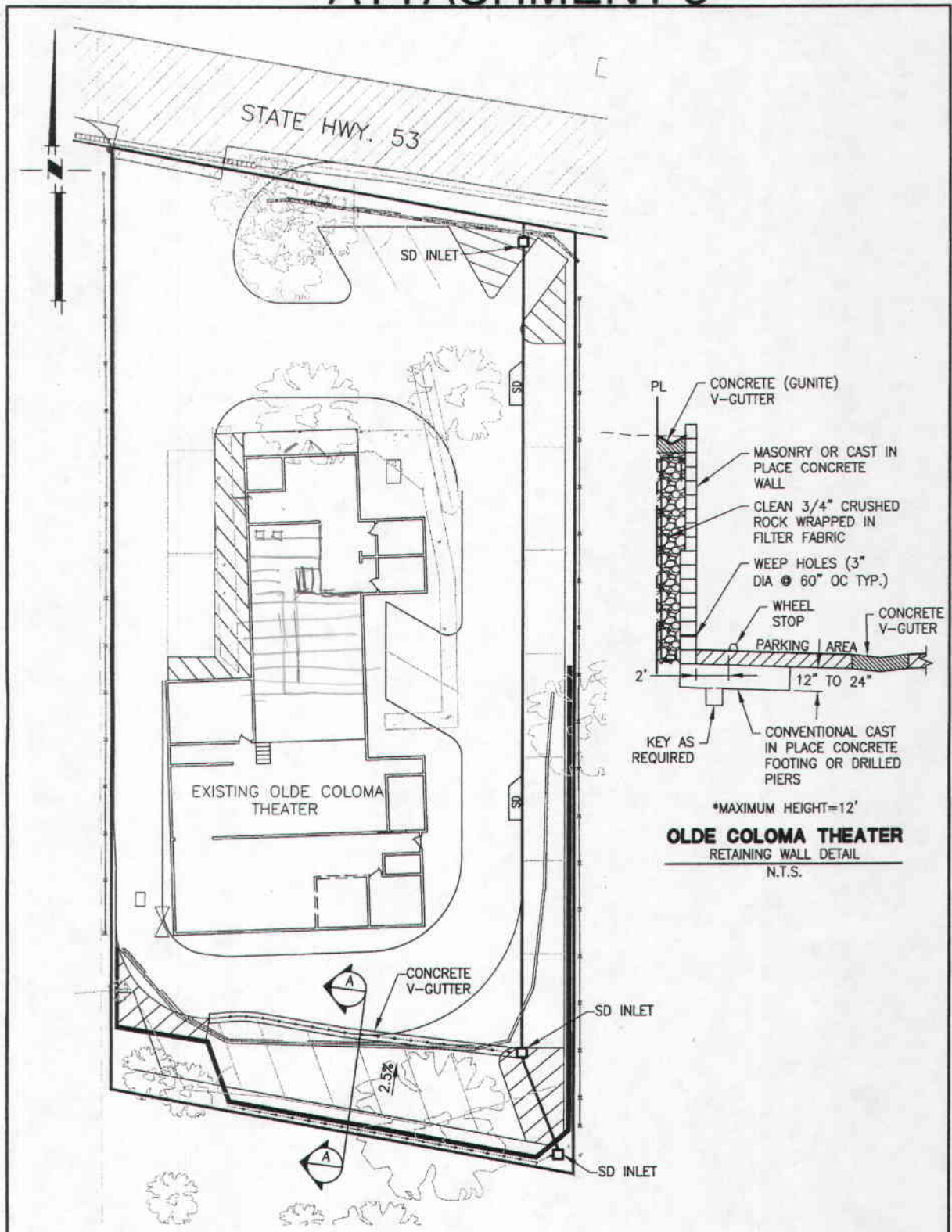


CLAYBAR ENGINEERING INC.
 9354 ELK GROVE-FLORIN ROAD
 ELK GROVE, CA 95624
 Ph.: 916-684-7301
 Fax: 916-684-2627

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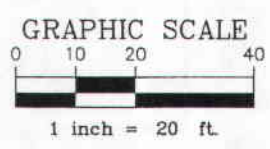
EXHIBIT E

APPEAL FORM
 10-0538.B.9



*MAXIMUM HEIGHT=12'
OLDE COLOMA THEATER
 RETAINING WALL DETAIL
 N.T.S.

Olde Coloma Theater Preliminary Storm Drain Exhibit



Prepared By:

CLAYBAR ENGINEERING INC.
 9354 ELK GROVE—FLORIN ROAD
 ELK GROVE, CA 95624
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 Fax: 916-684-2627

15301. Existing Facilities

Class 1 consists of 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. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of an existing use.

Examples include but are not limited to:

- (a) Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances;
- (b) Existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services;
- (c) Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety).
- (d) Restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide, or flood;
- (e) Additions to existing structures provided that the addition will not result in an increase of more than:
 - (1) 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less; or
 - (2) 10,000 square feet if:
 - (A) The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and
 - (B) The area in which the project is located is not environmentally sensitive.
- (f) Addition of safety or health protection devices for use during construction of or in conjunction with existing structures, facilities, or mechanical equipment, or topographical features including navigational devices;
- (g) New copy on existing on and off-premise signs;
- (h) Maintenance of existing landscaping, native growth, and water supply reservoirs (excluding the use of pesticides, as defined in Section 12753, Division 7, Chapter 2, Food and Agricultural Code);
- (i) Maintenance of fish screens, fish ladders, wildlife habitat areas, artificial wildlife waterway devices, streamflows, springs and waterholes, and stream channels (clearing of debris) to protect fish and wildlife resources;
- (j) Fish stocking by the California Department of Fish and Game;
- (k) Division of existing multiple family or single-family residences into common-interest ownership and subdivision of existing commercial or industrial buildings, where no physical changes occur which are not otherwise exempt;
- (l) Demolition and removal of individual small structures listed in this subdivision:
 - (1) One single-family residence. In urbanized areas, up to three single-family residences may be demolished under this exemption.
 - (2) A duplex or similar multifamily residential structure. In urbanized areas, this exemption applies to duplexes and similar structures where not more than six dwelling units will be demolished.
 - (3) A store, motel, office, restaurant, or similar small commercial structure if designed for an occupant load of 30 persons or less. In urbanized areas, the exemption also applies to the demolition of up to three such commercial buildings on sites zoned for such use.
 - (4) Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.
- (m) Minor repairs and alterations to existing dams and appurtenant structures under the supervision of the Department of Water Resources.
- (n) Conversion of a single family residence to office use.
- (o) Installation, in an existing facility occupied by a medical waste generator, of a steam sterilization unit for the treatment of medical waste generated by that facility provided that the unit is installed and operated in accordance with the Medical Waste Management Act (Section 117600, et seq., of the Health and Safety Code) and accepts no offsite waste.
- (p) Use of a single-family residence as a small family day care home, as defined in Section 1596.78 of the Health and Safety Code.

Note: Authority cited: Section 21083, Public Resources Code; References: Sections 21084, Public Resources Code; *Bloom v. McGurk* (1994) 26 Cal App 4th 1307

Discussion: This section describes the class of projects wherein the proposed activity will involve negligible or no expansion of the use existing at the time the exemption is granted. Application of this exemption, as all categorical exemptions, is limited by the factors described in section 15300.2. Accordingly, a project with significant cumulative impacts or which otherwise has a reasonable possibility of resulting in a significant effect does not qualify for a Class 1 exemption.

FROM THE PLANNING COMMISSION MINUTES OF JANUARY 14, 2010

7. SPECIAL USE PERMIT

b. S07-0019/Olde Coloma Theatre submitted by COLOMA CRESCENT PLAYERS, INC. (Agent: Carol Fallon) to authorize the use of an existing building for live theatre performances with a maximum occupancy of 149 persons. The property, identified by Assessor's Parcel Number 006-290-04, consisting of 19,602 square feet, is located 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. [*Project Planner: Jason Hade*] (Categorical Exemption pursuant to Section 15301 of the CEQA Guidelines) [*continued from 11/12/09 meeting; item re-noticed*]

Jason Hade explained that the item had been continued from the last meeting in order to provide a revised Staff Report, address the parking issue, and identify a more appropriate CEQA section. He indicated that significant changes were made to the proposed conditions of approval which included: (1) Limiting building occupancy to 45 people due to parking constraints (15 parking spaces available); (2) Hours of operation ending at 10:00pm to address noise concerns; (3) Requirement of a revision to the Special Use Permit if an off-site parking agreement is obtained; and (4) Fire District requirements. Mr. Hade indicated staff had received various public comment letters on this item.

In response to Commissioner Pratt's inquiry on the occupancy calculation, County Counsel Paula Frantz explained that 45 parking spaces would be needed in order to have a building occupancy of 149 people. However, only 15 parking spaces are available. In the past there had been an informal parking agreement with the owner of an adjacent property, but when the property was sold, there was no longer a parking agreement. She also stated that approximately three years ago, the Board of Supervisors determined that the Olde Coloma Theatre was not a legal, non-conforming use and they were directed to go through the Special Use Permit process. County Counsel Frantz indicated that the Board was allowing them to continue to operate while going through this process.

Significant discussion between the Commission and County Counsel ensued regarding how the definition of legal, non-conforming use applied to this situation and the parking issues (i.e., calculation, illegal parking on highway, off-site parking agreement).

Craig Sandberg/applicant's agent apologized for the lateness of his e-mail on amending certain conditions. He also disagreed with County Counsel's explanation on the Board's determination that they were not a legal, non-conforming use and stated that this Special Use Permit is to amend a non-conforming use to make it conforming. He discussed in detail the items addressed in his e-mail, in addition to the parking plan that had been included with it. His speaking points included: Hwy 49 is smallest highway in California; Creative parking is being utilized to provide more parking spaces; Park administration is reluctant to go into a long-term parking agreement; Bus groups (i.e., school-aged children) are now instructed to park on-site; On-site parking is better than shuttle service because most people will walk instead; Building is not

being expanded so building code improvements should be waived; and Can't operate with a building occupancy of 45 people, particularly when it is a school group.

County Counsel Frantz and Chair Mathews stated they had not seen Mr. Sandberg's e-mail. Commissioner Tolhurst was not comfortable proceeding without staff being provided adequate time to review Mr. Sandberg's proposal and would prefer to continue the item. He also voiced serious concern on their request to eliminate the requirements of a fire alarm system and fire hydrant.

Commissioner Tolhurst felt that the proposed parking plan submitted by Mr. Sandberg would be very expensive to complete due to grading, retaining walls, etc. He stated that in the past, Park representatives had shown a willingness to discuss a parking agreement with the applicants and he thinks this would be a more viable solution for them. Commissioner Tolhurst requested the Fire Department to be present to discuss the proposed parking plan as he wants safety assurances from them and he can't vote in favor of the project until then. Commissioner Rain agreed with the need of a sign-off from the Fire Department on the new proposed parking plan.

County Counsel Frantz stated that questions have been raised on if the building is compliant with ADA and fire standards and, therefore, these issues will also need to be addressed. In response to Mr. Sandberg's statement that they are not modifying the building nor increasing the use, County Counsel Frantz stated that the current building has the legal standard of an empty building since there is no permit for a theatre to operate in it. Therefore, operating a theatre out of the existing building would be an increase/change in use.

Commissioner Rain stated that due to County Counsel's statement, the building would have to be brought up to code.

County Counsel Frantz summarized the history of this project and the discussion that had occurred over the years which resulted in today's hearing. She also explained that even if Mr. Sandberg was correct in that this was a legal, non-conforming use, that once the use was extended and expanded, a Special Use Permit was required.

Chair Mathews voiced concern that staff's proposed conditions would shut down the theatre and felt that these rules were based only on conjecture and the desire to be "do-gooders".

Various members of the audience (Roberta Long/El Dorado Forum, Lauren Williams, Dave Bishop, Griffen Toffler, Maria Williams, Alex Gibbs, Dave Williamson, Cheryl Busby, Valerie Stevens, Joel Williams, Paul Gibbs, Lori Gibbs, and Edward Mecula) voiced support for the theatre and made the following comments:

- This is an asset and would be sad to see it closed down, even temporarily, due to permit restrictions;
- Disagreement with parking calculation as usually more than 3 people in a car;
- Provides kids an activity in the community;
- National treasure and County will lose an incredible asset;
- Limiting to 45 people is tying their hands in providing a service to community;

- Have stopped shows when cars illegally parked on highway;
- Staff arrives 2 hours before shows and leaves after the audience with instructions to leave quietly;
- Taking the theatre away would be traumatic;
- Request Commission to find a way to save theatre;
- Commission has shown great sympathy to this cause;
- This theatre is important to the community;
- Suggested Commissioner Tolhurst use his experience with the Tahoe arts community and assist them on how to work through the regulations;
- Unaware of any reports of injuries regarding the theatre and has had a safe experience;
- This is a rural setting and getting public financial support to fund required conditions of approval would be difficult;
- Request flexibility from Commission in order to find a compromise;
- Provides an outlet for home-schooled children;
- Performers aren't charged to act which allows more participation;
- Aisles are always clear and back door is unlocked/open;
- Addressing problems; and
- If grading is allowed, more parking spaces could be made.

Carol Fallon/Olde Coloma Theatre Board Member spoke on the permit process that has taken over 2 ½ years. She explained that they are volunteers and do not know the process. Over the years, they have tried to resolve the most important problems with the neighbors (i.e., parking, lighting, noise). Ms. Fallon stated that they have taken the parking issue seriously and have used creative parking. She also provided a brief history on other parking solutions they have tried or investigated with Parks administration. She felt that the theatre was unfairly being blamed for noises occurring at a nearby Bed & Breakfast Inn (i.e., DJ & live music) and kids having parties at the cemetery. Ms. Fallon stated that they disagreed with the County's requirement of a state-of-the-art fire alarm system being installed as there are fire detectors and they would be willing to have a person identified as a fire monitor to walk around during the shows. She stressed that they have been diligently pursuing those items which they have control over and request that the Commission use discretion and flexibility to work with them.

Jerry Griffin stated that the theatre is a business, even if non-profit, and they need to comply with the rules. He expressed the following concerns/comments: (1) Egress issues (i.e., exit doors do not meet standards); (2) Plans need to be drawn by a licensed professional; (3) Any inspections conducted by staff in regards to seating plan and exit plan?; (4) Proposed parking plan does not show the correct distance from the property line; (5) Letter of support submitted to Commission contained no one with an address in Coloma; and (6) Process has gone on long enough and has cost taxpayers money due to these hearings. He requested the Commission take action so he can go forward by taking it to the Board of Supervisors and then legal action.

Chair Mathews felt that it was a tragedy that this discussion had to take place and that it was unfortunate that they had lost their parking. It had been his intent today to make this a legal, non-conforming use but County Counsel's statements have made it clear that he is not able to do that. He feels that this is a treasure of Coloma and that onerous conditions would kill it.

Commissioner Pratt thought that the accountability aspect was an issue since this group is made up of volunteers. County Counsel Frantz responded that since the Special Use Permit runs with the land, the conditions need to be quantifiable and objective.

Commissioner Pratt stated that nobody is disputing the artistic value and fulfillment of the Old Coloma Theatre but that does not make it exempt from the legal conformances and this has been going on for a long time. He stated that they need to work on sustainability and fundraising. Commissioner Pratt acknowledged that there is an adversarial relationship between the group and a neighbor. He said that there has to be a definitive plan that needs to be done now and no more dodging and weaving.

Commissioner Rain voiced concern on the financial aspect of becoming compliant with ADA and the fire alarm issue.

County Counsel Frantz reminded the Commission that if 149 people are allowed in the building, it needs to be addressed as to where they will be parking.

No further discussion was presented.

Motion #1:

Motion: Commissioner Mathews moved, seconded by Commissioner Pratt (for discussion purposes), and FAILED (1-3), to 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 based on the findings proposed by staff, subject to the conditions as modified: (a) Amend Condition #1 with the following: Replace “45 persons” with “149 persons”; Delete sentence “Up to 15 employees are authorized for each performance, excluding performers.”; and amend wording in last sentence of second paragraph to make it consistent with Exhibit E provided in Craig Sandberg’s e-mail dated 1/12/10; (b) Amend Condition #8 to replace “15 off-street parking spaces” with “29 off-street parking spaces”; Amend Condition #9 to use wording provided in Craig Sandberg’s e-mail dated 1/12/10; and (c) Delete Conditions #17 and #18.

AYES: Mathews
NOES: Rain, Pratt, Tolhurst
ABSENT: Heflin

Commissioner Rain indicated his opposition to the motion was primarily due to the parking issue.

Commissioner Tolhurst reluctantly suggested that the item be continued for more analysis on the proposed parking plan, at which point, they can then perhaps increase the building occupancy to 60-70 people to help them in the meanwhile. However, he stated that the ultimate solution for

obtaining occupancy for 149 people would be a parking agreement. Since the Commission does want to make this work, he requested Mr. Sandberg's assistance in taking the initiative to start negotiations. Commissioner Tolhurst confirmed with Mr. Sandberg that six weeks was sufficient time to complete this because if a parking agreement for 149 people is not brought back to the Commission at the next meeting, then it will be approved for 45 people.

Commissioner Pratt felt that what was more important than a fire alarm system was for them to have a documented executable evacuation plan, particularly for the children's safety.

Chair Mathews encouraged the group to obtain the parking agreement and get this done by the next meeting.

Motion #2:

Motion: Commissioner Tolhurst moved, seconded by Commissioner Pratt, and carried (4-0), to continue the item to the February 25, 2010 meeting to allow time for the following to occur: (a) Analyze the parking plan proposed by the applicant; (b) Applicant's representative to assist in negotiating a parking agreement; and (c) Request Fire Marshall to attend next meeting to provide comments on applicant's proposal.

AYES: Rain, Tolhurst, Pratt, Mathews
NOES: None
ABSENT: Heflin

Division II – SITE ACCESSIBILITY

SECTION 1127B EXTERIOR ROUTES OF TRAVEL

1127B.1 General. Site development and grading shall be designed to provide access to all entrances and exterior ground floor exits, and access to normal paths of travel, and where necessary to provide access, shall incorporate pedestrian ramps, curb ramps, etc. Access shall be provided within the boundary of the site from public transportation stops, accessible parking spaces, passenger loading zones if provided, and public streets or sidewalks. When more than one building or facility is located on a site, accessible routes of travel complying with Section 1114B.1.2 shall be provided between buildings and accessible site facilities, accessible elements, and accessible spaces that are on the same site. The accessible route of travel shall be the most practical direct route between accessible building entrances, accessible site facilities and the accessible entrance to the site. If access is provided for pedestrians from a pedestrian tunnel or elevated walkway, entrances to the building from each tunnel or walkway must be accessible.

Exceptions:

1. Where the enforcing agency determines that compliance with these regulations would create an unreasonable hardship because of topography, natural barriers, etc., an exception may be granted when equivalent facilitation is provided through the use of other methods and materials.
2. In existing buildings, this section shall not apply in those conditions where, due to legal or physical constraints, the site of the project would not allow compliance with these regulations or equivalent facilitation without creating an unreasonable hardship.

See Section 109.1.5.

1127B.2 Design and Construction. When accessibility is required by this section, it shall be designed and constructed in accordance with this Building Code. See Section 1114B.1 for a list of applicable sections.

1127B.3 Signs. At every primary public entrance and at every major junction where the accessible route of travel diverges from the regular circulation path along or leading to an accessible route of travel, entrance, or facility, there shall be a sign displaying the International Symbol of Accessibility. Signs shall indicate the direction to accessible building entrances and facilities and shall comply with the requirements found in Sections 1117B.5.1 Item 2 and 1117B.5.8.1.

1127B.4 Outside Stairways. See Section 1133B.4.

1127B.5 Curb Ramps.

1. General. Curb ramps shall be constructed at each corner of street intersections and where a pedestrian way crosses a curb. Built-up curb ramps shall be located so that they do not project into vehicular traffic lanes. The preferred and recommended location for curb ramps is in the center of the crosswalk of each street corner. Where it is necessary to locate a curb ramp in the center of the curb return and the street surfaces are marked to identify pedestrian crosswalks, the lower end of the curb ramp shall terminate within such crosswalk areas. See Figure 11B-20C, Case E and Figure 11B-22.

2. Width of curb ramps. Curb ramps shall be a minimum of 4 feet (1219 mm) in width and shall lie, generally, in a single sloped plane, with a minimum of surface warping and cross slope.

3. Slope of curb ramps. The slope of curb ramps shall not exceed 1 unit vertical to 12 units horizontal (8.33% slope). The slope shall be measured as shown in Figure 11B-20E. Transitions from ramps to walks, gutters, or streets shall be flush and free of abrupt change. Maximum slopes of adjoining gutters, road surface immediately adjacent to the curb ramp, or accessible route shall not exceed 1 unit vertical to 20 units horizontal (5% slope) within 4 feet (1219 mm) of the top and bottom of the curb ramp. The slope of the fanned or flared sides of curb ramps shall not exceed 1 unit vertical to 10 units horizontal (10% slope).

4. Level landing. A level landing 4 feet (1219 mm) deep shall be provided at the upper end of each curb ramp over its full width to permit safe egress from the ramp surface, or the slope of the fanned or flared sides of the curb ramp shall not exceed 1 unit vertical to 12 units horizontal (8.33% slope).

5. Finish. The surface of each curb ramp and its flared sides shall comply with Section 1124B Ground and Floor Surfaces, and shall be of contrasting finish from that of the adjacent sidewalk.

6. Border. All curb ramps shall have a grooved border 12 inches (305 mm) wide at the level surface of the sidewalk along the top and each side approximately 3/4 inch (19 mm) on center. All curb ramps constructed between the face of the curb and the street shall have a grooved border at the level surface of the sidewalk. See Figures 11B-19A and 11B-19B.

7. Detectable warnings. Curb ramps shall have a detectable warning that extends the full width and depth of the curb ramp, excluding the flared sides, inside the grooved border. Detectable warnings shall consist of raised truncated domes with a diameter of nominal 0.9 inch (22.9 mm) at the base tapering to 0.45 inch (11.4 mm) at the top, a height of nominal 0.2 inch (5.08 mm) and a center-to-center spacing of nominal 2.35 inches (59.7 mm) in compliance with Figure 11B-23A. "Nominal" here shall be in accordance with Section 12-11A and B-102, State Referenced Standards Code. The detectable warning shall contrast visually with adjoining surfaces, either light-on-dark or dark-on-light. The material used to provide contrast shall be an integral part of the walking surface. The domes may be constructed in a variety of methods, including cast in place or stamped, or may be part of a prefabricated surface treatment.

Only approved DSA-AC detectable warning products and directional surfaces shall be installed as provided in the California Code of Regulations (CCR), Title 24, Part 1, Articles 2, 3 and 4. Refer to CCR Title 24, Part 12, Chapter 12-11A and B, for building and facility access specifications for product approval for detectable warning products and directional surfaces.

Detectable warning products and directional surfaces installed after January 1, 2001, shall be evaluated by an independent entity, selected by the Department of General Services, Division of the State Architect-Access Compliance for all occupancies, including transportation and other outdoor environments, except that when products and surfaces are for use in residential housing evaluation shall be in consultation with the Department of Housing and Community Development. See Government Code Section 4460.

8. Obstructions. Curb ramps shall be located or protected to prevent their obstruction by parked vehicles.

9. Diagonal curb ramps. If diagonal (or corner-type) curb ramps have returned curbs or other well-defined edges, such edges shall be parallel to the direction of pedestrian flow. The bottom of diagonal curb ramps shall have 48 inches (1219 mm) minimum clear space as shown in Figure 11B-22 (c) and (d). If diagonal curb ramps are provided at marked crossings, the 48-inch (1219 mm) clear space shall be within the markings (see Figure 11B-22 (c) and (d)). If diagonal curb ramps have flared sides, they shall also have at least a 24 inch long (610 mm) segment of straight curb located on each side of the curb ramp and within the marked crossing [see Figure 11B-22 (c)].

NOTES:

1. For additional curb details, see Figures 11B-19A and 11B-19B.

2. If distance from curb to back of sidewalk is too short to accommodate ramp and a 4-foot (1219 mm) platform as in Figure 11B-20A, Case A, the side walk may be depressed longitudinally as in Figure 11B-20A, Case B, or Figure 11B-20B, Case C, or may be widened as in Figure 11B-20B, Case D.

3. If sidewalk is less than 5 feet (1524 mm) wide, the full width of the sidewalk shall be depressed as shown in Figure 11B-20B, Case C.

4. As an alternate to Figure 11B-20A, Case A, one ramp may be placed in the center of the curb return as in Figure 11B-20C, Case E.

5. When ramp is located in center of curb return, crosswalk configuration must be similar to that shown on the plan to accommodate wheelchairs. See Figure 11B-22.

6. If planting area width is equal to or greater than ramp length, ramp side slope distance equals 3 feet (914 mm). See Figure 11B-20D, Case G.

7. For Figure 11B-20C, Case F and Figure 11B-20D, Case G, the longitudinal portion of the sidewalk may need to be depressed as shown in Figure 11B-20A, Case B.

8. If located on a curve, the sides of the ramp need not be parallel, but the minimum width of the ramp shall be 4 feet (1219 mm).

9. The ramp shall have a 12 inch wide (305 mm) border with 1/4 inch (6 mm) grooves approximately 3/4 inch (19 mm) on center. See grooving detail, Figure 11B-20 D, Case H.

**SECTION 1128B
PEDESTRIAN GRADE SEPARATIONS (OVERPASSES AND UNDERPASSES)**

Pedestrian ramps on pedestrian grade separations shall comply with the requirements of Section 1133B.5 for ramps.

Cross slopes of walking surfaces shall be the minimum possible and shall not exceed 1/4 inch (6 mm) per foot (2.083% gradient). The slope of any appreciably warped walking surface shall not exceed 1 unit vertical in 12 units horizontal (8.33% slope) in any direction. Where pedestrian grade separations cross streets or other vehicular traffic ways, and where a street level crossing can reasonably and safely be used by persons with physical disabilities, there shall be provided conforming curb ramps and a usable pathway.

Exceptions:

1. When the grade differential of the walking surface of a pedestrian grade separation exceeds 14 feet (4267 mm) due to required height clearance and grade conditions, and the enforcing agency finds that because of right-of-way restrictions, topography or natural barriers, wheelchair accessibility or equivalent facilitation would create an unreasonable hardship, such accessibility need not be provided. However, the requirements in these regulations relating to other types of mobility shall be complied with.

2. For existing facilities, this section shall not apply where, due to legal or physical constraints, the site of the project will not allow compliance with these regulations or equivalent facilitation without creating an unreasonable hardship.

See Section 109.1.5.

**SECTION 1129B
ACCESSIBLE PARKING REQUIRED**

1129B.1 General. Each lot or parking structure where parking is provided for the public as clients, guests or employees, shall provide accessible parking as required by this section. Accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel (complying with Section 1114B.1.2) from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances. Table 11B-6 establishes the number of accessible parking spaces required.

1129B.2 Medical Care Outpatient Facilities. At facilities providing medical care and other services for persons with mobility impairments, parking spaces complying with this section shall be provided in accordance with Table 11B-6 except as follows:

1. **Outpatient units and facilities.** Ten percent of the total number of parking spaces provided serve each such outpatient unit or facility.

2. **Units and facilities that specialize in treatment or services for persons with mobility impairments.** Twenty percent of the total number of parking spaces provided serve each such unit or facility.

TABLE 11B-6 – SPACES REQUIRED
Establishes the number of accessible parking spaces required.

TOTAL NUMBER OF PARKING SPACES IN LOT OR GARAGE	MINIMUM REQUIRED NUMBER OF SPACES
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	*

1,001 and over	**
----------------	----

*Two percent of total.

**Twenty plus one for each 100, or fraction over 1,001.

1129B.3 Parking Space Size. Accessible parking spaces shall be located as near as practical to a primary entrance and shall be sized as follows:

1. **Dimensions.** Where single spaces are provided, they shall be 14 feet (4267 mm) wide and lined to provide a 9-foot (2743 mm) parking area and a 5-foot (1524 mm) loading and unloading access aisle on the passenger side of the vehicle. When more than one space is provided in lieu of providing a 14-foot-wide (4267 mm) space for each parking space, two spaces can be provided within a 23-foot-wide (7010 mm) area lined to provide a 9-foot (2743 mm) parking area on each side of a 5-foot (1524 mm) loading and unloading access aisle in the center. See Figure 11B-18A. Parking access aisles shall be part of an accessible route of travel (complying with Section 1114B.1.2) to the building or facility entrance. Parked vehicle overhangs shall not reduce the clear width of an accessible route. The minimum length of each parking space shall be 18 feet (5486 mm). The words NO PARKING shall be painted on the ground within each five-foot (1524 mm) loading and unloading access aisle. This notice shall be painted in white letters no less than 12 inches (305 mm) high and located so that it is visible to traffic enforcement officials. See Figures 11B-18A, 11B-18B and 11B-18C.

2. **Van space(s).** One in every eight accessible spaces, but not less than one, shall be served by an access aisle 96 inches (2438 mm) wide minimum placed on the side opposite the driver's side when the vehicle is going forward into the parking space and shall be designated van accessible as required by Section 1129B.4. All such spaces may be grouped on one level of a parking structure. The words NO PARKING shall be painted on the ground within each eight-foot (2438 mm) loading and unloading access aisle. This notice shall be painted in white letters no less than 12 inches (305 mm) high and located so that it is visible to traffic enforcement officials. See Figures 11B-18A, 11B-18B and 11B-18C.

3. **Arrangement of parking space.** In each parking area, a bumper or curb shall be provided and located to prevent encroachment of cars over the required width of walkways. Also, the space shall be so located that persons with disabilities are not compelled to wheel or walk behind parked cars other than their own. Pedestrian ways which are accessible to persons with disabilities shall be provided from each such parking space to related facilities, including curb cuts or ramps as needed. Ramps shall not encroach into any accessible parking space or the adjacent access aisle. The maximum cross slope in any direction of an accessible parking space and adjacent access aisle shall not exceed 2%.

Exceptions: See Figures 11B-18A through 11B-18C.

1. Where the enforcing agency determines that compliance with any regulation of this section would create an unreasonable hardship, a variance or waiver may be granted when equivalent facilitation is provided.

2. Parking spaces may be provided which would require a person with a disability to wheel or walk behind other than accessible parking spaces when the enforcing agency determines that compliance with these regulations or providing equivalent facilitation would create an unreasonable hardship.

See Section 109.1.5.

4. **Slope of parking space.** Surface slopes of accessible parking spaces shall be the minimum possible and shall not exceed 1 unit vertical to 50 units horizontal (2% slope) in any direction.

1129B.4 Identification of Parking Spaces for Off-Street Parking Facilities. Each parking space reserved for persons with disabilities shall be identified by a reflectorized sign permanently posted immediately adjacent to and visible from each stall or space, consisting of the International Symbol of Accessibility in white on dark blue background. The sign shall not be smaller than 70 square inches (4516 mm²) in area and, when in a path of travel, shall be posted at a minimum height of 80 inches (2032 mm) from the bottom of the sign to the parking space finished grade. Signs may also be centered on the wall at the interior end of the parking space. Spaces complying with Section 1129B.3, Item 2 shall have an additional sign stating "Van-Accessible" mounted below the symbol of accessibility. Signs identifying accessible parking spaces shall be located so they cannot be obscured by a vehicle parked in the space.

An additional sign shall also be posted in a conspicuous place at each entrance to off-street parking facilities, or immediately adjacent to and visible from each stall or space. The sign shall not be less than 17 inches by 22 inches

(432 mm by 559 mm) in size with lettering not less than 1 inch (25 mm) in height, which clearly and conspicuously states the following:

"Unauthorized vehicles parked in designated accessible spaces not displaying distinguishing placards or license plates issued for persons with disabilities may be towed away at owner's expense. Towed vehicles may be reclaimed at _____ or by telephoning _____."

Blank spaces are to be filled in with appropriate information as a permanent part of the sign.

In addition to the above requirements, the surface of each accessible parking space or stall shall have a surface identification duplicating either of the following schemes:

1. By outlining or painting the stall or space in blue and outlining on the ground in the stall or space in white or suitable contrasting color a profile view depicting a wheelchair with occupant; or
2. By outlining a profile view of a wheelchair with occupant in white on blue background. The profile view shall be located so that it is visible to a traffic enforcement officer when a vehicle is properly parked in the space and shall be 36 inches high by 36 inches wide (914 mm by 914 mm). See Figures 11B-18A through 11B-18C.

SECTION 1130B PARKING STRUCTURES

All entrances to and vertical clearances within parking structures shall have a minimum vertical clearance of 8 feet 2 inches (2489 mm) where required for accessibility to accessible parking spaces.

Exceptions:

1. Where the enforcing agency determines that compliance with Section 1130B would create an unreasonable hardship, an exception may be granted when equivalent facilitation is provided.
2. This section shall not apply to existing buildings where the enforcing agency determines that, due to legal or physical constraints, compliance with these regulations or equivalent facilitation would create an unreasonable hardship. See Section 109.1.5.

SECTION 1131B PASSENGER DROP-OFF AND LOADING ZONES

1131B.1 Location. When provided, passenger drop-off and loading zones shall be located on an accessible route of travel (complying with Section 1114B.1.2) and shall comply with 1131B.2.

1131B.2 Passenger Loading Zones.

1. General. Where provided, one passenger drop-off and loading zone shall provide an access aisle at least 60 inches (1524 mm) wide and 20 feet (6096 mm) long adjacent and parallel to the vehicle pull-up space. Vehicle standing spaces and access aisles shall be level with surface slopes not exceeding 1:50 (2%) in all directions. If there are curbs between the access aisle and the vehicle pull-up space, a curb ramp shall be provided. Each passenger drop-off and loading zone designed for persons with disabilities shall be identified by a reflectorized sign, complying with 1117B.5.1 Items 2 and 3, permanently posted immediately adjacent to and visible from the passenger drop-off or loading zone stating "Passenger Loading Zone Only" and including the International Symbol of Accessibility, in white on dark blue background.

2. Vertical clearance. Provide minimum vertical clearance of 114 inches (2896 mm) at accessible passenger loading zones and along at least one vehicle access route to such areas from site entrances and exits.

1131B.3 Valet Parking. Valet parking facilities shall provide a passenger loading zone complying with Section 1131B.2 above and shall be located on an accessible route of travel (complying with Section 1114B.1.2) to the entrance of the facility. The parking space requirements of Sections 1129B through 1130B apply to facilities with valet parking.

1131B.4 Bus Stop Pads and Shelters. See Section 1121B.2.1.

SECTION 1132B

DSA-AC - 2006 Rulemaking
Part 2 - Combination IBC & DOJ Changes

- 81 -

Memorandum of Agreement

PC 3/11/10
#12

This Memorandum of Agreement, dated for reference purposes February 18, 2010, is by and between Marjorie Sanborn, doing business as the Coloma Country Inn ("Sanborn") and the Coloma Crescent Players, Inc. a non-profit association ("Players") operating the Olde Coloma Theatre.

Recitals

A. Sanborn owns and operates a facility in Coloma known as the Coloma Country Inn, which has a parking area large enough to accommodate approximately 40 vehicles for occasional weddings and other events.

B. The Players operate, on a non-profit basis, the Olde Coloma Theatre ("Theatre") located near the Coloma Country Inn.

C. The County of El Dorado has determined that the Theatre does not have adequate onsite parking to comply with the County's parking ordinance and Sanborn has agreed that the Theatre may use the Coloma Country Inn's parking area as overflow parking for the Theatre when necessary.

Agreement

1. Sanborn has agreed that the Players may direct its clientele to the Coloma Country Inn parking lot on those occasions when there is not enough onsite Theatre parking to accommodate the attending audience. The Players understand that there will be occasions that the Coloma Country Inn may host weddings or other events during which the Coloma Country Inn parking will not be available. The parties will confer on upcoming schedules on a regular basis in order to identify conflicting events so that the Players may make other arrangements for potential overflow parking.

2. The Players shall indemnify and hold Sanborn harmless from any claims or liability, including attorneys fees, which may arise due to the use of the Coloma Country Inn property for parking by the Theatre's patrons, volunteers or cast. Further, the Players will be responsible for any damage that may occur on the Coloma Country Inn property caused by use of the property by the patrons, volunteers or staff of the Theatre.

Coloma Country Inn

Coloma Crescent Players, Inc.


Marjorie Sanborn


Dennis Tipton, Board President

PLANNING DEPARTMENT
RECEIVED
FEB 19 10 11 AM '10



DEPARTMENT OF PARKS AND RECREATION
Gold Fields District
7806 Folsom Auburn Road
Folsom, CA 95630

February 22, 2010

Carol Fallon
Olde Coloma Theatre
3461 Robin Lane, Suite 3
Cameron Park, CA 95862

Dear Ms. Fallon,

It was a pleasure meeting with you and Craig Sandberg last week regarding overflow parking at Marshall Gold Discovery State Historic Park (MGDSHP) for night time performances at the Olde Coloma Theatre.

We feel that we will be able to work with the theater to provide limited overflow parking for occasional Friday and Saturday night and Sunday matinee performances. From our discussion it is my understanding that the Olde Coloma Theatre will be able to provide adequate parking on its own premises for the majority of these performances and while there may be a need to occasionally utilize MGDSHP for overflow parking, the theater anticipates it to be minimal (approximately two to three times per year). Because of the anticipated minimal need we feel that it is feasible to allow overflow parking through a special event permit.

The theater will be required to submit a special event permit application a minimum of one week in advance of each requested date. Approval of the permit is subject to facility availability and may be subject to change based on changing needs of the theater. Local staff at MGDSHP will work to assist you with the special event permits.

State Parks believes that the Olde Coloma Theatre is a benefit to the greater Coloma community as it provides a service within the historic town that we cannot provide to the public. We are pleased to be able to work with the theater so it can continue to conduct these educational and entertaining performances.

If you have any questions please feel free to contact me at (916) 988-0205.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott S. Nakaji".

Scott S. Nakaji
Gold Fields District Superintendent

Cc: Chris Fridrich, Acting Park Superintendent

File Number: _____ Receipt No.: _____

Date Received: _____ Amount: _____

APPEAL FORM

(For more information, see Section 17.22.220 of the Zoning ordinance)

Appeals must be submitted to the Planning Department with appropriate appeals fee. Please see fee schedule or contact the Planning Department for appeal fee information.

APPELLANT Jerry Griffin _____

ADDRESS 530 Cold Springs Road _____

DAYTIME TELEPHONE 530 622 7080 _____

A letter from appellant authorizing the Agent to act in his/her behalf must be submitted with this appeal.

AGENT _____

ADDRESS _____

DAYTIME TELEPHONE _____

APPEAL BEING MADE TO: Board of Supervisors Planning Commission

ACTION BEING APPEALED (Please specify the action being appealed, i.e. approval of an application, denial of an application, conditions of approval, etc., and specific reasons for appeal. If appealing conditions of approval, please attach copy of conditions and specify appeal.)

S07-0019/Olde Coloma Theatre Special Use Permit, Condition of Approval: Staff

Recommendation; #1 Certification that project is exempt from CEQA Section 15301, #2 Approval based upon revised site plan, Project Conditions of Approval items #8, #9, #14, #17 as described.

DATE OF ACTION BEING APPEALED _____

Signature

Date

Jerry

From: "Nakaji, Scott" <SNAKAJI@parks.ca.gov>
To: "Jerry" <vinhous@dishmail.net>
Cc: "Fridrich, Chris" <cfridrich@parks.ca.gov>
Sent: Wednesday, April 14, 2010 1:42 PM
Attach: Coloma Theater 2010.pdf
Subject: RE: Project Inquiry - S 07 0019 - OLD COLOMA THEATRE USE PERMIT

Jerry,

There have been no changes in our commitment to the theater from my February 22nd letter to the theater (attached) and my February 24th e-mail to you (below). There is no agreement for State Parks to provide up to 29 parking spaces on an every day basis.

Please let me know if you have any further questions.

Sincerely,

Scott Nakaji
 Gold Fields District Superintendent
 California State Parks
 (916) 988-0205

CONFIDENTIALITY NOTICE: This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient. Unauthorized interception, review, use, or disclosure is prohibited and may violate applicable laws including, but not limited to, the Electronic Communications Privacy Act. If you are not the intended recipient, please immediately contact the sender and destroy all copies of the communication.

From: Jerry [mailto:vinhous@dishmail.net]
Sent: Wednesday, April 14, 2010 8:57 AM
To: Nakaji, Scott
Subject: Re: Project Inquiry - S 07 0019 - OLD COLOMA THEATRE USE PERMIT

Good morning

Sorry to keep bothering you with information request regarding the Olde Coloma Theatre parking but traffic flow and parking is a concern not only for myself but other neighbors of this community. Again after several months of delays, parking issues at the Theatre will come before the Planning Commission April 22, 2010. I wanted to follow-up with you regarding their use of State parking facilities. The latest parking plan submitted by the Theatre provides for only 21 onsite spaces. The Theatre has stated that they have signed an agreement with the Park authority to provide the additional 29 required spaces on a daily bases. This appears to be a change in their previous negotiations. Thank you again for any help, Jerry

----- Original Message -----

From: Nakaji, Scott
To: vinhous@dishmail.net
Cc: Fridrich, Chris
Sent: Wednesday, February 24, 2010 3:38 PM
Subject: Re: Project Inquiry - S 07 0019 - OLD COLOMA THEATRE USE PERMIT

5/5/2010

APPEAL FORM
 10-0538.B.26

Jerry,

We met with two members of the theater board last week at their request. They told us that they had mitigated the parking situation for their normal school performances during the week without using the state park and without creating traffic problems on Cold Springs Road and Highway 153. They said that they had created sufficient room on their premises to have busses pull in, drop off students then turn around and exit.

From last week's meeting it was also my understanding that the theater would be able to accommodate the parking on the theater grounds for the majority of their night time and Sunday matinee performances from late May to mid December. They stated that they anticipated needing to use Marshall Gold Discovery SHP for overflow parking for these performances only two to three times per year. We agreed that we could do that, as we have done historically, on a special event permit. It is anticipated that the theater would use the Monument parking lot as they have in the past. It is also my understanding that they would utilize the river shuttle to shuttle people to and from the theater. We did not specify a capacity as we would make that determination based on each specific special event permit application.

The bottom line is that, based on the theater's limited request, there is no need for a contract. The scope of the theater's request has diminished to the level of a special event permit (2-3 times per year). Special event permits are one day permits for specific uses of the park.

Sincerely,

Scott Nakaji
Gold Fields District Superintendent

From: Jerry <vinhous@dishmail.net>
To: Nakaji, Scott
Sent: Wed Feb 24 13:46:15 2010
Subject: Re: Project Inquiry - S 07 0019 - OLD COLOMA THEATRE USE PERMIT
Good Morning Mr. Nakaji,

Just received a copy of your latest correspondent, February 22, 2010 addressed to Carol Fallon of the Olde Coloma Theatre where it appears that the state Parks Department has agreed to enter into a contract with the theatre for parking of theatre patron vehicles within the Marshal State Park. The County Planning Commission meets tomorrow to discuss these issues and maybe come to some resolution. Within your correspondence the term "Overflow Parking" is noted. Based upon your discussions with theatre staff, if possible could you defined "Overflow Parking" as you understand it? How many vehicles 2, 10, 20? Furthermore, what areas of the park are to be used and how will patrons get to and from the parking area(s).

As with previous request I want to thank you so much for taking the time out of your busy day to help.

— Original Message —

From: [Nakaji, Scott](#)
To: [Jerry](#)
Cc: jason.hade@co.el-dorado.ca.us ; [Micheaels, Jim](#) ; [Lyons, Gary](#)
Sent: Tuesday, August 11, 2009 8:47 AM
Subject: RE: Project Inquiry - S 07 0019 - OLD COLOMA THEATRE USE PERMIT

Hello Jerry,

It is not my understanding that the County's permit approval was pending action by State Parks. My understanding is that the permit/concession agreement with State Parks is a condition for approval of the permit. Without it the Theater would be restricted to only events in which they use their own parking, which is very limited.

5/5/2010

APPEAL FORM
10-0538.B.27

From my perspective, consistent with our conversation the other day, we are willing to work with the Theater to be part of a solution, however it is my position that the Theater needs to initiate the discussion if we are going to potentially enter into any type of agreement such as a concession contract. I feel strongly that the Theater needs to be the driving force in any solution, as it is not State taxpayer responsibility to fund or seek a solution for a private entity, non-profit or otherwise. While we would welcome any dialogue, there is also no guarantee that there would be a solution reached that is acceptable to all (if they did not want to pay a concession fee for example). The Theater folks have not contacted me or any of my staff for quite some time now.

District Planner Jim Micheaels will contact and clarify our position with County staff.

Sincerely,

Scott Nakaji
Gold Fields District Superintendent
California State Parks
(916) 988-0205

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From: Jerry [mailto:vinhous@dishmail.net]
Sent: Tuesday, August 11, 2009 9:02 AM
To: Nakaji, Scott
Cc: roger.trout@edcgov.us; jason.hade@co.el-dorado.ca.us; Director
Subject: Fw: Project Inquiry - S 07 0019 - OLD COLOMA THEATRE USE PERMIT

Thank you again for taking the time to discuss the issues surrounding the Olde Coloma Theatre with me. However I would like to confirm a few items of discussion. I have received the following emails from county planning which appear to differ from what we had discussed. If I understood you correctly the current official position of your department was previously described by former park superintendent Mark Gibson in his letter to county project planner Roman Anissi dated July 30, 2007. However it would appear county planning is delaying the completion of the theatre use permit application pending an additional response from the State Parks Department. I would greatly appreciate it if you can find the time or ask that the new park superintendent follow-up on this.

----- Original Message -----

From: jason.hade@co.el-dorado.ca.us
To: Jerry
Sent: Tuesday, July 07, 2009 2:13 PM
Subject: Re: Project Inquiry - S 07 0019 - OLD COLOMA THEATRE USE PERMIT

Hi Jerry,

The project agent, Robert Laurie, responded to Roman's letter of September 14, 2007 with additional information in a letter dated September 28, 2007. Some of the issues are still being resolved with State Parks or will be addressed as part of the recommended conditions of approval.

Thanks.

Jason R. Hade, AICP
Senior Planner
Planning Services

5/5/2010

APPEAL FORM
10-0538.B.28

El Dorado County Development Services Department
2850 Fairlane Court
Placerville, CA 95667

530.621.5874 (phone)
530.642.0508 (fax)
jason.hade@co.el-dorado.ca.us

"Jerry" <vinhous@dishmail.net>

07/06/2009 04:39 PM

To <jason.hade@co.el-dorado.ca.us>

CC "R. Lingford" <rilingfo@directcon.net>

Subject Re: Project Inquiry - S 07 0019 - OLD COLOMA THEATRE USE PERMIT

Thanks for the information, however I would like to know if theatre staff or legal council has submitted any of the information requested by your predecessor Mr. Anissi Thank you

----- Original Message -----

From: jason.hade@co.el-dorado.ca.us

To: Jerry

Sent: Monday, July 06, 2009 2:30 PM

Subject: Re: Project Inquiry - S 07 0019 - OLD COLOMA THEATRE USE PERMIT

I'm awaiting feedback from the State Park concerning draft conditions of approval before finalizing the staff report. I hope to hear back from them within the next few weeks.

Regards,

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

530.621.5874 (phone)
530.642.0508 (fax)
jason.hade@co.el-dorado.ca.us

"Jerry" <vinhous@dishmail.net>

07/05/2009 06:30 PM

To <jason.hade@co.el-dorado.ca.us>

CC "R. Lingford" <rilingfo@directcon.net>

Subject Re: Project Inquiry - S 07 0019 - OLD COLOMA THEATRE USE PERMIT

If you would please, what is the current status of this application?

5/5/2010

----- Original Message -----

From: jason.hade@co.el-dorado.ca.us

To: vinhous@dishmail.net

Sent: Wednesday, May 06, 2009 9:28 AM

Subject: Re: Project Inquiry - S 07 0019 - OLD COLOMA THEATRE USE PERMIT

This project was recently re-assigned from Pierre Rivas to myself. I'll be reviewing the file and working with Pierre to hopefully have the project scheduled for a public hearing within the next several months.

Regards,

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

530.621.5874 (phone)

530.642.0508 (fax)

jason.hade@co.el-dorado.ca.us

<vinhous@dishmail.net>

05/05/2009 01:59 PM

To <jason.hade@co.el-dorado.ca.us>

cc

Subject Project Inquiry - S 07 0019 - OLD COLOMA THEATRE USE PERMIT

On April 17, 2007, the Board of Supervisors heard an appeal of the Planning Commission's determination that the Olde Coloma Theatre did not qualify as a legal nonconforming use. The Board denied the appeal, in part, directing the Coloma Crescent Players, operators of the theater, to apply for a special use permit but permitted continued operations of the theater with limitations on capacity at 120 persons and that access on Monument Road by buses be limited to the entrance of the theater. The Board directed that a status report be provided at the May 22, 2007, meeting.

It is now April 2009, two years, what is the status of this application?

5/5/2010



STATE OF CALIFORNIA

OFFICE OF THE ATTORNEY GENERAL

BILL LOCKYER
ATTORNEY GENERAL

April 29, 2002

Dear Local Building Official:

Re: Enforcement of California Disabled Access Laws and Regulations

As chief law officer of the State of California, I have a strong interest in seeing that disabled access laws and regulations are uniformly and adequately enforced. (Cal. Const., art. V, § 13.) Local building departments are the first line of enforcement authority for these laws and regulations. (Gov. Code, § 4453, subd. (b); Health & Saf. Code, § 19958.) Regrettably, I have received a number of complaints that allege certain local jurisdictions are failing to take all actions necessary to ensure compliance with these laws and regulations. (Gov. Code, § 4450 et seq; Health & Saf. Code, § 19955 et seq.; and Cal. Code Regs., tit. 24, part 2.¹) For this reason, I urge you to evaluate your enforcement policies and practices in this area.

While local building officials are the primary enforcers of California access laws and regulations, I have been vested with the authority to investigate complaints and bring legal actions to remedy the violation of these laws and regulations. (Gov. Code, § 4558; Health & Saf. Code, § 19958.5.) This includes investigating allegations that a local building department is not adequately enforcing state access laws and regulations, and filing civil actions to remedy such problems when they are identified.

Consistent with the Legislature's mandate that local building departments be the primary enforcers of state access laws and regulations, I require that a complainant first lodge with the appropriate local building department an access complaint which alleges that a particular facility or

¹ Title 24 of the California Code of Regulations is published separately as the California Building Code and is available through the Building Standards Commission at <<<http://www.bsc.ca.gov>>>. Further information on California's access laws and regulations is available in the *State of California Access Compliance Reference Manual*, which may be obtained from the Department of General Services, Division of the State Architect. Its web site is <<<http://www.dsa.ca.gov>>>.



Local Building Officials
April 29, 2002
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building is being maintained in violation of state disabled access regulations. I expect every local building department to have a complaint procedure and to investigate these disabled access complaints promptly.

As a general rule, my office will only consider a request to review the action of a local building department on an access complaint to determine whether the agency has abused its discretion if: a) the agency has had a reasonable opportunity to resolve the complaint; and b) has either reached a final resolution or has failed to do so within a reasonable period of time. If we find such an abuse of discretion, we ask the local building department to reconsider its decision, and, if it fails to do so, I am prepared to take legal action to cure that abuse of discretion.

Another area for potential legal action by my office concerns local building departments' responsibilities under Government Code section 4452. That statute requires commencement of action to correct deviations from state disabled access regulations within 90 days of confirmation of the existence of such deviations.

I believe that a reasonable construction of this 90-day requirement is that a final resolution be reached with respect to the confirmed violations within 90 days of confirmation of the violations. A final resolution means that the violations have been corrected, a binding agreement has been reached with the owner to complete any construction necessary to correct the violations within a reasonable time, or the local building department has instituted legal action to compel the owner to correct the violations.²

Again, with respect to any agreement reached between a property owner and a local building department, this office will, upon request, review any such agreement for an abuse of discretion and will take legal action, if necessary, to correct any such abuse of discretion.


Through this office's disabled access enforcement work, we have found that deviations from disabled access requirements are often the result of a lack of adequate resources to carefully check plans, inadequate training of personnel and adherence to a philosophy that relaxes enforcement of state disabled access standards. I encourage you to evaluate your enforcement programs to determine whether these are areas that need to be addressed.

² This construction takes into account that not all construction projects that might be necessary to correct certain disabled access regulations can, in reality, be completed (and the access violations corrected) within 90 days of confirmation.

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In order to ensure that I have reached the person in your jurisdiction with whom the governing body has placed the responsibility for enforcing state access laws and regulations, I request that you contact Special Assistant Attorney General Alberto L. González of my staff and confirm that you are the correct person or, if not, provide him with the name of that person. Mr. González may be reached at (916) 324-5369, or at his e-mail address alberto.gonzalez@doj.ca.gov.

California was a pioneer in requiring that publicly-funded buildings and facilities and privately funded public accommodations be accessible to persons with disabilities. Our state laws predate the federal Americans With Disabilities Act by over 20 years. Please join me in a renewed commitment to strong and vigorous enforcement of state disabled access laws and regulations.

Sincerely,

BILL LOCKYER
Attorney General