

# DEVELOPMENT SERVICES DEPARTMENT

County of  
EL DORADO

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## MEMORANDUM

**DATE:** March 7, 2007                                 Agenda of: March 8, 2007

**TO:** Planning Commission                         Item #: 9.

**FROM:** Peter N. Maurer, Principal Planner

**SUBJECT:** Finding of Legal Nonconforming Use Status  
Olde Coloma Theatre

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On January 11, 2007, the Planning Commission held a hearing to consider the status of the Olde Coloma Theatre. Staff has recommended that there are sufficient changes in circumstances to terminate the nonconforming use, but the operators of the theater, the Coloma Crescent Players, requested that the item be continued to allow them additional time to work out parking issues. Please see the attached copy of the previous memo for background information.

Since that previous hearing, County staff has had no further communication with the Players regarding additional parking or other issues associated with the theater. Negotiations have been on-going with the State Park, however, as of this date, no formal agreement has been reached.

Unfortunately, staff is no closer to a solution of the problem caused by the loss of parking for the theater than we were in January. Since the situation has not changed, staff stands by it previous recommendation that a special use permit be required for continued use of the theater, with scaled back operations being allowed to continue consistent with the previous recommendations as reiterated below.

**Recommendation:**

Staff recommends the Planning Commission find:

1. That there has been a change in circumstances since the theater acquired its building permit in the 1970s. These are:
  - a. The lot was split from the parent parcel;
  - b. An informal agreement for parking on the adjacent property has been rescinded;

- c. The theater parcel has inadequate space to meet the parking needs of the staff and patrons; and
  - d. No parking easement was retained for use of the adjacent property.
2. A safety hazard has been created in that theater patrons must walk along a narrow road to attend shows, due to the loss of available parking to the theater;
  3. Bus parking and unloading has created a public nuisance by obstructing the free passage on the public highway; and
  4. Any legal nonconforming use of Assessor's Parcel Number 006-290-04 which may have existed for a theater is terminated.

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