

To: El Dorado County Supervisors:
- Rusty Dupray, District 1
- Helen Baumann, District 2
- Jack Sweeney, District 3
- Norma Santiago, District 5

April 8, 2007

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Subject: Olde Coloma Theatre, Hearing #7, for Tuesday April 10, 2007, Appeal of Planning Commission recommendations.

Ladies and Gentlemen of the Board:

You can't imagine how disappointed I was to learn the Olde Coloma Theatre had filed an appeal of the Planning Commission recommendations of March 8. Particularly since during that meeting, the Commission specifically advised the Theatre management that too much time and effort of County staff had already been expended without a good faith effort by the Theatre to resolve their problems. They were also quite clear in stating that the Board would reject any appeal.

I recently read on the County website that Supervisor Briggs has asked for a time extension from the Board to allow *him* more time to resolve the situation. Supervisor Briggs made his decision to fully support the theatre long ago and I believe that his current actions and a previous conversation I had with Him will, prove that He is not acting in good faith to be impartial or in the best interest of residents, the community or the State Park.

On February 22, 2007, I had the opportunity to meet with Supervisor Briggs in his office to discuss the issues surrounding the theatre. Below are some of the highlights of that conversation. I am willing to testify to the content of this conversation if necessary. It was obvious from the start that Supervisor Briggs was bias to the situation.

After introductions and small talk, Supervisor Briggs opened the conversation with "let me tell you how this is going to go". "Now I've been friends with Danny Moreno for many years, I was even friends with his mother". "Dustin & I are not what you'd call close friends, were friends but not drinking buddies or anything like that". "My kids participated in plays at the Theatre years ago and I don't want the Theatre to close". "I've instructed my planning commissioner to lead the commission toward a finding of existing non-conforming". I don't care if they park a hundred cars nose to tail, I just don't see the problem with that". "And besides, it doesn't matter what the Planning Commission rules because during the appeal, I will instruct the Board to have a finding of Legal Non-conforming". "And since I'm the District Representative of that area, they will all follow my lead, that's how it works around here".

He went on to say "I don't see the problem with buses unloading in front of the theatre". It's only one or two a day". He further explained regarding the children walking down the State Highway and Cold Spring Road that "pedestrians have all the rights in the world

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and they can walk down the middle of Cold Springs Road and have every right to do so”. “I don’t see a problem with that”.

When I explained that the number of buses was more like 10 to 20 a day with each bus making 4 passes in front of my home (vehicle trips), he seemed confused and mentioned that Dustin (President of the Coloma Crescent Players) must have mislead him” and “that may be a problem”.

When I mentioned the years of intentional late night noise, screaming, car alarms (terrorism) directed at the residents of the area and against my family, including vehicular assault against my daughter, which was reported to the Sheriff and CHP, Supervisor Briggs acknowledged “he had read about that in my letters”. He then went on to explain “I spoke to Dustin about those very issues”. “At first he (Dustin) denied they had occurred, but as I pressed him, he admitted to all of the transgression (my word) that had occurred”. “Dustin finally even admitted to knowing about the vehicular assault against your daughter”. “ I (Briggs) told him that he should be ashamed of himself and that he should apologize immediately”.

As I attempted to emphasis the duration (years of assaults and how these attacks had began well before the Theatre lost the parking at the Vineyard House property), I was interrupted by Briggs who stated “that was in the past”. “I’ve told Dustin that he should apologize and now you all need to learn to get along”. (I believe that Supervisor Briggs should report this admission to the County Sheriff, as this information could be important to future criminal and civil actions and should be documented).

As you might imagine, I was growing quit frustrated with the conversation by now. Supervisor Briggs is aware of the (criminal) actions of the theatre staff, he knows the theatre caused the loss of parking on the neighboring property and yet he still continues to support their cause without even considering the impacts to the community.

Finally, Briggs asked “what would it take to make a deal here, what would make you happy”? When I mentioned closing the theatre, he laughed and stated, “that’s not going to happen”. I did mention the State Parks letter to Caltrans asking that Buses and large vehicles be prohibited from Monument Trail (State Highway 153) and how Caltrans had been reluctant to respond. I asked if the County would support the State Parks by also contacting Caltrans to request the large vehicle prohibition. He said, “He would have to see about that”.

I think you get the drift of our conversation.

Since the Planning Commission ruled on March 8, the following actions have been observed occurring at the theatre:

- Theatre has unloaded children from tour buses on the highway in front of their property, causing congestion on Cold Springs Road.
- Several buses continue to unload in the Monument parking lot, even though Park Management has been advising them this is not acceptable.
- An All-West bus was in the process of passing the children on Monument Trail Road (State Highway 153) that he'd just dropped off, when he spotted me maneuvering for a picture. He immediately backed off and gave me a friendly one-finger salute.
- A tour group leader walked a large group of school children down the middle of Cold Springs Road, even after a theatre Board member objected. She contacted the State Park Superintendent and demanded he do something about it.
- A parent or group leader, directing a large group (40 to 50) kids to the theatre, with kids strewn all over the State Highway from the Monument parking lot to the theatre, verbally assaulted a Park visitor that was attempting to pass the children and refused to let him pass. I immediately reported this action to the Park Superintendent.

I guess it's safe to say the Theatre is not listening to anyone. They seem to be ignoring the Planning Commission and the State Park when any requirements are inconvenient for them.

Marshal Gold Discovery State Historic Park:

For a couple of years now, starting with Senator Cox and ex-Assemblyman Leslie and ex-County Supervisor Charlie Paine, then later friends of the Coloma Theatre and now Supervisor Briggs and his staff, all have applied pressure on the State Park Management in an effort to force them into accommodating the needs of the Theatre.

From the beginning, the Park wanted nothing to do with the Theatre or its parking issues. The Park Superintendent wrote Caltrans requesting they prohibit bus traffic on Monument Trail (State Highway 153) because of the safety issues and the bus drivers refusing to comply with the Parks request to stop. He also requested the No Parking to prohibit theatre staff and visitors from damaging State property by parking on it and also to try to stop the buses from unloading in the Highway.

Park Rangers have worked diligently to stop the large school groups from utilizing Cold Springs Road as a return to the Park, without success. It seems the tired and out of shape group leader like the downhill shortcut regardless of instruction.

The State Park closes at Sunset. Locked parking lots, no Rangers, no lighting.

I believe that if the Board of Supervisors will look at the potential impacts and liability extended to the State Parks by allowing Theatre parking and access to State property, as Supervisor Briggs desires, it will find that situation unfair and unacceptable.

Let's look at the shuttle idea. Say Supervisor Briggs can arrange a 20-passenger shuttle bus. The current seating capacity of the theatre is 120 according to staff writings. Each time a vehicle passes a point on the road, which equals 1 vehicle trip. So, for each group of 20 delivered to the theatre, that equals 2 vehicle trips, one trip to the theatre and one trip returning to the Park. 120 passengers delivered to the theater equals 12 vehicle trips. That's just to get them there. Another 12 vehicle trips are required to get them back to the Park. That equals 24 vehicle trips per show. The theatre was averaging about 5 shows per day. That equates to 120 shuttle bus vehicle trips per day, not counting any staff vehicles traveling in and out or the nighttime programs. 7 shows would be 168 vehicle trips. Now imagine the amount of time it would take one shuttle bus to make the required 6 round trips between the Theatre and the Park, loading or unloading at each end, just to get patrons to the theatre. Then consider the time to return the 6 round trips to the Park.

It's a safe bet that pedestrian traffic on Cold Springs Road will increase significantly.

When the Theatre Board member asked the Park Superintendent "what he was going to do about the tour group leader that refused to listen to her", his response was, "he's your customer, your group leader, not mine". That responsibility will change and the Park will become liable if the Theatre is allowed parking on State property, regardless of any insurance the theatre might be require to provide.

Other State Park issues to consider:

- Would the addition of the Theatre as a concession result in a change of use for the State Park due to the considerable traffic increases by the shuttle buses or additional pedestrians traveling to and from the Theatre?
- How will this addition of theatre persons impact the Parks capacity limitations?
- How will nighttime security be handled for the Park property and the residents after the Park is closed?
- How is this contributing to the State Parks mission? The Theatre is totally dependant upon the Park to bring in customers, not the other way around.
- How many Park resources must be diverted to facilitate the Theatre?
- How many Park Rangers will be added to the staff to handle the additional workload and responsibility?
- What will the State Park gain from this agreement?
- Will the State Parks provide widening on Monument Trail to the Theatre driveway and provide a Caltrans approved commercial driveway?
- The theatre has always operated totally independent and in spite of the State Parks, now all of the sudden, they want to be friends.
- Parking lot and pedestrian safety with increased shuttle trips thou town and in the parking lots.

I believe that if you allow Theatre parking on the State Parks property, you're simply handing off your problem to the State, and that isn't right.

It's important to remember that parking isn't the only issue facing the theatre.

- No legal driveway from Caltrans
- No on-site parking
- No on-site shuttle bus turn around area
- Improper water system (well with no treatment facility)
- Probable improper septic tank size / system (per Mr. Weiland's comment at the Planning Commission meeting)
- No engineered retaining walls
- Not ADA compliance
- Fire Sprinklers required?
- Tree removal issues
- Damage to neighboring fences
- Damage to my driveway caused by their buses
- Road improvement to accommodate the shuttle buses and increased traffic.

In closing, please refer to the numerous previous letters I've written which contain detailed information and photographs as well as examples of nearly 30 years of owner deception and County oversights.

Over two years have passed and the Theatre has not produced any acceptable proposals or made a good faith effort to comply with advice or recommendation from County Staff or direction by the Planning Commission.

Please, it's time to take action and support the Planning Commission decision.

If I may offer the following suggestions for your consideration:

- Ask Supervisor Briggs to withdraw from any discussions or voting regarding the Coloma Theatre. He is obviously biased on this issue and not representing the community at large, just his friends.
- Deny the appeal.
- Rescind the Planning Commission's offer to waive the application fees for the Special Use Permit. By challenging the Planning Commission decision, they no longer deserve favoritism.
- Remove any options that involve use of State Park lands or demand a full Environmental Impact Report be completed to address related issues

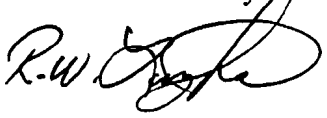
and impacts to the State Park and surrounding area prior to any permanent or interim parking solutions.

- Close the Theatre until a Special Use Permit has been issued and the Theatre is brought into compliance, just as any other business would be required. If closure is deemed to extreme, revise and clarify the interim requirements to include:
 - A maximum occupancy of 40 persons, including staff and actors, based on staff recommendations.
 - No school programs until completion of the Special Use Permits process
No usage of State Park facilities until completion of the Special Use Permit process.
 - Identify acceptable hours of operation, number of nights per week, etc.

- Order an investigation into the County's handling of permits for the Theatre from the beginning thru the current seemingly inadequate grading, retaining wall and drainage plans that were approved. There are too many coincidences of County oversight. The Possibility exists that too many friends have been involved in the processing.

We all know that the Theatre has outgrown its parking and property, but also consider the possibility that Coloma has outgrown theatre. As Vicky Scott-Moreno, daughter of founder June Scott, said to the Park Superintendent, neighbors and us, "the Theatre has run its course, it's time for it to close".

I couldn't have said it better myself.

Sincerely,

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cc:
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Louis B. Green, County Council
Paula Frantz, County Council
Vern Pierson, District Attorney
Laura Gill, Chief Administrative Officer