



Staff has determined that the use has expanded beyond that which was previously permitted by the addition of the school performances. Additionally, the loss of the parking privileges on the adjacent property has brought the theater into noncompliance with the County's parking requirements. Until additional parking can be established, the use of the theater must be limited to the number of patrons that can be accommodated with the available on site-parking.

**Discussion:**

The Zoning Ordinance requires a special use permit for a theater in the RF Zone (§17.48.060.E). The fact that the County issued a permit for the theater building in 1975 with the knowledge that it was to be operated as a theater provides some legitimacy for the use, even though at that time the ordinance would have required a use permit. At some time after the building was relocated, an informal agreement was made with the adjacent property owner that permitted patrons to park on that property. Over the years improvements were made to the parking area by theater personnel.

Earlier this year, the County became aware of the loss of parking privileges from complaints filed by nearby property owners and state park personnel. The concerns expressed were that busses were blocking driveways, school groups were creating a traffic hazard by walking down the road, and patrons were parking on private property. Additional complaints have been made regarding late night noise, lighting, and that the number of shows has increased from two per week to four to five per day.

Several meetings have been held with the theater operators, as well as some of the neighbors, but no workable solution has been identified. The state park superintendent has offered the use of one of the park's parking lots, if the theater provides a shuttle service. The theater, however, did not feel that was workable for them.

The parking provisions of the County Code requires one parking space for every three seats in a theater (§17.18.060.44). Staff has asked for a site plan showing the available parking, but the sketches received do not show dimensions, so it is difficult to determine exactly how much on-site parking is truly available. A site inspection was made to determine how many parking spaces are available. There are as few as four to five spaces that conform to the County's standards for size and access. At the most, 12 to 15 spaces could be considered, with less than standard drive aisles, space width, and turning area. This would allow for a total seating capacity of 36 to 45, although parking is also needed to accommodate the actors and theater staff. There presently is no parking or loading areas suitable for busses.

**Recommendation:**

Staff recommends that the Planning Commission take the following actions:

1. Find that the Olde Coloma Theatre is a legal nonconforming use based on the issuance of the building permit in 1975.

2. Limit the occupancy of the theater to 40 persons, until such time as the theater provides additional parking. Any modifications to the occupancy limitation shall be based on additional parking that is made available, as determined by Planning staff.
3. Prohibit performances for school groups unless a special use permit is approved. The use permit must address parking of private vehicles and busses, number of shows permitted, hours of operation, exterior lighting and noise.

### **ATTACHMENTS**

1. Construction Permit No. 15991, December 1, 1975
2. Letter from Mark Gibson, Park Superintendent, Marshall Gold Discovery SHP, to Dustin Weiland, Coloma Crescent Players, January 30, 2006
3. Notice to Coloma Crescent Players of Code Enforcement investigation, February 28, 2006
4. Letter from Peter Maurer, Planning Services, to Dustin Weiland, May 9, 2006
5. Letter from Peter Maurer to Dustin Weiland, May 19, 2006
6. Letter from Peter Maurer to Dustin Weiland, June 5, 2006
7. Letter from James R. Sweeney, Supervisor District 3, to Dustin Weiland, June 6, 2006
8. Letter from Dustin Weiland to Peter Maurer, June 23, 2006