



# County of Santa Cruz

## PLANNING DEPARTMENT

701 OCEAN STREET, 4<sup>TH</sup> FLOOR, SANTA CRUZ, CA 95060  
(831) 454-2580 FAX: (831) 454-2131 TDD: (831) 454-2123  
KATHY MALLOY PREVISICH, PLANNING DIRECTOR

September 21, 2010

Agenda Date: October 13, 2010

Item #: [ ]

Time: after 9 am

Planning Commission  
County of Santa Cruz  
701 Ocean Street  
Santa Cruz, CA 95060

Subject: Appeal of Application 10-0056  
APN: 080-251-31  
Applicant: William Fisher Architecture, Inc.  
Owner: County of Santa Cruz  
Site Address: 7272 Empire Grade Road, Bonny Doon

Members of the Commission:

### History

This application is a request from the County of Santa Cruz (as property owner) to construct a 1,120 square foot garage at an existing fire station located at the intersection of Empire Grade Road and Felton Empire Road in the Bonny Doon Planning Area. The request required an amendment to a previous Commercial Development Permit (No. 97-0874). The item was heard and approved by the Zoning Administrator on August 6, 2010, subject to Conditions of Approval.

Donita Springmeyer on behalf of the Bonny Doon Volunteer Fire/ Rescue, Inc. appealed this action on August 20, 2010. The appeal letter is included as Attachment 1-A, and the original staff report to the Zoning Administrator is included as Attachment 1-B.

## Appeal Process

Development approvals are appealable subject to Sections 18.10.320 through 18.10.360 of the County of Santa Cruz Code. Section 18.10.330 addresses appeals to the Planning Commission from Level V (Zoning Administrator).

The following summarizes the process:

<b>APPEALS PROCESS AND PROCEDURES</b>	
<b><i>who may appeal?</i></b>	... any person whose interests are adversely affected
<b><i>how does one appeal?</i></b>	... by filing a written notice with the Planning Department
<b><i>when can an appeal be filed?</i></b>	... not later than the fourteenth calendar day after the day on which the act was made.
<b><i>what are the grounds for an appeal?</i></b>	... any of the following - a. the determination was unjustified or inappropriate, b. there was error or abuse of discretion by the ZA, c. there was a lack of a fair and impartial hearing, d. the decision was not supported by the facts presented for consideration
<b><i>when does an appeal get scheduled?</i></b>	... the matter shall be set for hearing before the Planning Commission not later than 30 calendar days following the date on which the notice was filed.
<b><i>is notice of the hearing date given to the appellant?</i></b>	... written notice of the time and place is given to the appellant and the original applicant.
<b><i>is notice of the hearing date given to the public?</i></b>	... public notice of the hearing shall be given in the same manner as required for the original action.
<b><i>what information does the Planning Commission receive?</i></b>	... the Planning Department transmits all records related to the appeal and upon request shall furnish such further information relative to the proceedings asked for by the Commission.
<b><i>what does the Planning Commission consider?</i></b>	... the records related to the appeal, pertinent evidence concerning the proposed use and the proposed conditions under which it will be operated or maintained, particularly with respect to the findings required.
<b><i>what actions may the Planning Commission take?</i></b>	... on the basis of all the evidence and testimony, and after making the appropriate findings – either deny the application, approve the application, or approve the application with modification, subject to such conditions as it deems advisable.  ... the Commission may also continue such matter with the public hearing open or closed.
<b><i>what if the Commission is unable to reach an agreement?</i></b>	... the matter may be continued at the request of the appellant for one meeting for a decision, if the Commission is unable to reach a decision, the decision of the Zoning Administrator shall remain valid and may be appealed to the Board of Supervisors.
<b><i>can a decision by the Planning Commission be appealed?</i></b>	... yes, to the Board of Supervisors following the procedures outlined in Section 18.10.340

## **Code Basis of Appeals**

As stated above, the rationale for an appeal must be made in accordance with 18.10.310 (c). This section of the code also requires that the "grounds shall be specifically stated".

The following are what staff considers to be the substantive issues raised by the appellant in the letter to the Planning Department. These have been organized under the four grounds for an appeal per code. Staff has responded to each item and provided references to the appeal letter from appellant (Attachment 1-A).

The appellants' letter also included other issues that staff considered not germane to the approval of this application by the Zoning Administrator or to the appeal. These other issues are therefore not addressed in this letter.

## **Response to Substantive Issues**

### **A. *The determination was unjustified or inappropriate.***

Serious design flaws justified denial of the application.  
(Appellants Item number 3)

*The site plan as submitted by a licensed Architect (included in Exhibit A) shows the existing conditions. Both the staff planner and the Zoning Administrator made site visits. The proposed building is a metal building with the same material and color as the existing fire station building. Screening with landscape was used as a condition of approval for softening the view of the new building from a scenic road. The septic system was discussed both in an email to Steve Homan and with testimony at the hearing by Jim Safranek, Environmental Health Services.*

### **B. *There was error or abuse of discretion by the Zoning Administrator.***

Bonny Doon Volunteer Fire/Rescue, Inc. was not notified of the Public Hearing as required by County Code 18.10.233(a)(3).

(Appellants item number 4a)

*Notice was posted on the site, an advertisement was placed in the Santa Cruz Sentinel and individual notices were sent to property owners within a 300 ft. radius. This conforms to County Code for proper noticing.*

*Staff reports are available online. Neither the staff planner nor the clerical staff received a request from Bonny Doon Volunteer Fire/Rescue, Inc. as required by the ordinance section cited above.*

CEQA exemption was incorrect –  
(Appellants item number 5b)

*The CEQA exemption can be made for a small structure. Sec.15303 c uses the phrase "2500 square feet in floor area". This project is approximately half the size of this limitation.*

A change of use is occurring –  
(Appellants item number 5b)

*The use of the garage is storage for a fire apparatus and the current use of the property is as a fire station, therefore the application did not propose any change of use.*

**C. *There was a lack of a fair and impartial hearing.***

The Zoning Administrator did not impartially consider all the evidence.  
(Appellants item number 4)

*All community members who wished to speak were allowed to present their case at the ZA hearing. The standard time limits was used for speaking. The Zoning Administrator considered the emails given before the hearing as well as the testimony given at the hearing.*

**D. *The decision was not supported by the facts presented for consideration.***

The Zoning Administrator did not adequately consider all written evidence offered before making a decision.  
(Appellants item number 4b)

*The Zoning Administer acknowledged that he read all written correspondence that was received before the date of the hearing. The ZA stated he did not have time to read the letter sent the morning of the hearing. The person who wrote the letter was at the hearing and spoke about the project, essentially presenting the information in her letter.*

The Zoning Administrator accepted the staff report at face value.  
(Appellants item number 4e)

*The Zoning Administrator visited the property in advance of the public hearing, read the staff report, considered the public testimony, read all emails sent before the day of the hearing and made his decision based on the input received.*

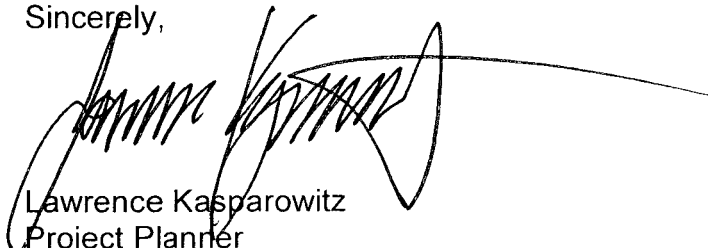
## Conclusion

Staff believes that the appellant has not substantiated the basis for the appeal as presented in County of Santa Cruz Code, Section 18.10.310 (c).

Staff further believes that the hearing was fair, that the Zoning Administrator considered the testimony, conducted the hearing in accordance with normal standards, and produced a determination that was impartial.

Therefore, staff recommends that your Commission uphold the Zoning Administrators approval of Application 10-0056 and deny the appeal.

Sincerely,



Lawrence Kasparowitz  
Project Planner  
Development Review

Reviewed By:  
Cathy Graves  
Principal Planner



cc: Bonny Doon Volunteer Fire/Rescue, Inc.  
Steve Homan, REHS  
Donita Springmeyer  
Russ Mackey

### Exhibits:

- 1-A. Appeal letter from Bonny Doon Volunteer Fire/Rescue, Inc. dated August 20, 2010 (signed by Donita Springmeyer, Vice Chairperson, Board of Directors).
  - 1-B. Staff Report to the Zoning Administrator, dated August 6, 2010.
  - 1-C. Correspondence received after the Zoning Administrators Hearing.
- (Full size plan sets - Exhibit 'A', as submitted with Zoning Administrator's staff report)

# **Appeal Letter**

**Application Number 10-0056  
Planning Commission Hearing  
10/13/10**

# **Bonny Doon Volunteer Fire/Rescue, Inc.**

**7276 Empire Grade Road  
Santa Cruz, CA 95060  
(831) 426-1561**

August 20, 2010

Kathy Previsich, Planning Director  
Santa Cruz County  
County Government Center, Fourth Floor  
701 Ocean Street  
Santa Cruz, CA 95060

Re: Notice and APPEAL TO THE PLANNING COMMISSION of  
Zoning Administrator Steve Guiney's August 6, 2010  
Conditional Approval of  
Application No. 10-0056 – 7272 Empire Grade Rd., Bonny Doon  
APN 080-251-31 – Owner: County of Santa Cruz  
Applicant: William Fisher Architecture  
Project Planner: Larry Kasparowitz

## **APPEAL TO THE PLANNING COMMISSION:**

The subject Zoning Administrator decision on August 6, 2010 should be over-ruled for numerous reasons explained in this letter.

As you know, County Code 18.10.330(a) provides that

“...Any person whose interests are adversely affected by any act or determination of the Zoning Administrator under this chapter may appeal such act or determination to the Planning Commission.”

Bonny Doon Volunteer Fire/Rescue, Inc. is the legal occupant of the volunteer fire station located on the same parcel as the proposed project under the terms of a Lease Agreement with Santa Cruz County executed in 2000. The existing development design was prepared by architect Teall Messer in consultation with the Bonny Doon Volunteer Fire Team organization. The design accommodated the dual operations of the combination volunteer fire station and the community disaster center building. Both operations require ample parking. Unlike paid fire crews of two or three firefighters at a time, volunteer fire teams train as a group of twenty to thirty at a time. Community disasters, such as major fires, storms, or earthquakes, require adequate parking for both emergency vehicles and many community members for extended periods of time. The subject Development Permit Application 10-0056, Mr. Fisher's site plan, and the Staff

Report to the Zoning Administrator totally disregard the existing approved design and uses under Commercial Development Permit 97-0874.

**1. Before the August 6, 2010 Zoning Administrator Public Hearing one of our Board members made two trips to the Planning Department requesting to review the original Commercial Development Permit 97-0874.** It was not made available for public review as required.

**2. After the August 6, 2010 Zoning Administrator Decision the same member of our Board visited the Planning Department and sent two emails to Planner Lawrence Kasparowitz requesting a copy of the Zoning Administrator's written conditional approval.** She was informed Mr. Steve Guiney was not there and no one else could find the written approval, which should have been available within five days. It certainly should have been available before the expiration of the appeal period.

**3. Bonny Doon Volunteer Fire/Rescue, Inc. and members of the Bonny Doon community made significant investments in the completion of the existing combination volunteer fire station and community disaster center.** If the Zoning Administrator's decision is allowed to stand, it raises issues of whether the County is acting in good faith toward Bonny Doon Volunteer Fire/Rescue, Inc. The Zoning Administrator should not have made a decision without reviewing Commercial Development Permit 97-0874 and without making certain it was available for public review before the Hearing.

**3. The serious design flaws more than justified denial of the Application instead of approval with "conditions".** The Staff Report states Application 10-0056 is an Amendment of Commercial Development Permit 97-0874 and is only a proposal to construct a garage. Mr. Fisher's site plan should have been based on the Permit 97-0874 plans, but excluded at least the septic systems and 26 required parking spaces. No evidence was offered to support the "condition" of moving the septic drain field as opposed to relocating the placement of the proposed garage. The "condition" of installing landscaping vegetation to screen the view of the proposed building from "scenic roads" Empire Grade and Ice Cream Grade acknowledges that the proposed building is aesthetically ugly and poorly placed. Total screening of the proposed building as presently planned will be impossible so the "condition" accomplishes nothing. The "condition" about maintaining traffic flow was vague (written decision requested) because 26 required parking spaces and traffic flow routes were missing from Mr. Fisher's site plan. The Zoning Administrator should have required a corrected site plan instead of issuing a vague condition.

**4. The decision was not fair and impartial.** A fair decision would have impartially considered all evidence, whether offered by the Applicant (architect William Fisher), the Owner (County), or the Bonny Doon community members offering evidence on behalf of the legal occupant of the volunteer fire station (Bonny Doon Volunteer Fire/Rescue, Inc.).



- a) **Mr. Guiney's decision improperly disregarded the fact that Bonny Doon Volunteer Fire/Rescue, Inc., was not notified of the Public Hearing as required by County Code 18.10.233(a)(3).** Donita Springmeyer's letter informed him that the Notice of the Public Hearing was improperly posted. Mr. Fisher's affidavit to County Planning stated he stapled the Notice to the building on July 23, 2010. He may have stapled it to the wooden residence, but could not have stapled it to the metal fire station. Commercial Development Permit 97-0874 did not concern the then existing wooden residence on the property. The Notice should have been posted on the volunteer fire McDermott Station.

**Additionally, Bonny Doon Volunteer Fire/Rescue, Inc. did not receive the required Notice by mail from County Planning.** The correct mailing address is 7276 Empire Grade Road, Santa Cruz, CA 95060.

- b) **The Zoning Administrator did not adequately consider all written evidence offered before making a decision.** At the beginning of the Public Hearing Mr. Guiney acknowledged receipt of two letters the previous day, from Russ Mackey and Steve Homan, and a third letter the morning of the Hearing from Donita Springmeyer. He stated he had not read her letter. He could not have read and adequately considered the 3-1/2 page letter during the Hearing without a pause.
- c) **The Zoning Administrator disregarded the fact that he was informed a crucial item of evidence (Commercial Development Permit 97-0874) was not available for review before the Public Hearing, and was not available at the Hearing, in making his decision.** Mr. Guiney was obviously unfamiliar with the details of the earlier Development Permit. The Staff Report states that Application 10-0056 requires an Amendment to Permit 97-0874. An Amendment cannot be designed -- or fairly and impartially considered -- without the original Permit and Plans. The Staff Report and Mr. Fisher's proposed plan indicate they also disregarded the original plans. Mr. Guiney's conditional approval of such a flawed plan demonstrates partiality to a County proposal.
- d) **The Zoning Administrator may have been improperly influenced by an uninformed opinion offered by Cal Fire Chief Ferreira.** Mr. Ferreira informed Mr. Guiney during the Hearing that the Bonny Doon Volunteer Fire/Rescue, Inc. does not have anything to do with the operations of the Bonny Doon Volunteer Fire Department. However, BDVF/R, Inc. entered into a 40-year Lease Agreement with the County in 2000 covering the fire station property, except the residence, trusting in good faith that the County would honor its acknowledgement "... of the significant commitment by the fire team's volunteer firefighting and mandatory training obligation, as well as the contributions by community members of major donations toward completion of the new fire station ..." during the entire term of the Agreement. Turnover of County Supervisors, General Services Directors, and contractor Cal Fire Chiefs should

not affect or control whether the County honors legal Agreements. The Bonny Doon community totally provided the Martin Road Station in 1971 and saved the County approximately \$300,000 in completion of the McDermott Fire Station. Cal Fire Chief Ferreira was not County Fire Chief in 2000 when the Lease Agreement was negotiated between the County and Bonny Doon Volunteer Fire/Rescue, Inc. Former Third District County Supervisor Mardi Wormhoudt facilitated the negotiations.

e) **The Zoning Administrator may have been improperly influenced by incorrect information offered by architect Mr. Fisher during the Hearing.**

- Mr. Fisher told Mr. Guiney the Cal Fire engine is presently housed in a "tent". It is actually housed in a very sturdy prefabricated metal structure, possibly with aluminum sheathing, on a paved area. The structure is large enough for two engines. It has withstood one Bonny Doon winter and is clearly adequate for more winters.
- Mr. Fisher also said the proposed structure is needed for "security" of the Cal Fire engine. However, when the fire engine is in Bonny Doon, the Cal Fire firefighter crew is with the engine.
- Mr. Fisher said the proposed structure size of 1,120 square feet is necessary because his client may buy larger engines in the near future. The proposed structure is 28' x 40'. The nearly new Cal Fire engine it houses is 10' x 28'. The structure is four times the 280 square feet of the fire engine. Fire engine widths are controlled by road widths. It is unlikely that an engine appropriate for Bonny Doon would ever approach 40 feet in length. There is no real evidence to justify the excessive building size.

f) **The Zoning Administrator seemed to accept the flawed County Planner's Staff Report at face value since it was for a County owned project and he is a County employee.** By disregarding the present permitted uses, facilities, and operational functions of the existing volunteer fire station and community disaster center, the author of the Staff Report falsely claimed the excessively sized proposed building is "small" and "no change of use is proposed" as a justification for exemption from further review under the California Environmental Quality Act (CEQA). Mr. Guiney disregarded evidence to the contrary of these arguments presented at the Hearing, showing partiality to the project owner (County).

**5. There was an abuse of discretion by the decision-maker.** Discretion to make a decision requires the decision-maker to consider all evidence offered, to base a decision on substantial evidence, and to ensure that the public has had the right to review all evidence considered. None of this happened.

- a) Mr. Guiney made the decision based on the Staff Report, which contained many inaccurate statements unsupported by substantial evidence.
- b) Mr. Guiney made the decision admittedly without reading Donita Springmeyer's letter, which presented evidence that (1) the proposed project is a significant change and expansion of use of the property, (2) the proposed structure is not small as claimed and displaces the existing permitted use, and (3) the project is not exempt from further review under CEQA categories of Aesthetics, Noise, Public Services, and Transportation or Traffic.
- c) Mr. Guiney's decision disregarded evidence regarding how and why the proposed project is a change in use that will significantly risk displacing and adversely affecting the volunteer fire operations and community disaster center operations. Disruption or displacement of existing permitted uses is unacceptable.
- d) Mr. Guiney's decision disregarded repeated suggestions at the Hearing that the temporary structure or a smaller building located where the temporary structure is now could require a variance, but would avoid damaging the existing parking, the septic issues, the need for landscaping to screen the building, and would be less aesthetically damaging than the proposed building.

In summary:

- Procedural errors of Noticing preceded the August 6, 2010 Zoning Public Hearing
- Crucial evidence was missing
- The Hearing was not fair and impartial
- The Zoning Administrator decision is unsupported by substantial evidence
- Application 10-0056 deserves denial by the Planning Commission.

Although the Zoning Administrator may not have been required to consider cost of the proposed project, the cost estimate of \$50,000 is flawed as is the Application. After a reported plan modification for a second round of bids, the lowest bid is double Mr. Fisher's estimated cost. The Zoning Administrator's approval "conditions" may increase the cost an additional \$15,000 or more.


The reasonable solution would be for the County to withdraw Application 10-0056 from any further consideration by the Planning Department or any review by the Planning Commission. The County Board of Supervisors should seriously reconsider whether it is appropriate to spend County Fire tax dollars to build a garage for the State; particularly because either the possible formation of a Bonny Doon Fire Protection district or the County Fire Department financial situation may result in Cal Fire not being paid to locate a fire engine in Bonny Doon after this year.

This appeal asks that the Planning Commission consider all issues presented orally and in the attached letters from Mr. Steve Homan, Mr. Russ Mackey, and Ms. Donita

Springmeyer at the August 6, 2010 Zoning Administrator Hearing. We also ask that Planning Director Previsich make the missing documents, Commercial Development Permit 97-0874 and Zoning Administrator Steve Guiney's August 6, 2010 Conditional Approval of Application 10-0056, available for us to review well in advance of the Planning Commission Meeting to consider this appeal.

Sincerely,

Bonny Doon Volunteer Fire/Rescue, Inc.

  
Donita Springmeyer, Vice Chairperson  
Board of Directors

Attachments: *Money Orders*

- (1) ~~Cashier's Check~~ for \$1,515.00 Fee to Appeal to Planning Commission
- (2) Letter from Donita Springmeyer to Zoning Administrator August 5, 2010
- (3) Letter from Steve Homan to Zoning Administrator August 5, 2010
- (4) Letter from Russ Mackey to Zoning Administrator August 5, 2010

**Staff Report from 8/6/10  
Zoning Administrator Hearing**

**Application Number 10-0056  
Planning Commission Hearing  
10/13/10**



## Staff Report to the Zoning Administrator

Application Number: **10-0056**

**Applicant:** William Fisher Architecture, Inc.      **Agenda Date:** August 6, 2010  
**Owner:** County of Santa Cruz      **Agenda Item #:** 1  
**APN:** 080-251-31      **Time:** after 10:00 a.m.

**Project Description:** Proposal to construct a 1120 sq. ft. garage at an existing fire station.

**Location:** 7272 Empire Grade Road, Bonny Doon (Santa Cruz)

**Supervisory District:** Third District (District Supervisor: Neal Coonerty)

**Permits Required:** Amendment to Commercial Development Permit 97-0874  
**Technical Reviews:** none

### Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 10-0056, based on the attached findings and conditions.

### Exhibits

- |   |                                     |
|---|-------------------------------------|
| A. Project plans                              | E. Assessor's, Location, Zoning and |
| B. Findings                                   | General Plan Maps                   |
| C. Conditions                                 | F. Comments & Correspondence        |
| D. Categorical Exemption (CEQA determination) | G. Reduced Project Plans            |

### Parcel Information

Parcel Size: 1.373 acres (EMIS estimate)  
Existing Land Use - Parcel: Fire Station  
Existing Land Use - Surrounding: Single-family residential  
Project Access: Empire Grade Road  
Planning Area: Bonny Doon  
Land Use Designation: RR (Rural Residential)  
Zone District: RA (Residential Agriculture)  
Coastal Zone:    Inside   X   Outside

County of Santa Cruz Planning Department  
701 Ocean Street, 4<sup>th</sup> Floor, Santa Cruz CA 95060

### Environmental Information

Geologic Hazards: Not mapped/no physical evidence on site  
Soils: Not a mapped constraint  
Fire Hazard: High  
Slopes: flat site  
Env. Sen. Habitat: Mapped biotic/fully developed site  
Grading: No grading proposed  
Tree Removal: No trees proposed to be removed  
Scenic: Ice Cream Grade, Empire Grade  
Drainage: Existing drainage adequate  
Archeology: Not mapped/no physical evidence on site

### Services Information

Urban/Rural Services Line: ☐ Inside ☒ Outside  
Water Supply: private well  
Sewage Disposal: on-site septic  
Fire District: N/A  
Drainage District: N/A

### History

Permit 79-1226-U allowed the construction of a shelter to house a fire truck on a property with an existing residence (APN: 080-251-31).

Permit 97-0098 allowed the purchase of a site for expansion of the existing fire station.

Permit 97-0874 allowed the construction of new fire station facilities (containing three apparatus bays and an office) with an asphalt driveway and parking area.

### Project Description

The site currently is developed with a metal building which serves as the fire station facility (see Fig. 1), a residence (see Fig. 2) and a temporary fire truck shelter (see Fig. 3). The driveway and parking area that was previously permitted remains. The striping of the parking has faded and staff is suggesting a condition of approval for this permit that would re-stripe the parking spaces (as noted on Exhibit A).

This application is for construction of a new metal building in front of the residence. The placement of the structure maintains a 40 feet setback from the right-of-way. The structure will be similar in material, color and form to the existing fire apparatus building.

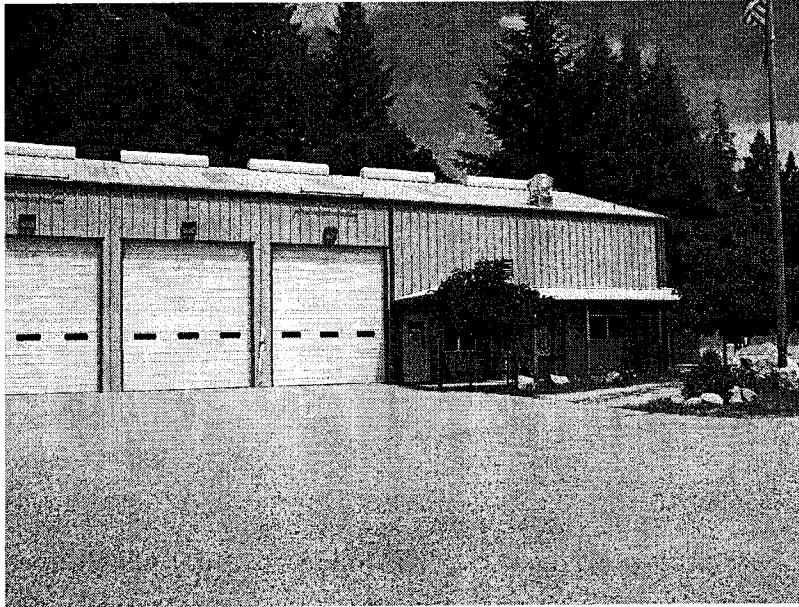


Fig. 1 - Existing apparatus garage and office



Fig. 2 - Existing residence



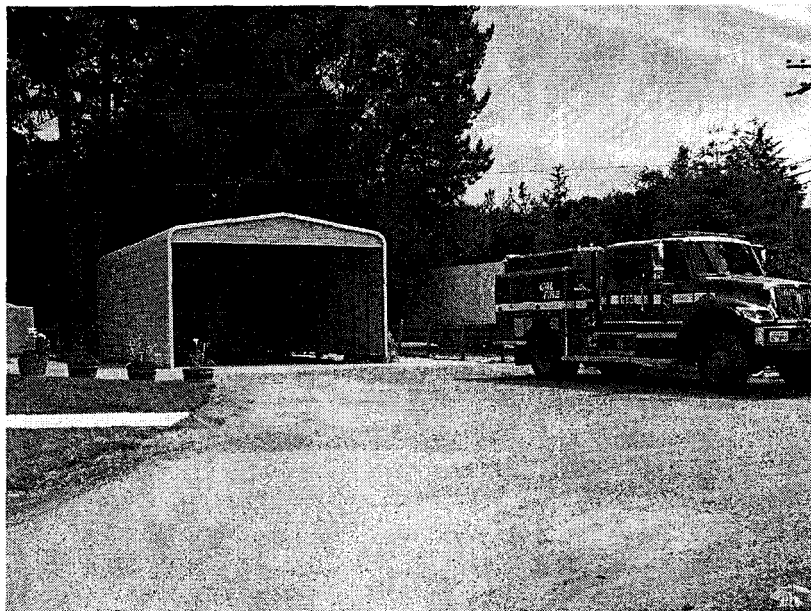


Fig. 3 - Temporary shelter and fire truck

### **Zoning & General Plan Consistency**

The subject property is a parcel of approximately 1.4 acres, located in the RA (Residential Agriculture) zone district, a designation that allows public facilities with a Level V permit. The zoning is consistent with the site's (RR) Rural Residential General Plan designation. The plans comply with the minimum required separation between the residence and the new garage.

### **Design Review**

The proposed garage complies with the requirements of the County Design Review Ordinance, in that the proposed project will emulate the existing apparatus and office building.

### **Environmental Review**

Environmental review has not been required for the proposed project in that the project, as proposed, qualifies for an exemption to the California Environmental Quality Act (CEQA). The project qualifies for an exemption because the property is already served by an existing well and septic system, no change of use is proposed and the construction of a small building is exempt under Section 15303 of CEQA (Class 3 - New Construction or Conversion of Small Structures).

### **Conclusion**

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

### **Staff Recommendation**

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **10-0056**, based on the attached findings and conditions.

**Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.**

**The County Code and General Plan, as well as hearing agendas and additional information are available online at: [www.co.santa-cruz.ca.us](http://www.co.santa-cruz.ca.us)**

Report Prepared By: Lawrence Kasparowitz  
Santa Cruz County Planning Department  
701 Ocean Street, 4th Floor  
Santa Cruz CA 95060  
Phone Number: (831) 454-2676  
E-mail: [pln795@co.santa-cruz.ca.us](mailto:pln795@co.santa-cruz.ca.us)

## Development Permit Findings

1. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.

This finding can be made, in that the project is an addition that will increase the functionality of an existing fire station and thereby improves public safety.

Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources. The proposed garage will not deprive adjacent properties or the neighborhood of light, air, or open space, in that the structure meets or exceeds all current setbacks that ensure access to light, air, and open space in the neighborhood.

2. That the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the zone district in which the site is located.

This finding can be made, in that the proposed location of the garage is consistent with County ordinances and a public facility can be located in an RA zone with a Level 5 permit. The garage is necessary for the operation of an existing rural fire station.

3. That the proposed use is consistent with all elements of the County General Plan and with any specific plan which has been adopted for the area.

This finding can be made, in that the proposed institutional use is consistent with the use and density requirements specified for the Rural Residential (RR) land use designation in the County General Plan.

The proposed garage will not adversely impact the light, solar opportunities, air, and/or open space available to other structures or properties, and meets all current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance), in that the garage will not adversely shade adjacent properties, and will meet current setbacks for the zone district that ensure access to light, air, and open space in the neighborhood.

The proposed garage will not be improperly proportioned to the parcel size or the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that the proposed garage will comply with the site standards for the RA zone district (including setbacks, lot coverage, floor area ratio, height, and number of stories) and will result in a structure that is consistent with the existing apparatus and office building on the site.

Application #: 10-0056  
APN: 080-251-31  
Owner: County of Santa Cruz

A specific plan has not been adopted for this portion of the County.

4. That the proposed use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that the proposed garage is to be constructed to serve an existing fire station. The fire apparatus is currently being housed in a temporary structure. The response pattern will not change and there will be no increase in traffic generated by the construction.

5. That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

This finding can be made, in that the proposed structure is located on a lot with an existing fire station building. The garage is a small building that will match the material, colors and form of the existing building.

6. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076), and any other applicable requirements of this chapter.

This finding can be made, in that the proposed garage will be of an appropriate scale and type and the design will mimic the design of the existing building. The new building is less than 1,200 sq. ft. and will be a minor addition to the site.

Application #: 10-0056  
APN: 080-251-31  
Owner: County of Santa Cruz

## Conditions of Approval

Exhibit A: Architectural plans prepared by William Fisher Architecture, Inc., dated 2-13-10, revised

- I. This permit authorizes the construction of a (n) fire station garage. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
  - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
  - B. Obtain a Building Permit from the Santa Cruz County Building Official.
  - C. Obtain a Grading Permit from the Santa Cruz County Building Official, if necessary.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
  - A. Submit final architectural plans for review and approval by the Planning Department. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. Any changes from the approved Exhibit "A" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes that are not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
    1. One elevation shall indicate materials and colors as they were approved by this Discretionary Application.
    2. Grading, drainage, and erosion control plans, as required.
    3. Maximum height of the building is 28 feet.
  - B. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal, if applicable.
  - C. Submit 3 copies of a soils report prepared and stamped by a licensed Geotechnical Engineer.

Application #: 10-0056  
APN: 080-251-31  
Owner: County of Santa Cruz

- D. Submit a written statement signed by an authorized representative of the school district in which the project is located confirming payment in full of all applicable developer fees and other requirements lawfully imposed by the school district.

III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:

- A. All site improvements shown on the final approved Building Permit plans shall be installed.
- B. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
- C. The project must comply with all recommendations of the approved soils reports.
- D. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.

IV. Operational Conditions

- A. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.
- B. Limit all construction to the time between 8:00 am and 5:00 pm weekdays unless a temporary exception to this time restriction is approved in advance by County Planning to address an emergency situation.
- C. The owner/developer shall designate a disturbance coordinator to respond to citizen complaints and inquiries from area residents during construction. A 24-hour contact number shall be conspicuously posted on the job site, on a sign that shall be a minimum of two feet high and four feet wide. This shall be separate from any other signs on the site, and shall include the language "for construction noise and dust problems call the 24 hour contact number". The name, phone number, and nature of the disturbance shall be recorded by the disturbance

Application #: 10-0056  
APN: 080-251-31  
Owner: County of Santa Cruz

coordinator. The disturbance coordinator shall investigate complaints and take remedial action, if necessary, within 24 hours of receipt of the complaint or inquiry. Unresolved complaints received by County staff from area residents may result in the inclusion of additional Operational Conditions.

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Minor variations to this permit which do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

**Please note: This permit expires three years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit, unless there are special circumstances as determined by the Planning Director.**

Approval Date: \_\_\_\_\_

Effective Date: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

\_\_\_\_\_  
Steven Guiney  
Deputy Zoning Administrator

\_\_\_\_\_  
Lawrence Kasparowitz  
Project Planner

---

Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Zoning Administrator, may appeal the act or determination to the Planning Commission in accordance with chapter 18.10 of the Santa Cruz County Code.

# CALIFORNIA ENVIRONMENTAL QUALITY ACT

## NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 - 15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 10-0056

Assessor Parcel Number: 080-251-31

Project Location: 7272 Empire Grade Road, Santa Cruz

Project Description: Proposal to construct a 1120 sq. ft. appartus garage  
at an existing fire station.

Person Proposing Project: William Fisher Architecture, Inc.

Contact Phone Number: 831-246-0117

A. \_\_\_\_\_ The proposed activity is not a project under CEQA Guidelines Section 15378.

B. \_\_\_\_\_ The proposed activity is not subject to CEQA as specified under CEQA Guidelines  
Section 15060 (c).

C. \_\_\_\_\_ Ministerial Project involving only the use of fixed standards or objective measurements  
without personal judgment.

D. \_\_\_\_\_ Statutory Exemption other than a Ministerial Project (CEQA Guidelines Section 15260  
to 15285).

Specify type:

E.  X  Categorical Exemption

Specify type: Class 3 - New Construction or Conversion of Small Structures (Section 15303)

F. Reasons why the project is exempt:

Construction of a one-bay fire equipment garage at an existing fire station.

In addition, none of the conditions described in Section 15300.2 apply to this project.

\_\_\_\_\_  
Lawrence Kasparowitz, Project Planner

Date: \_\_\_\_\_



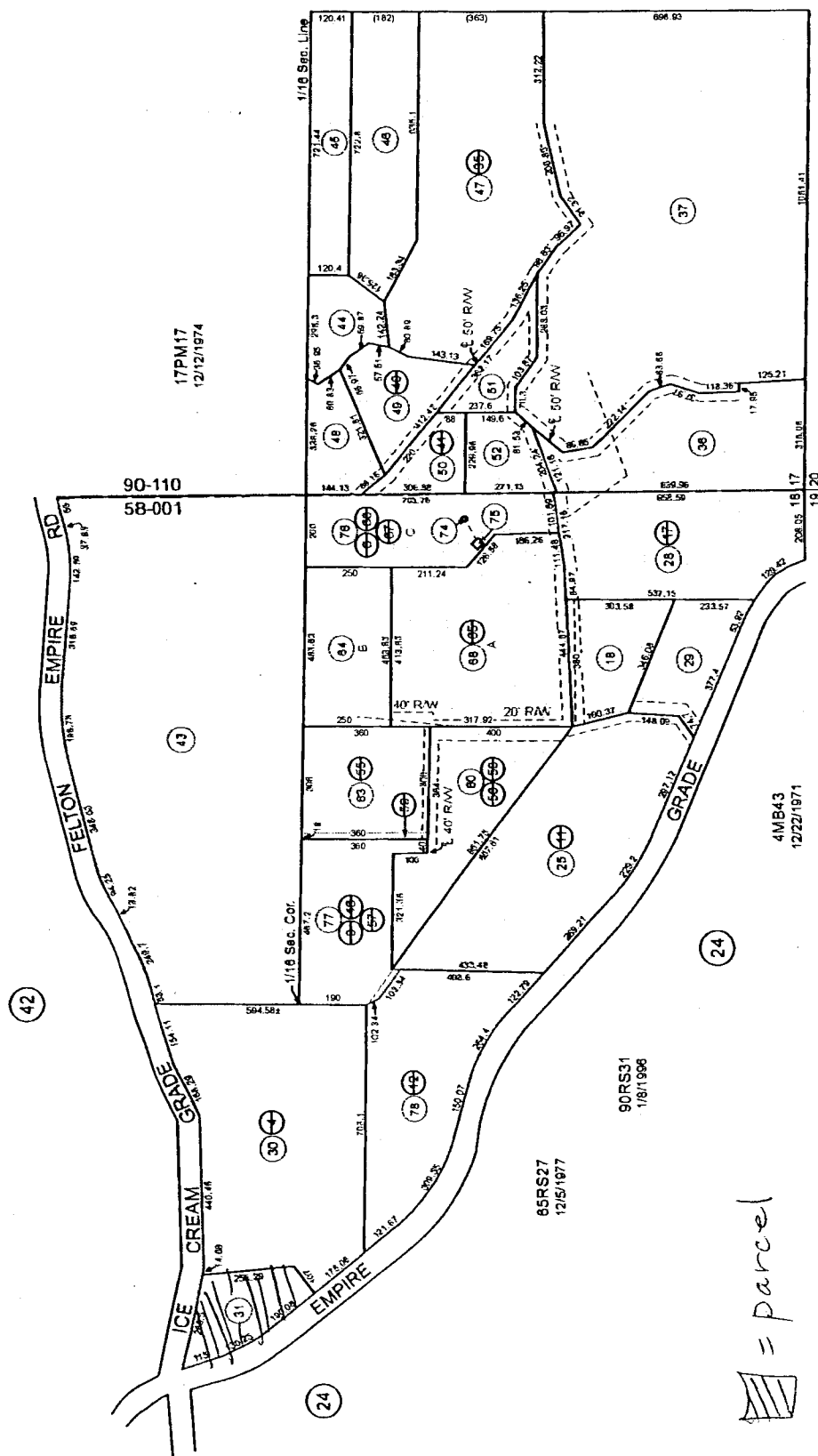
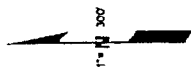
FOR TAX PURPOSES ONLY

THE ASSessor MAKES NO WARRANTY AS TO MAP ACCURACY NOR ASSUMES ANY LIABILITY FOR OTHER USES. NOT TO BE REPRODUCED. ALL RIGHTS RESERVED. © COPYRIGHT SANTA CRUZ COUNTY ASSESSOR 2000

POR. S. 17 & 18,  
T.10S. R. M.D.B. & M.

Tax Area Code  
58-001 90-110

80-25



Bk.71  
15

Bk.63  
10

Assessor's Map No. 80-25  
County of Santa Cruz, Calif.  
Oct, 2000

Note - Assessor's Parcel & Block  
Numbers Shown in Circles.

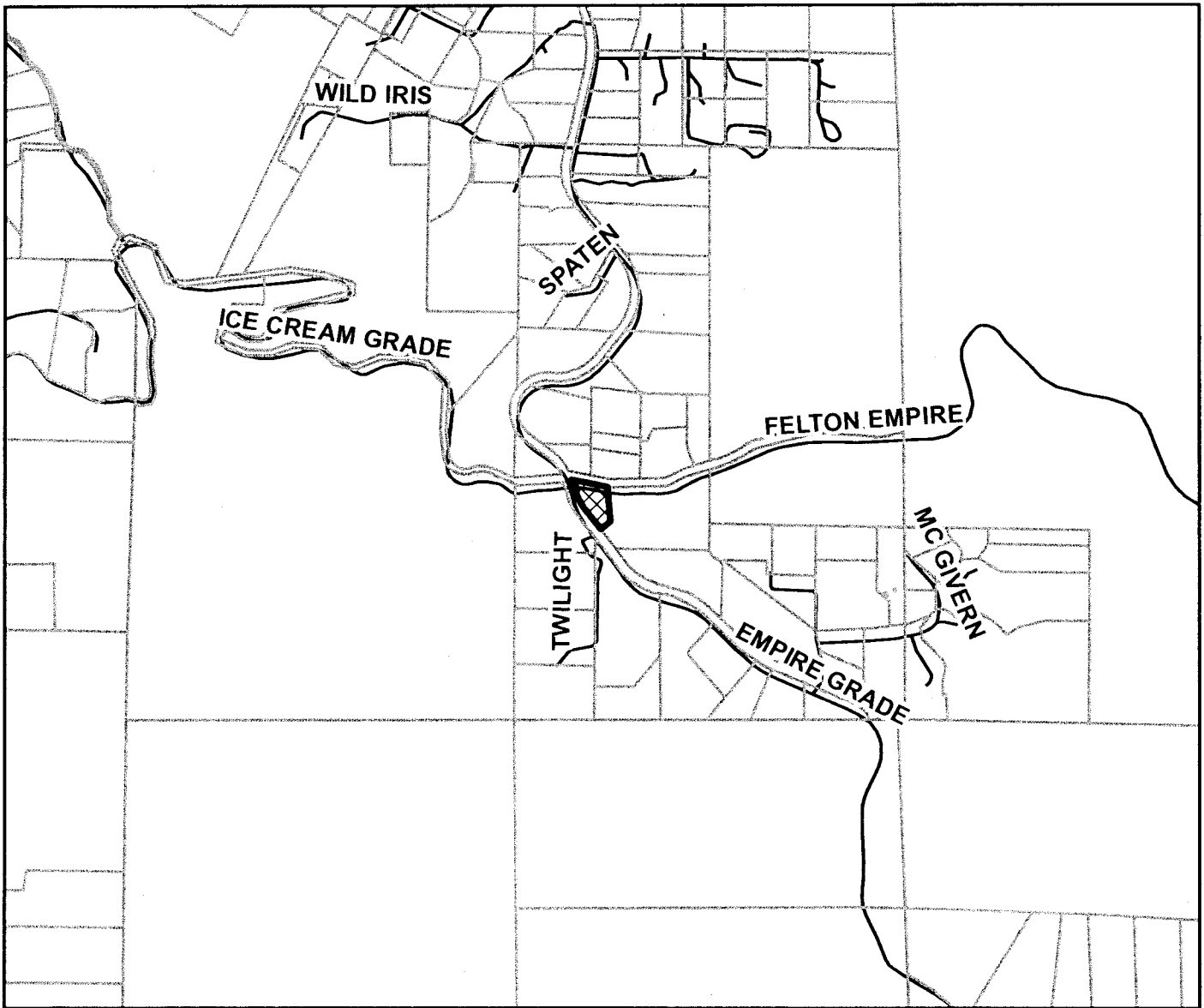
= parcel

Electronically Redrawn 10/20/2000  
Rev. 8/21/01 mmm (changed page m/s)  
Rev. 8/15/08 mmm (per to pg. 42)

EXHIBIT # E



# Location Map



## LEGEND

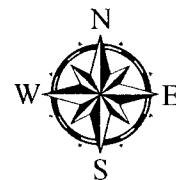


APN: 080-251-31



Assessor's Parcels

Streets

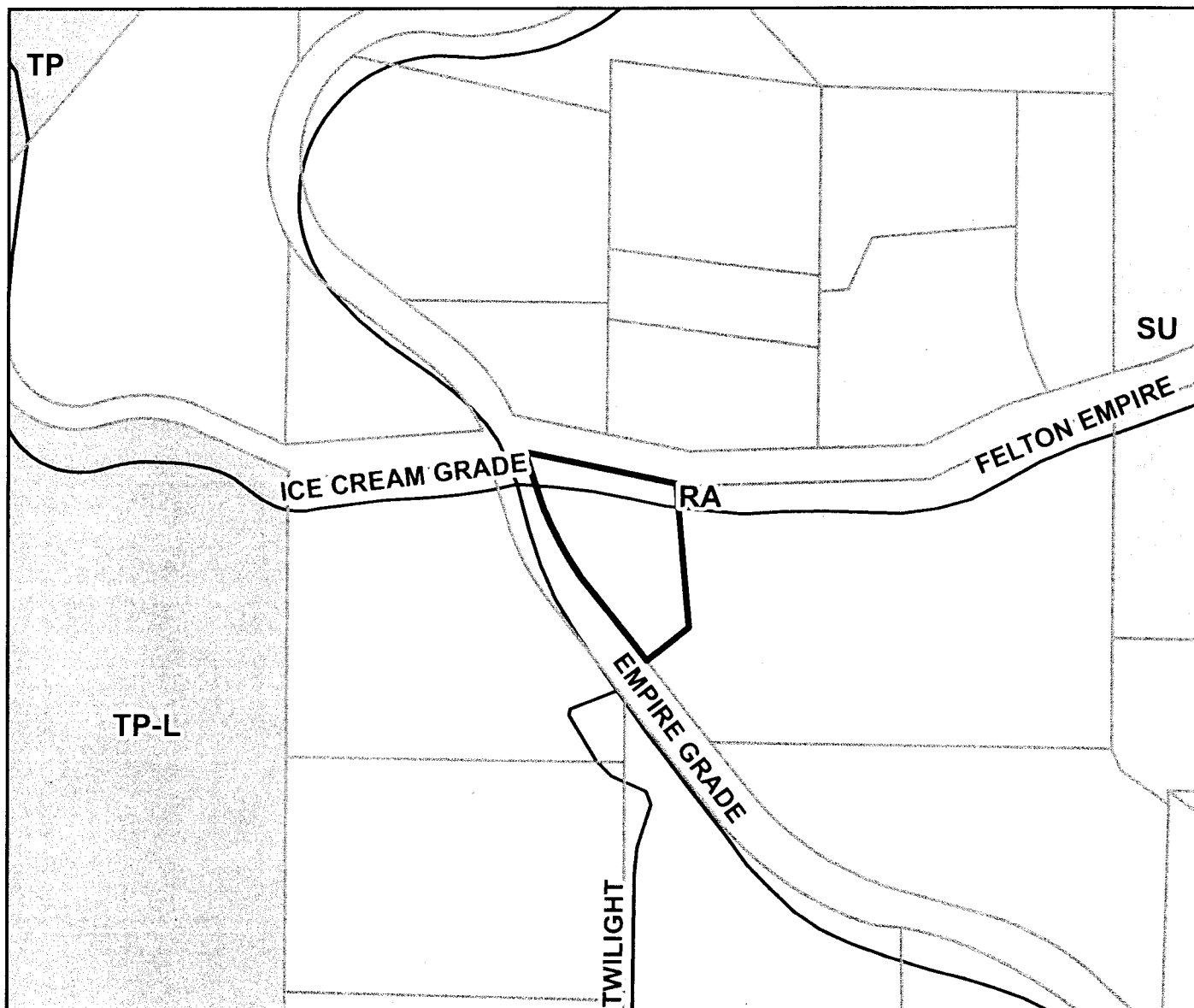


Map Created by  
County of Santa Cruz  
Planning Department  
March 2010


EXHIBIT # E





# Zoning Map



## LEGEND

 APN: 080-251-31

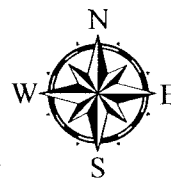
 Assessors Parcels

 Streets

AGRICULTURE RESIDENTIAL

SPECIAL USE

 TIMBER PRODUCTION

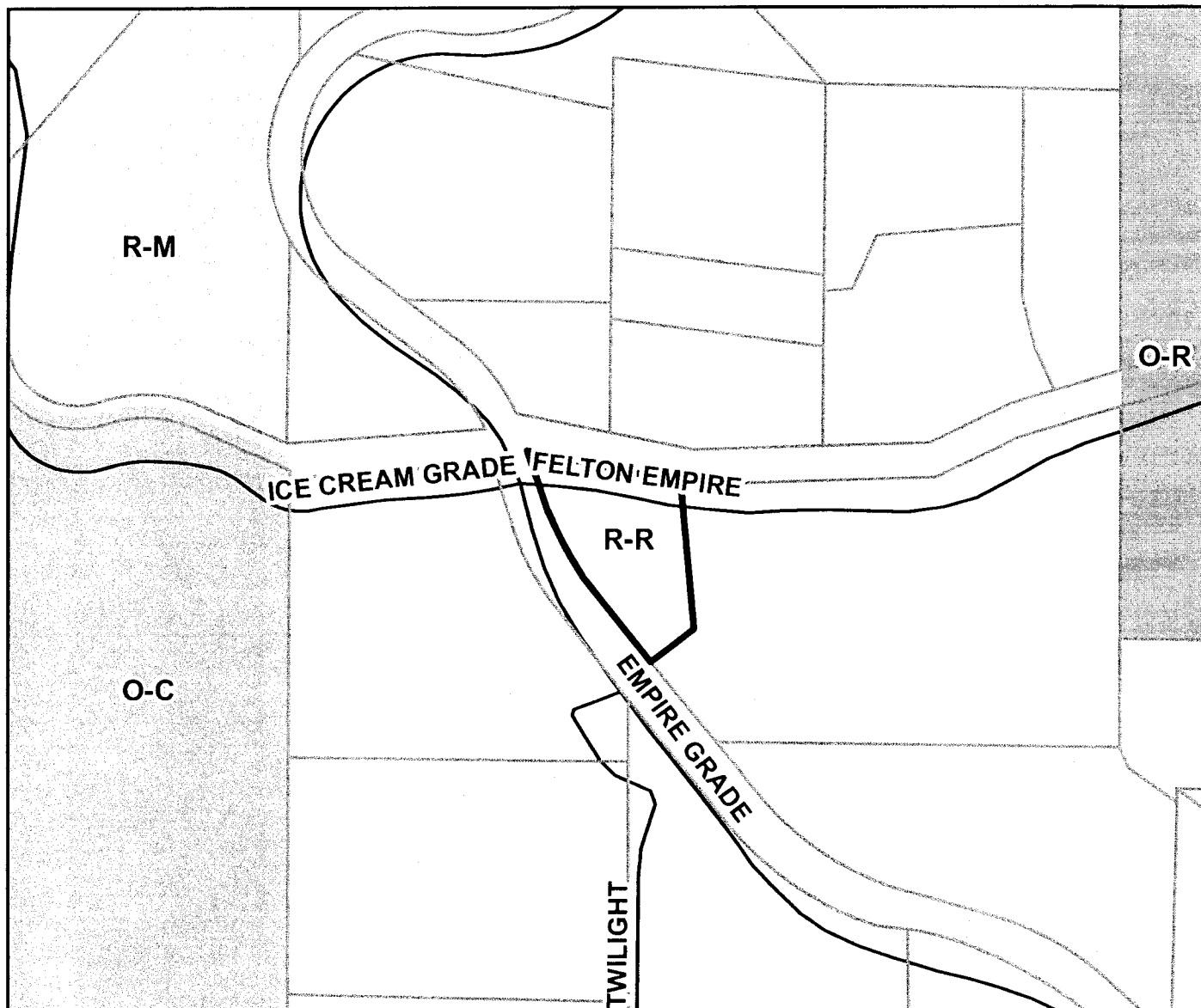


Map Created by  
County of Santa Cruz  
Planning Department  
March 2010

EXHIBIT # E










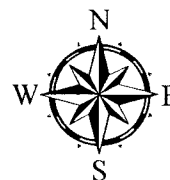
# General Plan Designation Map



390 195 0 390 780 1,170 1,560 Feet

## LEGEND

-  APN: 080-251-31
-  Assessors Parcels
-  Streets
-  Residential-Rural
-  Residential-Mountain
-  Resource Conservation
-  Parks and Recreation



Map Created by  
County of Santa Cruz  
Planning Department

March 2010  
**EXHIBIT # E**

**C O U N T Y   O F   S A N T A   C R U Z**  
**DISCRETIONARY APPLICATION COMMENTS**

**Project Planner:** Larry Kasparowitz  
**Application No.:** 10-0056  
**APN:** 080-251-31

**Date:** June 24, 2010  
**Time:** 13:14:07  
**Page:** 1

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**Environmental Planning Completeness Comments**

===== REVIEW ON MARCH 23, 2010 BY JESSICA L DUKTIG =====  
NO COMMENT

**Environmental Planning Miscellaneous Comments**

===== REVIEW ON MARCH 23, 2010 BY JESSICA L DUKTIG =====  
NO COMMENT

**Dpw Drainage Completeness Comments**

LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON MARCH 30, 2010 BY GERARDO VARGAS =====  
Application has been approved for the discretionary stage in regards to drainage.

**Dpw Drainage Miscellaneous Comments**

LATEST COMMENTS HAVE **NOT YET** BEEN SENT TO PLANNER FOR THIS AGENCY

===== REVIEW ON MARCH 30, 2010 BY GERARDO VARGAS =====  
NO COMMENT

**Dpw Driveway/Encroachment Completeness Comments**

===== REVIEW ON MARCH 12, 2010 BY DEBBIE F LOCATELLI =====  
Please show existing driveway approach details, i.e radius, valley gutter etc. If driveway does not currently meet the County of Santa Cruz Design Criteria, or in need of repair, it will be required at the time of building permit application.

**Dpw Driveway/Encroachment Miscellaneous Comments**

===== REVIEW ON MARCH 12, 2010 BY DEBBIE F LOCATELLI =====  
No comment.

**Dpw Road Engineering Completeness Comments**

===== REVIEW ON MARCH 22, 2010 BY RODOLFO N RIVAS =====  
NO COMMENT

**Dpw Road Engineering Miscellaneous Comments**

===== REVIEW ON MARCH 22, 2010 BY RODOLFO N RIVAS =====  
NO COMMENT

**Environmental Health Completeness Comments**

===== REVIEW ON MARCH 15, 2010 BY JIM G SAFRANEK ===== No comment.

Discretionary Comments - Continued

Project Planner: Larry Kasparowitz  
Application No.: 10-0056  
APN: 080-251-31

Date: June 24, 2010  
Time: 13:14:07  
Page: 2

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Environmental Health Miscellaneous Comments

===== REVIEW ON MARCH 15, 2010 BY JIM G SAFRANEK ===== EHS reqs to satisfied prior to the BP: Provide EHS with septic pumper reports for all tanks that have not been pumped within the last 3 years. The site plan needs to be revised; illustrate the location of all septic systems and future expansion leach field locatiions.

The project is complete for EHS at the discretionary phase.

EXHIBIT # F

Date: August 5, 2010

To: County Zoning Administrator

From: Donita Springmeyer  
98 Summit Drive, Bonny Doon, Santa Cruz, CA 95060

Re: Application 10-0056, Amendment to Commercial Development Permit 97-0874  
7272 Empire Grade Rd., Santa Cruz APN 080-251-31

I strongly oppose the Staff Recommendations in the subject Application:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act (CEQA), and
- Approval of Application 10-0056, based on the attached findings and conditions.

The Staff Recommendation that the proposal is exempt from further Environmental Review under CEQA is incorrect. The Staff Report claims the proposal qualifies for exemption because "the property is already served by an existing well and septic system, **no change of use is proposed** and the construction of a **small building** is exempt under Section 15303 of CEQA (Class 3 – New Construction or Conversion of Small Structures)." These reasons for claiming exemption are incorrect because:

**1. The proposed project is a significant change and expansion of use.** The present permitted use of the property is for the Bonny Doon Volunteer Fire Station/Community Disaster Center building (McDermott Station) with the residence on the property being associated with the use by being rented to Bonny Doon volunteer firefighters. The County's proposed construction of this new garage is another step in a cumulative process that is changing the use of the property from providing local fire services and a community disaster center for the Bonny Doon community to providing use of the property by State Cal Fire to relocate part of the State two-county operations unit on the property at the significant risk of displacing or adversely affecting the local volunteer fire operation. Since early 2009:

- The County evicted the volunteer firefighter renting the house
- The County significantly remodeled the house, including major concrete and electrical work evidently without County permits if required
- The County moved a State Cal Fire engine crew into the house; rent free. Their personal vehicles reduce the parking for the permitted use by up to 6 or 7 spaces
- The County allowed State Cal Fire to install a portable office on the property for use by Cal Fire Battalion Chiefs relocated from Cal Fire headquarters in Felton to the subject property. These Battalion Chiefs respond to the entire north end of the County and/or anywhere in the State

- The County authorized State Cal Fire to relocate a State fire engine from the Cal Fire Headquarters in Felton to the subject property. This engine may respond to the entire north end of the County and/or respond anywhere in the State
- The County allowed State Cal Fire to install a temporary shelter for a State fire engine on the property without evidence of a County permit (if required)

**2. The proposed construction is not a small building.**

- The size is 1,120 square feet (28' x 40'); four times the 280 square foot area of the 10' x 28" fire engine the garage is to house.
- The size is excessive for the stated purpose.
- The excessive size of the proposed new building will reduce space for maneuvering fire engines and vehicle parking for the present permitted use

**3. The proposed new construction is NOT exempt from further Environmental Review under CEQA for the above and following reasons:**

(a) California Administrative Code Title 14, 15303, Class 3 (a), does **not** exempt construction of a **third** large building to support a different and expanded use in a rural residential zone. The proposed use significantly expands the present use because the primary mission of the Cal Fire engine is to respond to wild land fires anywhere in the State at any time of the year. Response statistics for January through July 2010 document that during three fire season months (May through July) 64% of the State engine responses were outside Bonny Doon. During four non-fire season months (January through April) 10% of the State engine responses were outside Bonny Doon. This does not mean the State engine provides 90% of response in Bonny Doon, because the Bonny Doon Volunteer Fire Team responds to the same calls.

(b) Public agencies are required (Calif. Public Resources Code 21083(b)) to determine whether or not a project may have a "significant effect on the environment" based on criteria including

- Whether a proposed project has the potential to degrade the quality of the environment, curtail the range of the environment, or to achieve short-term, to the disadvantage of long-term, environmental goals.
- Whether the possible effects of a project are individually limited but cumulatively considerable. "Cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probably future projects.
- The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.



I went to the Planning Department earlier this week to read and obtain copies of information in the Application File. Judging from the contents of the file, the author of the "Staff Report to the Zoning Administrator" was not provided and/or did not obtain adequate information about the project to evaluate or recommend whether the proposal should be exempt from further review under CEQA. For example, the Application is claimed to be a proposal to Amend Commercial Development Permit 97-0874. However, Permit 97-0874 was not in the file and was not available for me to review.

The file did contain an affidavit that the architect posted a notice of the Application at the property on July 23, 2010. However, it was posted on the residence occupied by Cal Fire instead of on the fire station authorized by Permit 97-0874. I only learned of the Application at the beginning of this week through a third party.

**4. The project is obviously NOT exempt from further review under CEQA because it will significantly affect the following environmental categories subject to CEQA:**

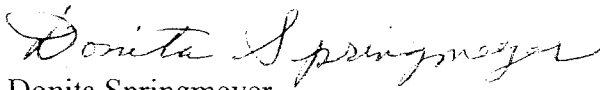
- **Aesthetics.** The proposed new building will degrade the existing visual character; looking awkward in the placement proposed, and from scenic highways (Empire Grade Road and Ice Cream Grade)
- **Noise.** Neighbors are reporting drastically increased constant activity, sirens, radios, chainsaws running, trucks coming and going, increased activity, and loud talking. This is a significant effect in a quiet, rural residential neighborhood that previously only heard these sounds during Bonny Doon community emergencies.
- **Public services.** The presence and placement of the proposed new building will reduce parking and vehicle maneuverability for the present property use as a volunteer fire station/community disaster center.
- **Transportation or Traffic.** The change/expansion from use by a community volunteer fire station/disaster center to a State fire station dispatched to other areas up to 64% of the time will substantially increase traffic hazards due to an increased number of large trucks travelling on local narrow, steep, winding roads more often.

**In conclusion, I strongly urge you to take no action on the Staff Recommendation for this Application on August 6, 2010.** While my letter focuses on objections to the Staff Recommendation that the proposal is exempt from further review under CEQA, there are errors in many other sections and attachments of the Staff Report. Please require County Staff to collect and review all relevant facts before submitting another recommendation.

The file contains no evidence that the applicant(s) informed Planning that the proposed garage is **temporary** housing for the Cal Fire engine. It is temporary for several different reasons. Cal Fire intends to build a station elsewhere. The County contracts one year at a time to pay Cal Fire to staff stations during the winter months and cannot afford to

continue without a successful election to increase County Fire taxes. Bonny Doon is in the legal process of forming a Bonny Doon Fire Protection District, which would be unlikely to contract with Cal Fire to occupy the proposed garage if built. Bonny Doon's legal challenge to the Local Agency Formation Commission denial of district formation will be heard in Santa Cruz Superior Court September 27, 2010. I do not believe construction of the proposed building, adversely affecting the surrounding environment and present use, for a temporary expanded use is justifiable under CEQA.

My personal opinion is that the County should withdraw this application until after (a) they conduct a successful election to increase fire taxes, and (b) formation of a Bonny Doon Fire Protection District is resolved. Premature approval of this Development Permit may unnecessarily and significantly damage the local environment for a possibly soon non-existent reason, as well as waste a significant amount of County Fire tax dollars.



Donita Springmeyer  
donitaspringmeyer@comcast.net  
(831) 426-7933

cc: County Supervisors

**SmartZone Communications Center**

donitaspringmeyer@comcast.net

+ Font size -

**Proposed Fire Engine Shelter at Fall Creek Station, Bonny Doon****From :** Steve Homan <sdh@cruzio.com>

Thu Aug 5 2010 9:09:42 AM

**Subject :** Proposed Fire Engine Shelter at Fall Creek Station, Bonny Doon**To :** Neal Coonerty <BDS031@co.santa-cruz.ca.us>, Supervisor Pirie <ellen.pirie@co.santa-cruz.ca.us>, Supervisor Mark Stone <mark.stone@co.santa-cruz.ca.us>, Supervisor Tony Campos <tony.campos@co.santa-cruz.ca.us>, Supervisor John Leopold <john.leopold@co.santa-cruz.ca.us>, Rachel Dann <BDS032@co.santa-cruz.ca.us>, Kathy Previsich <PLN001@co.santa-cruz.ca.us>, Larry Kasparowitz <pln795@co.santa-cruz.ca.us>**Cc :** editor@mcpost.com, Peter Burke <peter@pressbanner.com>, dmiller@santacruzsentinel.com, Julie Copeland <jcopeland@santacruzsentinel.com>**To:** The Zoning Administrator**From:** Steve Homan, REHS, B.S.,

Bonny Doon Resident 34 Years,

Member Steering Committee--Friends of Bonny Doon Fire

**Date:** 8/5/2010**RE:** Application 10-0056, Amendment to Commercial Development Permit 97-0874

I am writing to express my strong opposition to the proposal to construct an 1120 square foot permanent garage at the temporary Fall Creek (Cal Fire) Station, which is located on the grounds of the Bonny Doon Volunteer CSA 48 Fire Station, APN 80-251-31. (Cal Fire is a temporary tenant of the County on this site, subject to annual contract renewal by the Board of Supervisors.)

The subject property includes a two story metal building that serves as the headquarters for the Bonny Doon Volunteer Firefighters (Company 32 County Fire CSA 48), and the site also includes a converted residence that serves as a temporary station house for Cal Fire's "Fall Creek Station". A permanent site for Fall Creek Station has not yet been identified or procured by Cal Fire. Cal Fire administration has stated on many occasions that there is a desire to locate a permanent Cal Fire station near the intersection of Pine Flat Road and Empire Grade Road, several miles to the north of this site.

My objections are stated below:

**EXHIBIT F**

1) The Board of Directors of Bonny Doon Volunteer Fire and Rescue, Inc. have not requested or approved this proposal. The chairperson has informed the local Cal Fire Chief that he would only support construction of a structure where the existing unpermitted Cal Fire temporary shelter is located.

2) Fall Creek Station is a temporary location, and its operation depends on an annual contract between the County and Cal Fire for the non-fire season portion of the year. Cal Fire could lose its use of this station if the annual contract is not renewed, if Cal Fire builds a permanent station elsewhere, or if a Bonny Doon Fire District is formed. It is illogical and wasteful to build a permanent engine structure for such a temporary use.

3) Without benefit of permits, Cal Fire has already installed a satisfactory temporary fire engine shelter on the property in the most feasible location for a temporary shelter. Although the current shelter does not meet County setback requirements and it has no foundation or slab, it is located in such a way that it has the least impact on the use of the balance of the site. It is close to the station house, it is relatively small, and it is partially shielded from view by a fence and trees. This temporary shelter should be allowed to remain until Cal Fire moves to a permanent Fall Creek Station. The present structure is the most optimum solution to the need for a temporary engine shelter. By the way, the present proposal is not really for a new structure, it is a proposal for a replacement structure, intended to replace the first temporary structure that was built by Cal Fire without permits or a foundation.

4) The site is approved by the County as a community fire station and a disaster center. It also serves as a polling place for two precincts. The architect who originally planned the site took great care to provide adequate parking and good traffic flow within the site. The current proposal obstructs the current traveled way on site, so that a traffic loop will no longer exist in front of the residence, and ingress and egress to the parking area will be reduced. Parking spaces may be lost. The proposal also reduces the turn around area for the Bonny Doon engines. During the Martin Fire, the fire station parking lot was full, and cars were parked along Empire Grade Road, Ice Cream Grade, and Felton Empire Road for considerable distances. Every inch of space on site is needed during wildland fires and other disasters. Any reduction of the current parking area and interference with on site traffic flow is unacceptable. There is no mitigation available for this.

5) The building foundation slab is proposed to be constructed on top of the drainfield that serves the Fall Creek Station house. Environmental Health requested that a revised site plan be submitted, for this very reason. There is no record of such a revised plan being submitted. The project proponents should be required to field check the location of the drainfield by excavating the ends of the drainfield trenches, based on an as-built plan that should be on file with Environmental Health. Environmental Health conditions state that "The site plan needs to be revised; illustrate the location of all septic (tank) systems and future expansion leachfield (drainfield) locations". This is an overly polite way of stating that the building cannot be located on top of the existing drainfields or future drainfield expansion areas. Environmental Health has no objection to the "concept" of an engine shelter on site, just on its proposed location. The proposed building cannot be built in the location where it has been proposed, due to the setbacks required by the County Sewage Disposal Ordinance. Therefore, approval of this project cannot proceed.

6) Since the site of the proposed building must be changed due to the location of the existing drainfields, not to mention parking and traffic patterns, the application must be deemed incomplete, and the CEQA conclusions are therefore flawed and premature.

7) The proposed building will be an eyesore. It does not match the architecture of the building it is right in front of, and the very low angle of the peak of the roof makes the building appear to have a flat roof. The proposed shelter also does not match the design of the adjacent volunteer station. The proposed building will look like a giant two story mobile home that landed in front of the residence, while appearing to be attached to the residence. Empire Grade Road and Ice Cream Grade are scenic roadways. The County and Cal Fire should not be proposing a new building that increases the industrial look of the site from these scenic roads. The General Plan designation for this area is not industrial or commercial; rather, it is Rural Residential. The zoning is Residential-Agricultural. The appearance of this proposed engine shelter is inconsistent with the GP and Zoning designations, as well as the existing buildings on the site.

EXHIBIT F

8) The staff report indicates that no trees are to be removed for this project. There was a very nice douglas fir tree in front of the station house, but Cal Fire removed it prior to the application being filed. The building plans show a 20" diameter douglas fir that is actually no longer there. Cal Fire should replace the tree it removed, at the very least. In addition, no mitigating landscape plans were submitted to screen the tall ugly metal structure that has been proposed.

9) The proposed engine shelter is oversized. 1120 square feet will house two fire engines of the type used to fight wildland fires. The temporary need is to house one engine. This need will cease when Cal Fire moves Fall Creek Station to a permanent home elsewhere in Bonny Doon. A temporary engine shelter should be sized to house one engine, and it should be designed to have a minimal impact on the site and a minimal impact on the appearance of the facility.

10) A concerned citizen appeared at the Planning Department to request a copy of the original Use Permit for this site, #97-0894. Staff was unable to locate a copy. If citizens cannot obtain a copy of the existing Use Permit, how can they evaluate the proposed "Amendment"?

11) This project does not qualify for a CEQA exemption, due to the size and appearance of the building (not a small building at all, not a similar design to any building on site, unattractive appearance from scenic roads, etc.), the adverse and illegal impact of locating the building over the existing drainfields, the adverse impact of the proposed building on the parking area and driveway, elimination of the looped traffic flow on site, and restriction of the existing turn around area for Bonny Doon fire engines. The proposed building does not make the community safer as alleged; rather, it gets in the way of many of the activities the site is intended for, such as disaster response, voting, and community use.

Conclusion:

This proposal has not had adequate review. The application is incomplete. It should be returned to staff until the application is truly complete, and then it should receive a complete environmental review for CEQA compliance, since it has many impacts. It does not fit the definition of a CEQA-exempt minor project.

Very truly,

Steve Homan, REHS, B.S.

EXHIBIT F

8/20/2010

TO: Santa Cruz County Zoning Administrator

RE: Fall Creek Fire Station Engine Shelter Application # 10-0056  
Agenda Item #1, August 6, 2010

Gentlepersons

I am concerned that the planning process for the Fall Creek Fire Station Equipment Building (shelter for a fire engine) has not taken into consideration the full scope of the current and future uses of the parcel.

I am a 40 year resident of Bonny Doon, a former Bonny Doon fireman, a member of the Rural Bonny Doon Association and a member of the Friends of Bonny Doon Fire steering committee.

I was one of the residents of Bonny Doon who participated in the community planning process that preceded the establishment of the Cal Fire-manned Fall Creek Station in Bonny Doon. That process was ordered by the Board of Supervisors on January 27, 2009, at minute item 49, point 8.

*CONSIDERED Bonny Doon Fire Services and associated funding; with the additional direction for report back on February 10, 2009 regarding a) the cost and impacts to Santa Cruz County for CAL FIRE responses to out of county service calls and b) the pros and cons, in consultation with the Bonny Doon Rural Association and Bonny Doon Volunteer Fire and Rescue, of the various locations to place an engine company in Bonny Doon, including impacts to response times in the San Lorenzo Valley.*

The Staff Report for Application 10-0056 considers only a single current use of the parcel, namely as "an existing fire station". McDermott Station (the volunteer fire station on the parcel) was established with a dual purpose: as a volunteer fire station AND as a community disaster center.

During both the Martin and Lockheed fires McDermott Station provided yeoman service in its disaster center role. Any plan to change configuration of McDermott MUST consider the impact upon the accessibility of public services in times of a disaster. The current plan does not. McDermott Station is the ONLY public facility in Bonny Doon that is equipped to serve the public during a disaster.

The size and location of the proposed engine shelter is important, as are traffic circulation and parking space on this relatively small site. The building footprint plans, first seen today, do not appear to promote maximize site usability.

EXHIBIT F

The proposal is not, as presented, for a "new" structure, but is, in fact, for a replacement structure. An engine shelter currently exists on the site and has performed well over the past year.

In January 2009 Cal Fire, as agent for the County of Santa Cruz, described adding a "temporary shelter" – "temporary" because Cal Fire plans to build a NEW fire station along Empire Grade, likely in the area of Pine Flat Road. At the community planning meeting, Cal Fire described a clearly temporary metal structure that MIGHT, or might not, even have a concrete floor.

On February 10, 2009, at minute item 40, the Board of Supervisors approved plans to establish Fall Creek Station (then also called McDermott Station). The "temporary" engine storage building was specified by Cal Fire as costing a total of \$40,500, at \$45 per square feet, thus describing a total footprint of 900 square feet.

Following the community meeting, the approval by the Supervisors, and installation of a "temporary engine shelter" a number of unique, "more permanent but temporary" engine shelter plans were proposed by Cal Fire. Many of these plans were found to be unworkable.

Eventually, Cal Fire/County Fire Chief Ferreira and Bonny Doon Fire/Rescue agreed that a "new temporary" engine shelter, located where the current "temporary" shelter is sited, would be appropriate and acceptable to all parties.

Apparently the plan to simply replace the existing shelter – in the location that creates a minimum of impacts upon the alternate uses of the parcel – is no longer supported by Cal Fire.

THEREFORE, it is necessary to adequately consider current and long term uses projected for the parcel:

- Cal Fire is co-occupying the parcel on a temporary basis
- Bonny Doon does not foresee a use for the proposed structure once Cal Fire departs.
- Public use of the disaster center must be a factor in any land use decision.
- Bonny Doon is currently engaged in the process of forming an Independent Fire District, and intends to acquire and use the parcel as a fire station/disaster center.
- Santa Cruz County has indicated that it may not have the financial resources to contract with Cal Fire in the near future. There is the very real possibility that Cal Fire could cease to use the Fall Creek Station much sooner than previously anticipated.
- Since Cal Fire plans to install a "temporary" structure, those plans should provide for the tear-out and removal of the temporary structure.

EXHIBIT F .

I am personally pleased that Cal Fire has agreed to locate to Fall Creek until such time as the new Cal Fire station is built, or a Bonny Doon Fire District is established. However, changes in use or configuration of this parcel need to be thoughtful, complete and appropriate for the long term. The continued provision of fire and disaster service to the residents of Bonny Doon requires no less.

Thank you for your consideration,

Russ Mackey  
Rmackey411@comcast.net  
831.427.1630

EXHIBIT F 4



To: The Zoning Administrator

From: Steve Homan, REHS, B.S.,

Bonny Doon Resident 34 Years,

Member Steering Committee--Friends of Bonny Doon Fire

Date: 8/5/2010

RE: Application 10-0056, Amendment to Commercial Development  
Permit 97-0874

I am writing to express my strong opposition to the proposal to construct an 1120 square foot permanent garage at the temporary Fall Creek (Cal Fire) Station, which is located on the grounds of the Bonny Doon Volunteer CSA 48 Fire Station, APN 80-251-31. (Cal Fire is a temporary tenant of the County on this site, subject to annual contract renewal by the Board of Supervisors.)

The subject property includes a two story metal building that serves as the headquarters for the Bonny Doon Volunteer Firefighters (Company 32 County Fire CSA 48), and the site also includes a converted residence that serves as a temporary station house for Cal Fire's "Fall Creek Station". A permanent site for Fall Creek Station has not yet been identified or procured by Cal Fire. Cal Fire administration has stated on many occasions that there is a desire to

locate a permanent Cal Fire station near the intersection of Pine Flat Road and Empire Grade Road, several miles to the north of this site.

My objections are stated below:

- 1) The Board of Directors of Bonny Doon Volunteer Fire and Rescue, Inc. have not requested or approved this proposal. The chairperson has informed the local Cal Fire Chief that he would only support construction of a structure where the existing unpermitted Cal Fire temporary shelter is located.
- 2) Fall Creek Station is a temporary location, and its operation depends on an annual contract between the County and Cal Fire for the non-fire season portion of the year. Cal Fire could lose its use of this station if the annual contract is not renewed, if Cal Fire builds a permanent station elsewhere, or if a Bonny Doon Fire District is formed. It is illogical and wasteful to build a permanent engine structure for such a temporary use.
- 3) Without benefit of permits, Cal Fire has already installed a satisfactory temporary fire engine shelter on the property in the most feasible location for a temporary shelter. Although the current shelter does not meet County setback requirements and it has no foundation or slab, it is located in such a way that it has the least impact on the use of the balance of the site. It is close to the station house, it is relatively small, and it is partially shielded from view by a fence and trees. This temporary shelter should be allowed to remain until Cal Fire moves to a permanent Fall Creek Station. The present structure is the most optimum solution to the need for a temporary engine shelter. By the way, the present proposal is not really for a new

structure, it is a proposal for a replacement structure, intended to replace the first temporary structure that was built by Cal Fire without permits or a foundation.

4) The site is approved by the County as a community fire station and a disaster center. It also serves as a polling place for two precincts. The architect who originally planned the site took great care to provide adequate parking and good traffic flow within the site. The current proposal obstructs the current traveled way on site, so that a traffic loop will no longer exist in front of the residence, and ingress and egress to the parking area will be reduced. Parking spaces may be lost. The proposal also reduces the turn around area for the Bonny Doon engines. During the Martin Fire, the fire station parking lot was full, and cars were parked along Empire Grade Road, Ice Cream Grade, and Felton Empire Road for considerable distances. Every inch of space on site is needed during wildland fires and other disasters. Any reduction of the current parking area and interference with on site traffic flow is unacceptable. There is no mitigation available for this.

5) The building foundation slab is proposed to be constructed on top of the drainfield that serves the Fall Creek Station house. Environmental Health requested that a revised site plan be submitted, for this very reason. There is no record of such a revised plan being submitted. The project proponents should be required to field check the location of the drainfield by excavating the ends of the drainfield trenches, based on an as-built plan that should be on file with Environmental Health. Environmental Health conditions state that "The site plan needs to be revised; illustrate the location of all septic (tank) systems and future expansion leachfield (drainfield) locations". This is an overly polite way of stating that the building cannot be located on top of the existing drainfields or future drainfield expansion areas. Environmental Health has no objection to the "concept" of an engine shelter on site, just on its proposed

EXHIBIT F

location. The proposed building cannot be built in the location where it has been proposed, due to the setbacks required by the County Sewage Disposal Ordinance. Therefore, approval of this project cannot proceed.

6) Since the site of the proposed building must be changed due to the location of the existing drainfields, not to mention parking and traffic patterns, the application must be deemed incomplete, and the CEQA conclusions are therefore flawed and premature.

7) The proposed building will be an eyesore. It does not match the architecture of the building it is right in front of, and the very low angle of the peak of the roof makes the building appear to have a flat roof. The proposed shelter also does not match the design of the adjacent volunteer station. The proposed building will look like a giant two story mobile home that landed in front of the residence, while appearing to be attached to the residence. Empire Grade Road and Ice Cream Grade are scenic roadways. The County and Cal Fire should not be proposing a new building that increases the industrial look of the site from these scenic roads. The General Plan designation for this area is not industrial or commercial; rather, it is Rural Residential. The zoning is Residential-Agricultural. The appearance of this proposed engine shelter is inconsistent with the GP and Zoning designations, as well as the existing buildings on the site.

8) The staff report indicates that no trees are to be removed for this project. There was a very nice douglas fir tree in front of the station house, but Cal Fire removed it prior to the application being filed. The building plans show a 20" diameter douglas fir that is actually no longer there. Cal Fire should replace the tree it removed, at the very least. In addition, no mitigating landscape plans were submitted to screen the tall ugly metal structure that has been proposed.

9) The proposed engine shelter is oversized. 1120 square feet will house two fire engines of the type used to fight wildland fires. The temporary need is to house one engine. This need will cease when Cal Fire moves Fall Creek Station to a permanent home elsewhere in Bonny Doon. A temporary engine shelter should be sized to house one engine, and it should be designed to have a minimal impact on the site and a minimal impact on the appearance of the facility.

10) A concerned citizen appeared at the Planning Department to request a copy of the original Use Permit for this site, #97-0894. Staff was unable to locate a copy. If citizens cannot obtain a copy of the existing Use Permit, how can they evaluate the proposed "Amendment"?

11) This project does not qualify for a CEQA exemption, due to the size and appearance of the building (not a small building at all, not a similar design to any building on site, unattractive appearance from scenic roads, etc.), the adverse and illegal impact of locating the building over the existing drainfields, the adverse impact of the proposed building on the parking area and driveway, elimination of the looped traffic flow on site, and restriction of the existing turn around area for Bonny Doon fire engines. The proposed building does not make the community safer as alleged; rather, it gets in the way of many of the activities the site is intended for, such as disaster response, voting, and community use.

#### Conclusion:

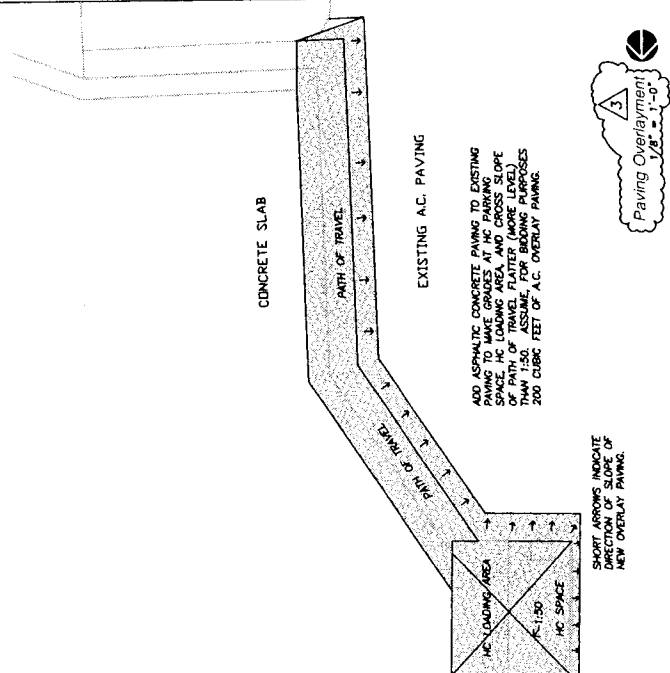
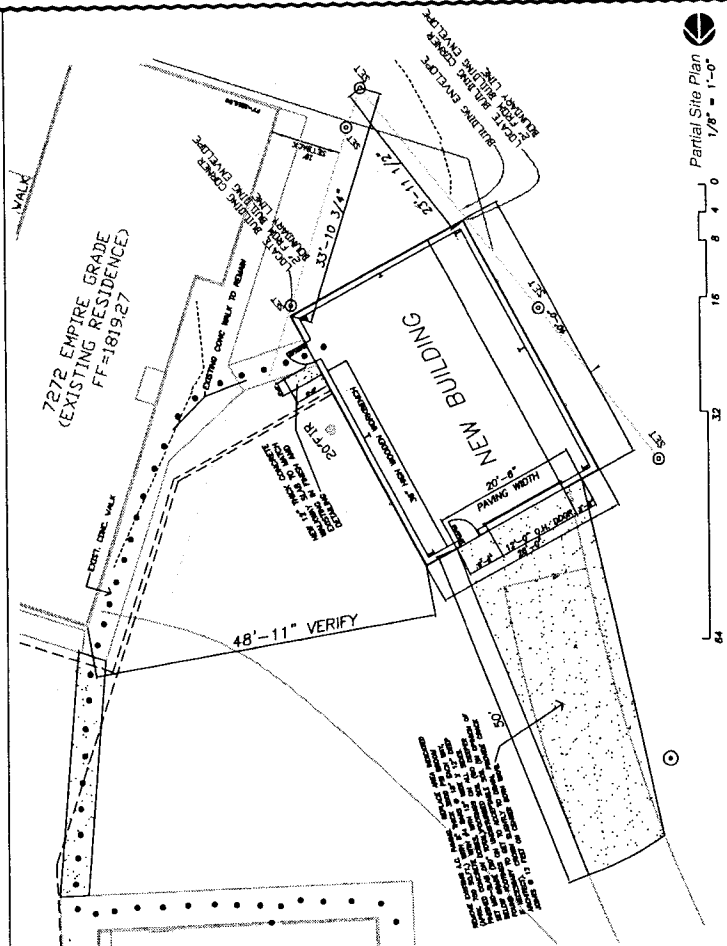
This proposal has not had adequate review. The application is

incomplete. It should be returned to staff until the application is truly complete, and then it should receive a complete environmental review for CEQA compliance, since it has many impacts. It does not fit the definition of a CEQA-exempt minor project.

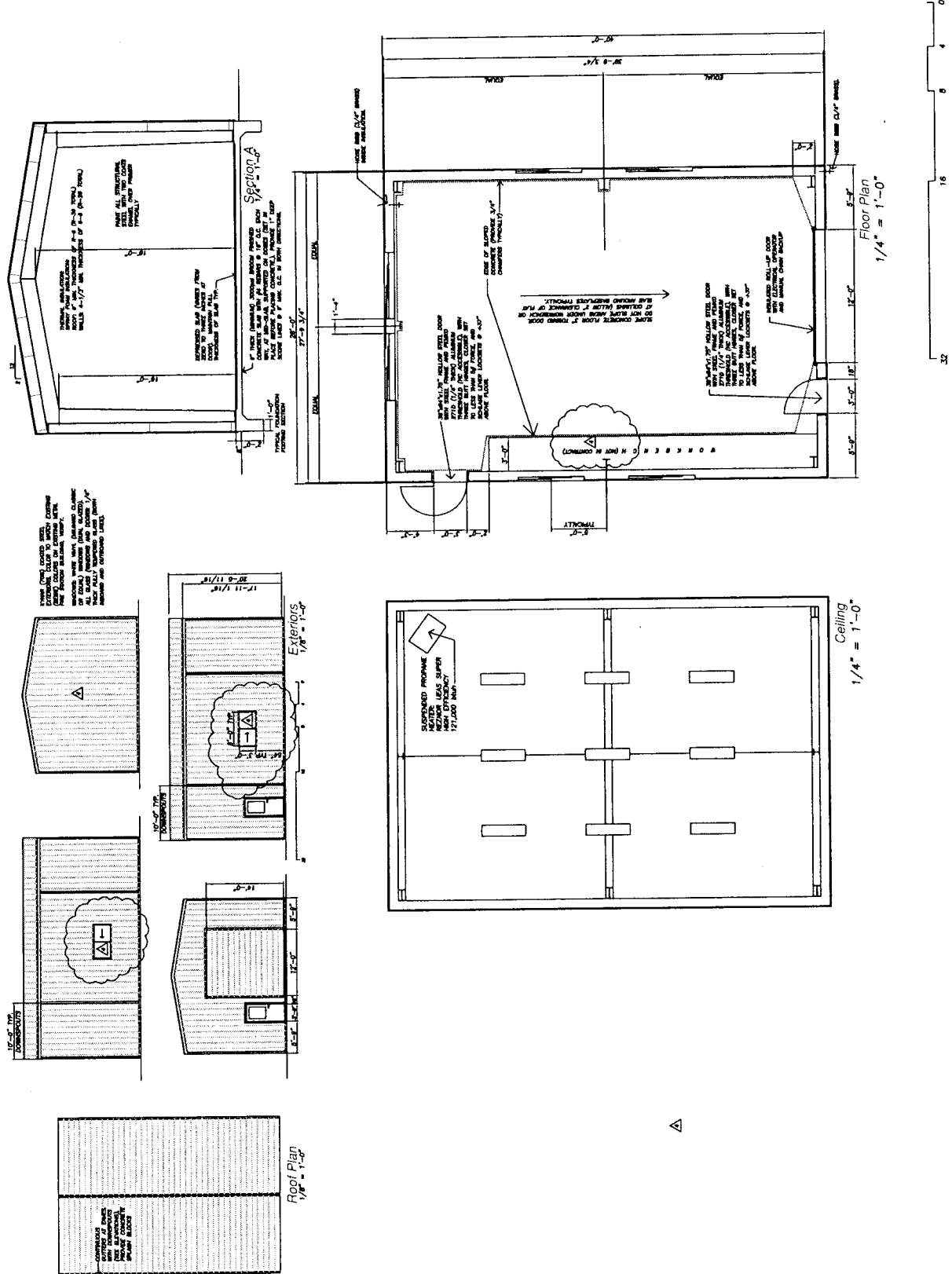
Very truly,

Steve Homan, REHS, B.S.









**Correspondence  
received after the  
Zoning Administrators Hearing**

**Application Number 10-0056  
Planning Commission Hearing  
10/13/10**

Larry

**Kathy Previsich**

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**From:** Steve Homan [sdh@cruzio.com]  
**Sent:** Saturday, August 14, 2010 9:41 PM  
**To:** Jim Safranek; John Ferreira  
**Cc:** Bob Kennedy; Neal Coonerty; Rachel Dann; BDVF Board; Kathleen Lineberry; Rafael Sanchez; Kathy Previsich; Nancy Gordon; Ellen Pirie; Tony Campos; Mark Stone; John Leopold  
**Subject:** Proposed Engine Shelter, Fall Creek Station APN 080-251-31

Mr. Chief Ferreira and Mr. Safranek,

As you know, Cal Fire's proposed engine shelter at the Fall Creek Station house (adjacent to McDermott Station) is designed by the architect to be located over at least part of the existing septic tank system drainfield area (and the designated drainfield future expansion area) that serves the Fall Creek station house. Records of the Environmental Health Service indicate that the drainfield is 85' long with 6' of drainrock under the perforated pipe, starting at 6' below the surface. The drainfield may be configured in one or two trenches, but judging by the location of the septic tank in front of the house, either configuration appears to be located directly under the proposed slab foundation. The County Sewage Disposal Ordinance prohibits the practice of placing buildings and foundations over drainfields and expansion areas.

The reason for the unusually deep design of the existing drainfield is likely the unusual geology of the site. This property was once used as a small quarry by a local contractor, prior to the house being constructed in the mid-1970s. The surface formation is slightly fractured but hard metamorphic rock, a sample of which can be seen at the cut bank across Empire Grade Road (and info from the USGS geology map). The drainfield was placed deep in order to access the decomposed granite formation located below the surface layer of hard metamorphic rock.

If Cal Fire proceeds with its plan to relocate the drainfield to accommodate the proposed engine shelter, then it must abandon the existing drainfield and construct a replacement. The replacement drainfield should follow the original design, or if this is not possible due to county ordinance restrictions, then additional soil tests should be required to justify any shallower design. The original system has worked well for years, and a shallower drainfield system may not function well or at all, due to the poor surface geologic conditions.

The property does have many underground pipes and wires serving the generator, the well, the storage tank, the McDermott Station and the Fall Creek Station house. Care should be taken by anyone conducting soil tests on site to identify the locations of these facilities before digging or drilling any test holes. The same care regarding underground facilities should be taken by anyone constructing a replacement drainfield, or building a foundation.

I estimate that replacing this drainfield will cost from \$10,000 to \$15,000 or more, depending on the amount of soil testing required and the difficulty in locating the underground facilities.

This increased cost, and the increased cost of vegetative screening of the new building (as ordered by the Zoning Administrator), should be considered by the Board of Supervisors, since the change in cost will be substantial.

Very truly,

Steve Homan, REHS, B.S.  
Bonny Doon Resident 34 Years

**Kathy Previsich**

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**From:** Steve Homan [sdh@cruzio.com]**Sent:** Monday, August 16, 2010 7:34 AM**To:** Neal Coonerty**Cc:** Ellen Pirie; Mark Stone; Tony Campos; John Leopold; Rachel Dann; Kathy Previsich; Lawrence Kasparowitz; Bob Kennedy; editor@mcpost.com; Peter Burke; dmiller@santacruzsentinel.com; Julie Copeland; Kathleen Lineberry; Nancy Gordon; Jim Safranek; Rafael Sanchez; BDVF Board; Steve Guiney**Subject:** REQUEST FOR SPECIAL CONSIDERATION BY THE BOARD OF SUPERVISORS OF ZA DECISION**REQUEST FOR SPECIAL CONSIDERATION BY THE BOARD OF SUPERVISORS**

Date: 8/16/2010

**RE: Application 10-0056, Amendment to Commercial Development Permit 97-0874, Heard by ZA on 8/6/2010**

Dear Supervisor Coonerty:

This email is written to request that you, as the County Supervisor representing the Bonny Doon community, file a written request for special consideration by the Board of Supervisors with the Clerk of the Board no later than Friday, August 20, 2010. The 14-day appeal period for the subject August 6, 2010 Zoning Administrator's decision ends on August 20. If you are unavailable or unwilling to make this request, I ask that any other County Supervisor do so. Otherwise, an appeal to the Planning Commission costing \$1515 must be filed by local community members. The errors in the ZA approval of 8/6/2010 are so egregious that this matter deserves Board of Supervisors consideration.

The reasons for my strong opposition to the proposal to construct an 1120 square foot permanent garage at the temporary Fall Creek (Cal Fire) Station, which is located on the grounds of the Bonny Doon Volunteer CSA 48 Fire Station, APN 80-251-31, are listed below. (Cal Fire is a temporary tenant of the County on this site, subject to annual contract renewal by the Board of Supervisors.)

The subject property includes a two story metal building that serves as the headquarters for the Bonny Doon Volunteer Firefighters (Company 32 County Fire CSA 48), and the site also includes a converted residence that serves as a temporary station house for Cal Fire's "Fall Creek Station". A permanent site for Fall Creek Station has not yet been identified or procured by Cal Fire. Cal Fire administration has stated on many occasions that there is a desire to locate a permanent Cal Fire station near the intersection of Pine Flat Road and Empire Grade Road, several miles to the north of this site. The present Cal Fire Chief has also stated in the recent past that he would like to acquire McDermott station for Cal Fire permanently, and he has also repeatedly proposed adding on the the existing well planned volunteer McDermott Station for Cal Fire use. This is at variance with Cal Fire's contract with the County to promote, recruit, and train volunteers. Now the County is entertaining a Cal Fire proposal for

an ugly permanent super-sized two-stories tall heated metal garage located on top of an existing drainfield, directly in the front of a residential structure and temporary station house.

My objections are stated below:

- 1) The Board of Directors of Bonny Doon Volunteer Fire and Rescue, Inc. have not requested or approved this proposal. The chairperson has informed the local Cal Fire Chief that he would only support construction of a structure where the existing unpermitted Cal Fire temporary shelter is located.
- 2) Fall Creek Station is a temporary location, and its operation depends on an annual contract between the County and Cal Fire for the non-fire season portion of the year. Cal Fire could lose its use of this station if the annual contract is not renewed, if Cal Fire builds a permanent station elsewhere, or if a Bonny Doon Fire District is formed. It is illogical and wasteful to build a permanent engine structure for such a temporary use. The present structure is adequate for a temporary use.
- 3) Without benefit of permits, Cal Fire has already installed a satisfactory temporary fire engine shelter on the property in the most feasible location for a temporary shelter. Although the current shelter does not meet County setback requirements and it has no foundation or slab, it is located in such a way that it has the least impact on the use of the balance of the site. It is close to the station house, it is relatively small, and it is partially shielded from view by a fence and trees. This temporary shelter should be allowed to remain until Cal Fire moves to a permanent Fall Creek Station. The present structure is the most optimum solution to the need for a temporary engine shelter. By the way, the present proposal is not really for a new structure, it is a proposal for a replacement structure, intended to replace the temporary structure that was built by Cal Fire without permits or a foundation.
- 4) The site is approved by the County as a community fire station and a disaster center. It also serves as a polling place for two precincts. The architect who originally planned the site took great care to provide adequate parking and good traffic flow within the site. The current proposal obstructs the current traveled way on site, so that a traffic loop will no longer exist in front of the residence, and ingress and egress to the parking area will be reduced. Parking spaces may be lost. The proposal also reduces the turn around area for the Bonny Doon engines. During the Martin Fire, the fire station parking lot was full, and cars were parked along Empire Grade Road, Ice Cream Grade, and Felton Empire Road for considerable distances. Every inch of useable space on site is needed during wildland fires and other disasters. Any reduction of the current parking area and interference with on site traffic flow is unacceptable. There is no mitigation available for this in the current ZA approved plan.
- 5) The building foundation slab is proposed to be constructed on top of the drainfield that serves the Fall Creek Station house. Environmental Health requested that a revised site plan be submitted, for this very reason. There is no record of such a revised plan being submitted. The project proponents should be required to field check the location of the drainfield by excavating the ends of the drainfield trenches, based on an as-built plan that should be on file with Environmental Health. Environmental Health conditions state that "The site plan needs to be revised; illustrate the location of all septic (tank) systems and future expansion leachfield (drainfield) locations". This is an overly polite way of stating that the building cannot be located on top of the existing drainfields or future drainfield expansion areas. Environmental Health has no objection to the "concept" of an engine shelter on site, just on its proposed location! The proposed building cannot be built in the location where it has been proposed, due to the setbacks required by the County Sewage Disposal Ordinance. Therefore, approval of this project cannot proceed. The application was incomplete and violated the County Sewage Disposal Ordinance.

6) Since the site of the proposed building must be changed due to the location of the existing drainfields, not to mention parking and traffic patterns, the application must be deemed incomplete, and the CEQA conclusions are therefore flawed and premature. No proposal that violates County Ordinance can qualify for a CEQA exemption.

7) The proposed building will be an eyesore. It does not match the architecture of the building it is right in front of, and the very low angle of the peak of the roof makes the building appear to have a flat roof. The ridge line is 90 degrees opposite of the other two buildings on site. The proposed shelter also does not match the design of the adjacent volunteer station. The proposed building will look like a giant two story mobile home that landed in front of the residence, while appearing to be attached to the residence. Empire Grade Road and Ice Cream Grade are scenic roadways, and Felton-Empire Road should be. The County and Cal Fire should not be proposing a new building that increases the industrial look of the site from these scenic roads. The General Plan designation for this area is not industrial or commercial; rather, it is Rural Residential. The zoning is Residential-Agricultural. The appearance of this proposed engine shelter is inconsistent with the GP and Zoning designations, as well as the existing buildings on the site.

8) The staff report indicates that no trees are to be removed for this project. There was a very nice douglas fir tree in front of the station house, but Cal Fire removed it prior to the application being filed. The building plans show a 20" diameter douglas fir that is actually no longer there. Cal Fire should replace the tree it removed, at the very least. In addition, no mitigating landscape plans were submitted to screen the tall ugly metal structure that has been proposed.

9) The proposed engine shelter is oversized. 1120 square feet will house two fire engines of the type used to fight wildland fires. The temporary need is to house one engine. This need will cease when Cal Fire moves Fall Creek Station to a permanent home elsewhere in Bonny Doon. A temporary engine shelter should be sized to house one engine, and it should be designed to have a minimal impact on the site and a minimal impact on the appearance of the facility.

10) The project is an extravagant expenditure of County CSA 48 funds. It is quite a bit larger than is required, it is a permanent structure when a temporary one is required, and it is so over-designed that it even includes a heater. I have lived in this community for 34 years. Our winters are not so severe that a heated garage is a necessity. The site receives about a half inch of snow every three years that melts within four hours. The proposed building is four times larger than a standard Cal Fire engine. Is this building really a gymnasium for Cal Fire?

11) A concerned citizen appeared at the Planning Department to request a copy of the original Use Permit for this site, #97-0894. Staff was unable to locate a copy. If citizens cannot obtain a copy of the existing Use Permit, how can they evaluate the proposed "Amendment"? The ZA also did not appear to have a copy of the existing use permit.

12) This project does not qualify for a CEQA exemption, due to the size and appearance of the building (not a small building at all, not a similar design to any building on site, unattractive appearance from scenic roads, etc.), the adverse and illegal impact of locating the building over the existing drainfields, the adverse impact of the proposed building on the parking area and driveway, the serious matter of elimination of the looped traffic flow on site, and restriction of the existing turn around area for Bonny Doon fire engines. The proposed building does not make the community safer as alleged in the staff report; rather, it gets in the way of many of the activities the site is intended for, such as volunteer fire personnel response, disaster response, voting, and community use.

13) My technical comments regarding the sewage disposal system conflicts with the proposed building

are included below this email. These comments are from an email of 8/14/2010 sent to the Cal Fire Chief and the Environmental Health Service representative

Conclusion:

This proposal has not had adequate review. The application is incomplete. It should be returned to staff until the application is truly complete, and then it should receive a complete environmental review for CEQA compliance, since it has many impacts. It does not fit the definition of a CEQA-exempt minor project.

Very truly,

Steve Homan, REHS, B.S.  
Member, Steering Committee, Friends of Bonny Doon Fire  
Bonny Doon resident 334 Years

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8/14/2010

Chief Ferreira and Mr. Safranek,

As you know, Cal Fire's proposed engine shelter at the Fall Creek Station house (adjacent to McDermott Station) is designed by the architect to be located over at least part of the existing septic tank system drainfield area (and the designated drainfield future expansion area) that serves the Fall Creek station house. Records of the Environmental Health Service indicate that the drainfield is 85' long with 6' of drainrock under the perforated pipe, starting at 6' below the surface. The drainfield may be configured in one or two trenches, but judging by the location of the septic tank in front of the house, either configuration appears to be located directly under the proposed slab foundation. The County Sewage Disposal Ordinance prohibits the practice of placing buildings and foundations over drainfields and expansion areas.

The reason for the unusually deep design of the existing drainfield is likely the unusual geology of the site. This property was once used as a small quarry by a local contractor, prior to the house being constructed in the mid-1970s. The surface formation is slightly fractured but hard metamorphic rock, a sample of which can be seen at the cut bank across Empire Grade Road (and info from the USGS geology map). The drainfield was placed deep in order to access the decomposed granite formation located below the surface layer of hard metamorphic rock.

If Cal Fire proceeds with its plan to relocate the drainfield to accommodate the proposed engine shelter, then it must abandon the existing drainfield and construct a replacement. The replacement drainfield should follow the original design, or if this is not possible due to county ordinance restrictions, then additional soil tests should be required to justify any shallower design. The original system has worked well for years, and a shallower drainfield system may not function well or at all, due to the poor surface geologic conditions.

The property does have many underground pipes and wires serving the generator, the well, the storage tank, the McDermott Station and the Fall Creek Station house. Care should be taken by anyone

8/16/2010

conducting soil tests on site to identify the locations of these facilities before digging or drilling any test holes. The same care regarding underground facilities should be taken by anyone constructing a replacement drainfield, or building a foundation.

I estimate that replacing this drainfield will cost from \$10,000 to \$15,000 or more, depending on the amount of soil testing required and the difficulty in locating the underground facilities.

This increased cost, and the increased cost of vegetative screening of the new building (as ordered by the Zoning Administrator), should be considered by the Board of Supervisors, since the change in cost will be substantial.

Very truly,

Steve Homan, REHS, B.S.  
Bonny Doon Resident 34 Years



*This cc for Planning Director Preusich*

**Bonny Doon Volunteer Fire/Rescue, Inc.**

7276 Empire Grade Road  
Santa Cruz, CA 95060  
(831) 426-1561

August 16, 2010

Via Electronic Mail to  
Neal Coonerty <BDS031@co.santa-cruz.ca.us>

Neal Coonerty  
County Supervisor, Third District  
County of Santa Cruz  
County Government Center, Fifth Floor  
701 Ocean Street  
Santa Cruz, CA 95060

Re: Zoning Administrator Steve Guiney's Conditional Approval on August 6, 2010  
Application No. 10-0056 – 7272 Empire Grade Rd., Bonny Doon  
APN 080-251-31 – Owner: County of Santa Cruz  
Applicant: William Fisher Architecture  
Project Planner: Larry Kasparowitz

Dear Neal:

The subject Zoning Administrator decision on August 6, 2010 should be over-ruled for numerous reasons explained in this letter.

As you know, County Code 18.10.350 provides that

“...the County Board of Supervisors shall consider and act upon any delegated matter which would otherwise be appealable, upon the request of any member of the Board of Supervisors, provided such a request, outlining the reasons why a special consideration of the matter is appropriate, is filed in writing with the Clerk of the Board within the time provided for filing an appeal.”

This letter is to request that you, as the County Supervisor representing Bonny Doon, file such a written request for special consideration by the Board of Supervisors with the Clerk of the Board no later than Friday, August 20, 2010. The 14-day appeal period for the subject August 6, 2010 Zoning Administrator's decision ends on August 20. If you are unavailable or unwilling to make this request, we ask that any other County Supervisor do so.

Special consideration by the Board of Supervisors is appropriate for numerous reasons.

**1. Bonny Doon Volunteer Fire/Rescue, Inc. is a charitable non-profit corporation that has financially helped support highly effective volunteer fire and emergency response in Bonny Doon for more than forty (40) years.** We should not be required to pay a \$1,515 fee to file an Appeal with the Planning Commission, the other alternative, to obtain a fair and impartial County decision.

**2. If the Zoning Administrator's decision is allowed to stand, there are issues of whether the County is acting in good faith toward Bonny Doon Volunteer Fire/Rescue, Inc.** and members of the Bonny Doon community who made significant investments in the completion of the existing combination volunteer fire station and community disaster center. Therefore, all five County Supervisors should review this decision before it can take effect. (see item 4.d) below)

**3. The serious design flaws more than justified denial of the Application instead of approval with "conditions".** The Staff Report states Application 10-0056 is an Amendment of Commercial Development Permit 97-0874 and is only a proposal to construct a garage. Mr. Fisher's site plan should have been based on the Permit 97-0874 plans, but excluded at least the septic systems and 26 required parking spaces. No evidence was offered to support the "condition" of moving the septic drain field as opposed to relocating the placement of the proposed garage. The "condition" of installing landscaping vegetation to screen the view of the proposed building from "scenic roads" Empire Grade and Ice Cream Grade acknowledges that the proposed building is aesthetically ugly and poorly placed. Total screening of the proposed building as presently planned will be impossible so the "condition" accomplishes nothing. The "condition" about maintaining traffic flow was vague (written decision requested) because 26 required parking spaces and traffic flow routes were missing from Mr. Fisher's site plan. The Zoning Administrator should have required a corrected site plan instead of issuing a vague condition.

**4. The decision was not fair and impartial.** A fair decision would have impartially considered all evidence, whether offered by the Applicant (architect William Fisher), the Owner (County), or the Bonny Doon community members offering evidence on behalf of the legal occupant of the volunteer fire station (Bonny Doon Volunteer Fire/Rescue, Inc.).

- a) **Mr. Guiney's decision improperly disregarded the fact that Bonny Doon Volunteer Fire/Rescue, Inc., was not notified of the Public Hearing as required by County Code 18.10.233(a)(3).** Donita Springmeyer's letter informed him that the Notice of the Public Hearing was improperly posted. Mr. Fisher's affidavit to County Planning stated he stapled the Notice to the building on July 23, 2010. He may have stapled it to the wooden residence, but could not have stapled it to the metal fire station. Commercial Development Permit 97-0874 did not concern the then existing wooden residence on the property. The Notice should have been posted on the volunteer McDermott Station.

**Additionally, Bonny Doon Volunteer Fire/Rescue, Inc. did not receive the required Notice by mail from County Planning.** The correct mailing address is 7276 Empire Grade Road, Santa Cruz, CA 95060.

- b) **The Zoning Administrator did not adequately consider all written evidence offered before making a decision.** At the beginning of the Public Hearing Mr. Guiney acknowledged receipt of two letters the previous day, from Russ Mackey and Steve Homan, and a third letter the morning of the Hearing from Donita Springmeyer. He stated he had not read her letter. He could not have read and adequately considered the 3-1/2 page letter during the Hearing without a pause.
- c) **The Zoning Administrator disregarded the fact that he was informed a crucial item of evidence (Commercial Development Permit 97-0874) was not available for review before the Public Hearing, and was evidently not available at the Hearing, in making his decision.** Mr. Guiney was obviously unfamiliar with the details of the earlier Development Permit. The Staff Report states that Application 10-0056 requires an Amendment to Permit 97-0874. An Amendment cannot be designed – or fairly and impartially considered -- without the original Permit and Plans. The Staff Report and Mr. Fisher's proposed plan indicate they also disregarded the original plans. Mr. Guiney's conditional approval of such a flawed plan demonstrates partiality to a County proposal.
- d) **The Zoning Administrator may have been improperly influenced by an uninformed opinion offered by Cal Fire Chief Ferreira.** Mr. Ferreira informed Mr. Guiney during the Hearing that the Bonny Doon Volunteer Fire/Rescue, Inc. does not have anything to do with the operations of the Bonny Doon Volunteer Fire Department. However, BDVF/R, Inc. entered into a 40-year Lease Agreement with the County in 2000 covering the fire station property, except the residence, trusting in good faith that the County would honor its acknowledgement "... of the significant commitment by the fire team's volunteer firefighting and mandatory training obligation, as well as the contributions by community members of major donations toward completion of the new fire station ..." during the entire term of the Agreement. Turnover of County Supervisors, General Services Directors, and contractor Cal Fire Chiefs should not affect or control whether the County honors legal Agreements. The Bonny Doon community totally provided the Martin Road Station in 1971 and saved the County approximately \$300,000 in completion of the McDermott Fire Station. Cal Fire Chief Ferreira was not County Fire Chief in 2000 when the Lease Agreement was negotiated between the County and Bonny Doon Volunteer Fire/Rescue, Inc. Former Third District County Supervisor Mardi Wormhoudt facilitated the negotiations.
- e) **The Zoning Administrator may have been improperly influenced by incorrect information offered by architect Mr. Fisher during the Hearing.**

- Mr. Fisher told Mr. Guiney the Cal Fire engine is presently housed in a "tent". It is actually housed in a very sturdy prefabricated metal structure, possibly with aluminum sheathing, on a paved area. The structure is large enough for two engines. It has withstood one Bonny Doon winter and is clearly adequate for more winters.
- Mr. Fisher also said the proposed structure is needed for "security" of the Cal Fire engine. However, when the fire engine is in Bonny Doon, the Cal Fire firefighter crew is with the engine.
- Mr. Fisher said the proposed structure size of 1,120 square feet is necessary because his client may buy larger engines in the near future. The proposed structure is 28' x 40'. The nearly new Cal Fire engine it houses is 10' x 28'. The structure is four times the 280 square feet of the fire engine. Fire engine widths are controlled by road widths. It is unlikely that an engine appropriate for Bonny Doon would ever approach 40 feet in length. There is no real evidence to justify the excessive building size.

- f) **The Zoning Administrator seemed to accept the flawed County Planner's Staff Report at face value since it was for a County owned project and he is a County employee.** By disregarding the present permitted uses, facilities, and operational functions of the existing volunteer fire station and community disaster center, the author of the Staff Report falsely claimed the excessively sized proposed building is "small" and "no change of use is proposed" as a justification for exemption from further review under the California Environmental Quality Act (CEQA). Mr. Guiney disregarded evidence to the contrary of these arguments presented at the Hearing, showing partiality to the project owner (County).

5. **There was an abuse of discretion by the decision-maker.** Discretion to make a decision requires the decision-maker to consider all evidence offered, to base a decision on substantial evidence, and to ensure that the public has had the right to review all evidence considered. None of this happened.

- a) Mr. Guiney made the decision based on the Staff Report, which contained many inaccurate statements unsupported by substantial evidence.
- b) Mr. Guiney made the decision admittedly without reading Donita Springmeyer's letter, which presented evidence that (1) the proposed project is a significant change and expansion of use of the property, (2) the proposed structure is not small as claimed and displaces the existing permitted use, and (3) the project is not exempt from further review under CEQA categories of Aesthetics, Noise, Public Services, and Transportation or Traffic.
- c) Mr. Guiney's decision disregarded evidence regarding how and why the proposed project is a change in use that will significantly risk displacing and adversely

affecting the volunteer fire operations and community disaster center operations. Disruption or displacement of existing permitted uses is unacceptable.

- d) Mr. Guiney's decision disregarded repeated suggestions at the Hearing that the temporary structure or a smaller building located where the temporary structure is now could require a variance, but would avoid damaging the existing parking, the septic issues, the need for landscaping to screen the building, and would be less aesthetically damaging than the proposed building.

In summary:

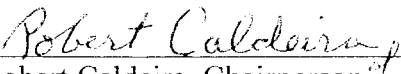
- Procedural errors of Noticing preceded the August 6, 2010 Zoning Public Hearing
- Crucial evidence was missing
- The Hearing was not fair and impartial
- The Zoning Administrator decision is unsupported by substantial evidence
- This matter deserves a Special Consideration Public Hearing by the County Board of Supervisors and denial of the Application.

Although the Zoning Administrator was not required to consider cost of the proposed project, the County Supervisors must do so. After a second round of bids, the lowest bid is double Mr. Fisher's estimated cost. To-date, the costs associated with the Fall Creek Station have greatly exceeded any and all estimates and should be carefully scrutinized and reviewed by the County Board of Supervisors.

We appreciate your time and attention regarding this matter and look forward to your reply.

Sincerely,

Bonny Doon Volunteer Fire/Rescue, Inc.

  
Robert Caldeira, Chairperson  
Board of Directors

Attachments:

- (1) Zoning Administrator's written findings from August 6, 2010 Public Hearing (requested)
- (2) Staff Report to Zoning Administrator re Application 10-0056  
001 Staff Report to Zoning Admin App 10-0056.pdf
- (3) Letter from Donita Springmeyer to Zoning Administrator August 5, 2010  
Fall Ck Garage Objection CEQA V2 DS
- (4) Letter from Steve Homan to Zoning Administrator August 5, 2010
- (5) Letter from Russ Mackey to Zoning Administrator August 5, 2010

cc: County Supervisor Campos <tony.campos@co.santa-cruz.ca.us>  
County Supervisor Leopold <john.leopold@co.santa-cruz.ca.us>  
County Supervisor Pirie <ellen.pirie@co.santa-cruz.ca.us>  
County Supervisor Stone <mark.stone@co.santa-cruz.ca.us>  
Planning Director Kathy Previsich <PLN001@co.santa-cruz.ca.us>

**Lawrence Kasparowitz**

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**From:** Lineberry, Kathleen [Kathleen.Lineberry@fire.ca.gov]  
**Sent:** Thursday, September 23, 2010 3:28 PM  
**To:** Lawrence Kasparowitz  
**Cc:** Muir, Denise  
**Subject:** County Fire - Fire Engine Shelter 7272 Empire Grade

Dear Mr. Kasparowitz,

The Planning Commission is set to hear the appeal for the building at 7272 Empire Grade Rd on October 13, 2010. Santa Cruz County Fire would like to request a continuance. Santa Cruz County Fire is in the process of researching alternatives to the Fall Creek apparatus building at 7272 Empire Grade. It is our desire to have an acceptable alternative by the end of November.

APN 080-251-31  
Owner: County of Santa Cruz  
Applicant: William Fisher Architecture

*Kathleen Lineberry*  
Deputy Chief  
**CAL FIRE**  
San Mateo/Santa Cruz  
831-254-1701