



## Staff Report to the Planning Commission

Application Number: **131132**

---

**Applicant:** Volker Haag

**Owner:** Haag

**APN:** 04909124

**Agenda Date:** June 14, 2017

**Agenda Item #:**

**Time:** After 9:00 a.m.

**Project Description:** Amendment of Permit 131132 to modify conditions of use of 515 Calabasas Road as an auxiliary landing site for skydiving.

**Location:** 515 Calabasas Road.

**Supervisory District:** 2nd District (District Supervisor: Zach Friend)

**Permits Required:** Amendment of Permit 131132

**Staff Recommendation:**

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Amendment of conditions of approval of Permit 131132, based on the attached findings.

**Exhibits:**

- A-N. Staff report for 3/22/17 Planning Commission hearing. See 3/22 Staff Report for index.
- O. Public comments prior to 3/22/17 Planning Commission hearing, after agenda deadline.
- P. Public comments for June 14, 2017, Planning Commission public hearing.
- Q. Location of Parachute Landing Area at Watsonville Municipal Airport
- R. Minimum Commercial Standards for Aeronautical Activity at Watsonville Municipal Airport – Commercial Skydive Operations Specialized Aviation Services Operator (SASO)
- S. U.S. Department of Transportation, Federal Aviation Administration: 14 CFR Ch. 1 (1-1-12 Edition), *Flight visibility and clearance from cloud requirements*
- T. Resolution of Intent to Amend Permit 131132, adopted by Planning Commission on 3/22/17.
- U. Applicant response to Resolution of Intent to Amend Permit 131132
- V. Proposed Notice of Determination for Permit 131132 Amendment under California Environmental Quality Act
- W. Proposed amendment to Permit 131132 conditions of approval
- X. Findings for amendment of Permit 131132 conditions of approval

---

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

### **Parcel Information**

Parcel Size:	9.6 acres
Existing Land Use - Parcel:	Skydive landing site, residence
Existing Land Use - Surrounding:	Dwelling units and small scale agriculture
Project Access:	Private driveway
Planning Area:	Aptos Hills
Land Use Designation:	R-R (Rural Residential)
Zone District:	A (Agriculture)
Coastal Zone:	<input type="checkbox"/> Inside <input checked="" type="checkbox"/> Outside

### **Environmental Information**

Geologic Hazards:	Not mapped/no physical evidence on site
Soils:	Pinto loam, 2-9%. Expansive. Thirty percent of area is Watsonville complex, 15-30% slope
Fire Hazard:	Not a mapped constraint
Slopes:	Level to moderate slope
Env. Sen. Habitat:	Not mapped/no physical evidence on site
Grading:	No grading proposed
Tree Removal:	No trees proposed to be removed
Scenic:	Not a mapped resource
Drainage:	Existing drainage adequate
Archeology:	Not mapped

### **History**

On March 22, 2017, your Commission voted unanimously to adopt a Resolution of Intent to Amend Permit 131132, a conditional use permit that authorized use of 515 Calabasas Road as a skydive landing site prior to establishment of a landing site at the Watsonville Municipal Airport, and also authorized auxiliary use of the Calabasas site after relocation. The purpose of today's hearing is to determine whether the applicant has addressed your Commission's concerns about the skydiving activity as those concerns were described in the Resolution of Intent, and also to consider amending Permit 131132 as necessary to address the issues described in the Resolution of Intent.

As described in the Staff Report for the hearing of March 22, 2017 (Exhibit A-N), Permit 131132 was originally approved on August 2, 2013, authorizing the skydiving operation as a recreational activity on an Agriculture (A) zoned parcel, occupying about 5,000 square feet of a 9.6-acre site.

At a follow-up hearing on April 4, 2014, (Exhibit C) staff reported the business operator was in compliance with conditions of approval for permit 131132 including implementation of required signage, parking, landing path and updating neighbors regarding pursuit of permits to land at Watsonville Airport. A subsequent compliance review (Exhibit D), reported to the Zoning Administrator on August 1, 2014, found that noise was limited to opening parachutes, conversation-level voices and a quick "whoo-hoo" from one group after landing. Staff also reported that all other aspects of the observed jumps and landing area appeared to comply with

the required conditions for approval for Development Permit 131132. A revised parachute glide path (Exhibit I) was required and accepted by the County, whereby the prescribed landing approach always enters the property from the southwest, avoiding the parcels zoned for Residential Agriculture (RA), including the Marinovich parcel, to the northwest.

The parachute landing activity was reviewed again by the Zoning Administrator at a public hearing on October 21, 2016. Numerous letters, photos and videos were received prior to the hearing, from both supporters and opponents of the activity (Exhibits E, K). Opponents of the use alleged noncompliant landing patterns and occurrence of more than 10 jumps per day, the maximum allowed by the permit. Complaints also involved noises not addressed by the permit, such as airplane engines, parachutes opening and conversation-level voices from skydiving participants. The number of comments supporting the activity significantly exceeded the number opposed. Staff reported that the operator remained compliant with warning signs, informational handouts and training measures, and that the previous sod-farming use had been discontinued. The ZA directed staff to prepare a letter to your Commission discussing the issues raised by the skydiving use approved by the permit and to request that your Commission consider revoking the permit or modifying its conditions (Exhibit A).

### **Planning Commission meeting of March 22, 2017**

The Planning Commission held a public hearing on March 22, 2017, to consider adopting either a Resolution of Intent to Revoke Permit 131132 or a Resolution of Intent to Amend Permit 131132. In public comments received before and during the public hearing of March 22, 2017 (Exhibits J, M, O), supporters of the parachuting activity stated that the skydiving is not disturbing and that the operator is a good neighbor and the parcel well maintained; some supporters stated that they enjoyed observing the skydiving activity. Opponents reiterated that the use remained intrusive and stressful, that excessive jumps occurred, that noise include yelling, screaming and occasional swearing, and that flight paths deviated from prescribed routes. Sounds not addressed by the permit, such as yelling prior to parachute engagement, airplane engines and the sound of shouts opening, were also disturbing to some residents. The operator maintained that the landing paths were always compliant, and that significant deviation would be hazardous or physically impossible.

Staff reported that distant whoops are audible on several videos submitted by opponents, but that the videos were inconclusive regarding compliance to prescribed flight paths.

Staff also provided the following discussion of neighborhood compatibility of the skydiving use:

*The level of complaints suggest that the use did not “complement and harmonize” with the existing land uses in the vicinity or the dwelling unit densities of the neighborhood – that the intermittent sound of aircraft and the noises associated with skydiving exceed the level of land use intensity associated with a single family dwelling, and have been distracting, invasive and stress-inducing, in ways that a small-scale agricultural operation, although louder, might not have been. Strict adherence to the approved flight path might reduce the negative impact on sensitive neighbors to the northwest. However, it is also reasonable to conclude that the cumulative effect of daily skydiving activities over the neighborhood – including inevitable whooping, possible deviations from*

*prescribed flight paths, parachutes opening, shouting prior to parachute deployment, speaking-level voices afterwards and possible foul language – does not complement and harmonize with neighborhood land uses.*

### Planning Commission Adopts Resolution to Amend Permit

After closing the public hearing and discussing the issue, your Commission voted 5-0 to adopt a revised Resolution of Intent to Amend Permit 131132 (Exhibit T), and directed staff to report back to the Planning Commission on June 14, 2017.

The resolution stated your Commission's intention to "amend Permit 131132 to modify condition II.G to quantify the maximum allowable use of 515 Calabasas Road as an auxiliary site." Your Commission indicated that the level of neighborhood compatibility was related to the overall level or intensity of use.

In the resolution, your Commission made the following findings:

- 1. New information provided to the County Planning Department in the form of recent complaints and protests from neighboring residents indicates that, despite the signage, training and reminders provided by the operator, neighbors protest that parachute flyovers, excessive levels of noise and disturbance persisted while the site was in regular use; and*
- 2. That the noise, visual intrusion and cumulative disturbance associated with skydiving, including the noise of chutes opening, shouting of clients, visual intrusion of parachutes and skydivers, spatial proximity of skydivers and a possible lack of privacy due to overhead activity is such that the permit, irrespective of the conditions of approval, may interfere with public health and constitute a nuisance[.]*

The resolution provides that the Planning Commission will allow until June 14, 2017, for the operator to demonstrate that:

- 1. The use of 515 Calabasas Road as an auxiliary site will both comply with the conditions of approval of Permit 131132 and reduce the noise, disturbance, visual intrusion, proximity of skydivers and reduced privacy associated with the skydiving activity to a level that is determined by staff and this Commission to "complement and harmonize with" the residential land uses adjoining the Calabasas landing site and abate the public health impact and nuisance.*

### **Operator proposal**

In response to the Planning Commission's resolution, the operator submitted a proposal (Exhibit U) to limit activities at Calabasas Road to 50 half-days per year. The operator also proposed the following measures to increase compliance when the site is used:

- Place noise warning signs in the training plane and jump aircraft.
- Require clients to sign a section of the waiver agreement where the client must specifically agree to the prohibition against yelling.

- Require training instructors to remind jumpers of the noise restrictions in every training session.
- Prohibit use of 515 Calabasas Road when winds are stronger than 26 M.P.H. from the west.

In support of a limit of 50 half days per year (equivalent to 25 full days), the operator stated that use of the auxiliary site is needed under a variety of circumstances, beginning with unpredictable weather but extending to field maintenance, equipment failures, VIP visits and special events at the Airport, such as the Fly-In and July 4<sup>th</sup> celebrations, summarized in the following table:

<b>Event</b>	<b>Estimated Occurrence (Half days per year)</b>	<b>Discussion</b>
Weather – high winds or restricted visibility at the airport	24	Mainly summer
Parachute landing area maintenance – mowing, fence repair, etc.	12	PLA mowed approximately once per month
Airport equipment breakdowns during maintenance (mechanical failure, stuck in mud)		
Access issue (road to PLA is closed)	2-4	
Airport volumes that increase pilot workload during approaches (e.g. Fly-In)	4-8	Include Fly-In / Air Show, open house, July 4, natural disaster drills, etc.
Events that require FAA airspace Waiver (e.g., aerobatic performances or pyrotechnics)		
Temporary Flight Restriction (TFR), such as a V.I.P. visit	8-10	Potentially could include on-site brush fire or accident affecting PLA, endangered plant or animal found in PLA, etc.
Aircraft incident or accident in the Runway Safety Area or the Runway Object Free Area		
Local or national emergencies affecting the airport		
Wildlife habitat observed within the PLA during runway inspections.		
<b>TOTAL</b>	<b>50-58</b>	

## Analysis

FAA regulations prohibit a parachute operation “into or through a cloud” (Exhibit S) so it is reasonable to expect that weather conditions may prohibit use of the Watsonville Airport on multiple occasions when the coastal fogs characteristic of a marine-influenced climate extend inland from Monterey Bay. At such time the operator uses the auxiliary site if that location is clear. The back-up site affords clients a chance to skydive when the airport site is closed, instead of being sent home.

As stated above, the number of neighbors supporting the skydiving activity exceeds the number opposed to it. However, in arguing for minimal use of 515 Calabasas for parachute landing, one of the adjoining neighbors has stated that even one day per year of skydiving activity at 515 Calabasas is intolerable.

The operator estimates that the auxiliary site is needed for about 24 half-days per year due to weather restrictions, and 26-34 half days per year due to non-weather related events. The Interim Airport Operations Supervisor, Sam Rosas, provided the following information, which refines the operator's response:

- Summer fog layers typically cover the airport at about 5 p.m. or so in the afternoon and "burn off" by mid-morning, 9:00 a.m. to 10 a.m. Several days per month during warmer months, June-August, the morning fog may linger into afternoon.
- The Parachute Landing Area (PLA) at the airport is mowed about once a month. The work takes about half a day.
- Fence repair is not a regular occurrence. The PLA is adjacent to the airport perimeter fence.
- Runway accidents may temporarily close use of one or both runways, but are rarely expected to close the PLA while also leaving the runways open for takeoff.
- Grass fires occur once or twice per year, but are rarely expected to cause closure of only the PLA while leaving the runways open for takeoff.
- VIP visits and national or local emergencies are also unlikely to cause closure of the parachute area while leaving runways open. Presidential visits to regional cities can result in radius restrictions on airspace that would not affect the PLA specifically. In regional fire control, fire response planes have takeoff priority but should not adversely affect the PLA specifically.
- Access to the PLA is unlikely to be blocked by road maintenance.
- Special events include the Fourth of July celebration and the Wings over Watsonville annual fly-in. The Fourth of July celebration requires a full day closure of the PLA specifically, as the site is used for staging fireworks. Wings over Watsonville generates heavy traffic, but does not necessarily close the PLA specifically.

Staff estimates that closures of the airport Parachute Landing Area due to non-weather events or unusual circumstances is possibly up to 15 per year. As indicated by the *Minimum Commercial Standards for Aeronautical Activity at Watsonville Municipal Airport*, (Exhibit R), the PLA is deemed closed by the airport manager when the applicant (Specialized Aviation Services Operator), the United States Parachute Association (USPA) appointed safety and training advisor, or the pilot in command of the jump aircraft "observe conditions that make the Airport Parachute Landing Area unavailable for intended operations." Weather patterns where the PLA is cloudy but the auxiliary site is clear could occur 15-25 half days per year, but will vary from year to year and are statistically unpredictable. Staff thus estimates that potential activation of the auxiliary site, due to either weather or non-weather-related events, could occur 30-45 half-days per year.

Since moving to the airport, the operator has expanded his enterprise to seven days a week, from the 6 days a week allowed by permit 131132 at the Calabasas Road site, thereby adding a

potential 104 half days per year. Since the number of runs is not limited to 10 per day at the airport, as at the auxiliary site, the operator has achieved as many as 16 runs in one day. Next year, the operator plans to be using a faster airplane, which he said could allow more runs per day if warranted by the customer base.

Because the foggy conditions requiring closure of the airport landing site occur mainly in summer, the use of 515 Calabasas Road will be concentrated during summer months when neighbors are most likely to be outdoors and use conflicts felt most acutely by those sensitive to the skydiving activity.

### **Staff-Proposed Permit Modifications**

In light of the operator's increased business opportunity at the airport PLA, and of ongoing neighborhood concerns at the Calabasas Road auxiliary site, staff recommends that the Planning Commission limit the use of the Calabasas Road site to 24 half-days per year, to provide enough days for auxiliary use during many weather-related closures, maintenance, special events and unforeseen events, but less than the number requested by the operator. The draft amendment proposed by staff is presented below and attached as Exhibit W.

In terms of impact on the neighborhood, 24 half days per year is only 4% of the 625 half days per year of activity that the operator was allowed under permit 131132. This is a reduction in use of 96%. Twenty-four half days per year is compatible with the neighborhood, particularly in comparison to a more conventional recreational playing field use, where loud screaming, yelling and occasional angry shouting by crowds of people could be expected on many weekends and afternoons throughout the year. As amended by the proposed modifications to the conditions of approval, permit 131132 would complement and harmonize with the residential land uses adjoining the Calabasas landing site and abate the public health impact and nuisance. If the operator discovers in practice over the course of a year that the need for use of the auxiliary site significantly exceeded this amount, he is has the right to apply to the Planning Commission for an amendment to revise the figure.

Notifications of auxiliary site use are triggered when the operator or other responsible party, as described above, determines that the airport site is closed. The airport site could be closed during a morning and then re-opened in the afternoon, or the reverse could be the case, or the airport site could be closed all day. Rather than issue a separate notification for each half-day, staff recommends that the notification be limited to one per day; the notice shall be given as soon as the operator determines that the site is eligible for use based on likely closure of the airport site in either morning or afternoon.

To minimize "false alerts," staff recommends that the maximum number of notifications be limited to 30 per year. Inevitably, notifications given on certain days will prove unnecessary, such as when clouds dissipate over the PLA, allowing it to be re-opened, or clouds move onto 515 Calabasis, prohibiting jumps there. Staff also recommends that the minimum lead period for notifications be 24 hours in advance of landings occurring, rather than 48, so as to give the operator better opportunity to accurately assess weather patterns. Neighbors can request to be left off the notification list. The proposed amendment would require that the notification list include all neighbors adjacent to the site and any other parties that may request to be notified. The

operator will be required to provide an annual report in January of each year for the first three years following permit amendment and from time to time as required by the County. The report shall include the number of half days that the auxiliary site is used in a year and the number of notifications.

These provisions are incorporated into staff's recommended amendment to condition II.G of permit 131132, which is attached as Exhibit W and inserted below:

G. The property owner/applicant shall notify the Planning Department within 5 days of receiving approval from the Watsonville Airport Manager to land skydivers at the airport. At that time Except as provided by this Condition G, all skydive landings shall be made at the Watsonville Airport. APN 049-091-24 may be used only as an auxiliary landing site during times when the airport landing area is temporarily closed by the Airport Manager, unless a request is submitted by the applicant and approved by the Zoning Administrator to allow for additional landings at this the auxiliary landing site. The airport landing site is considered closed by the Airport Manager when closed by direct action of the Airport Manager, or when the Specialized Aviation Services Operator, or the USPA appointed safety and training advisor, or the pilot in command of the jump aircraft observe conditions that make the Airport Parachute Landing Area unavailable for intended operations. The property owner / applicant shall mail or email notifications to neighbors and any other parties requesting notification, at least 48-24 hours in advance of landings occurring, except for neighbors who request not to be notified. Notifications shall not exceed 30 per year. Landings shall not exceed 24 half-days per year; a half-day is defined as a landing at any point before noon or a landing at any point after noon. If one or more landings occur both before noon and after noon on a given day, that is equivalent to two half-days.

- (1) The operator shall provide to the Santa Cruz County Planning Department an annual use report in January of each year for the first three years following permit amendment and from time to time as required by the County. The report shall include the number of half days that the auxiliary site is used in a year and the number half-days for which neighbors were notified, whether the site is used or not.
- (2) If the operating permit for use of the airport Parachute Landing Area is terminated by the Airport Manager or other authorized party, the auxiliary landing site at 515 Calabasas Road shall no longer be used as a parachute landing area until such time as the airport permit is renewed or a new permit issued. If use of the auxiliary site at 515 Calabasas Road should cease for three out of any five year period, permit 131132 shall become void and no further use of the auxiliary site may occur until such time as a new permit may be issued and rendered effective by the County of Santa Cruz.

As noted earlier, the operator proposed additional measures to obtain more universal compliance with prohibitions on yelling and screaming during landing activities. The operator also proposed measures to reduce inadvertent fly-overs of neighboring properties by prohibiting use of the auxiliary site on high wind days (greater than 25 m.p.h.). Staff recommends that these be incorporated into the draft amendment, as modifications of condition I.D of permit 131132, as follows (Exhibit W):

D. The following language shall be added to the existing signage in the Skydive Surf City main office and shall be added to the waiver or contract that is signed by the customer prior to the skydive: No noise above a normal speaking level is permitted when under the parachute."



*The applicant shall submit photos of the revised signs and a copy of the revised waiver / contract to the Planning Department for review and approval prior to exercising any rights granted by this permit. In addition, the applicant shall implement the following measures to minimize noise:*

- 1. Place warning signs in the training plane and jump aircraft stating the following: No noise above a normal speaking level is permitted when under the parachute.*
- 2. Require clients to sign a section of the waiver agreement where the client must specifically agree to the prohibition against yelling and screaming.*
- 3. Require training instructors to remind jumpers of the noise restrictions in every training session.*
- 4. Prohibit use of 515 Calabasas Road when winds are stronger than 25 m.p.h. from the west.*

The findings proposed for the permit amendment (Exhibit X) are in addition to, and do not replace, the findings for the original approval of Permit 131132. In any areas of disagreement, the amendment findings in Exhibit X shall apply.

## **Conclusion**

The Planning Commission on March 22, 2017 approved a "Resolution of Intent to Amend Permit 131132," providing until June 14, 2017, for the operator to demonstrate that the use of 515 Calabasas Road as an auxiliary site will both comply with the conditions of approval of Permit 131132 and reduce the noise, disturbance, visual intrusion, proximity of skydivers and reduced privacy associated with the skydiving activity to a level that is determined by staff and this Commission to "complement and harmonize with" the residential land uses adjoining the Calabasas landing site and abate the public health impact and nuisance. Based partly on information provided by the applicant on information from other sources, County planning staff have recommended an amendment to Permit 131132 that will improve noise control, eliminate high-wind days and reduce the overall use of the auxiliary landing site to 24 half days per year, the equivalent of 12 days. This substantial limit on the use of the auxiliary site, which refines and reduces the operator's proposal, will minimize accidental fly-overs, minimize noise and greatly limit overall activity at the auxiliary site.

As proposed and conditioned, the project will complement and harmonize with the neighborhood and abate any health hazard or nuisance associated with excessive recreational use of the Calabasas landing site. The amendment is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit X ("Findings") for a complete listing of findings related to the above discussion.

## **Staff Recommendation**

- Determine that the proposal is exempt from further Environmental Review under the California Environmental Quality Act, per attached Notice of Determination for Permit 131132 Amendment (Exhibit V).
- **APPROVE** the proposed Amendment of the conditions of approval of Permit 131132 (Exhibit W), based on the attached findings (Exhibit X).

**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: 

Jerry Busch  
Santa Cruz County Planning Department  
701 Ocean Street, 4th Floor  
Santa Cruz CA 95060  
Phone Number: (831) 454-3234  
E-mail: [jerry.busch@co.santa-cruz.ca.us](mailto:jerry.busch@co.santa-cruz.ca.us)

Report Reviewed By: 

Steven Guiney, AICP  
Principal Planner  
Development Review  
Santa Cruz County Planning Department