

# Cypress

## Environmental and Land Use Planning

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## *Summer Newsletter*

### *July 2012*

Greetings, and a Happy Summertime to You!

In this edition of my newsletter:

- [Cypress Environmental Certified as a Green Business!](#)
- [Going Beyond Green with Regenerative Design](#)
- [Cypress Helps Neighbors Resist Unpermitted Grading Project in Aptos](#)

### My Website

I revised my website in December. If you haven't had a chance to visit it yet, I think you'll like its many new features. They include a webpage on FAQs and other resource information, links to my [Facebook](#) and [LinkedIn](#) pages and past newsletters. To read past newsletters, just go to [www.cypressenv.com](http://www.cypressenv.com) and click on the "Newsletter" icon at the left edge of any page.

My [spring 2011 newsletter](#) introduced the concept of Regenerative Design to readers. The second article below goes into more depth on the topic. I hope you find it interesting and useful.

Cypress Environmental and LUP is now Formally "Green".

(See next page)

## Cypress Environmental and LUP is now Formally "Green".



This past May, my business was certified as a Green Business by the Monterey Bay Green Business Program. This certification is awarded to businesses that can demonstrate their business practices meet a long list of sustainable criteria. Certification verifies that businesses meet higher standards of sustainable practices, including conserving resources, preventing pollution, minimizing waste, and reducing their carbon footprint. The umbrella organization, the California Green Business Program, which is a partnership of government agencies and utilities, is an outgrowth of AB 32, the State's Climate Action Law. It is administered by the Department of Health Services; but all local and regional programs, including the Monterey Bay Area Program, are administered locally. A full listing of Green Businesses can be found at [www.montereybaygreenbusiness.org](http://www.montereybaygreenbusiness.org). Many other states have Green Business programs as well. Cypress is proud to join the ranks of other Green around the Monterey Bay.

Kim receives his Green Business Certificate from the Monterey Bay Green Business Program

## Regenerative Design: Going *Beyond* Green



An abandoned pier that has been "regenerated" to become both a scenic feature that attracts visitors and stimulates the local business economy and a new habitat area that attracts wildlife. (Courtesy of Biohabitats, Inc. website)

### What is Regenerative Design?

Over the last decade the concept of sustainability or "going Green" in planning, architecture and construction has moved quickly from virtual invisibility to common acceptance and implementation. This is a positive trend, but what about going beyond the current practices of sustainability? Is that possible? Yes! That's what Regenerative Design is all about. The laudable goal of sustainable development is to satisfy fundamental human needs today without compromising the possibility of future generations to satisfy theirs; but Regenerative Design takes things an important step farther. The end-goal of Regenerative Design is...

*...to implement development in a way that redevelops systems with both sustainable attributes and features that mitigate for past excessive use and destruction of resources.*

Using the Regenerative Design approach, lost or substantially damaged systems can ultimately begin "regenerating" back into existence. It is a model based on respect for limited natural resources *and* the need to heal damaged ecological processes to catalyze a mutually beneficial relationship between development and the land. In other words, it is an approach to development that gives life back to the system. In other words, a Regenerative Design project is one that not only preserves important resources on the site them but enhance them (or other site resources) to compensate for past losses. Regenerative Design can also include features that regenerate the local economy and the human spirit as discussed below.

## Are Development Projects Also Using Regenerative Design?

There are several development projects across the U.S. that have decided to go beyond Green building practices and incorporate RD. One example is Baltimore Gas & Electric Company's Spring Gardens Facility campus which is located within a densely populated area of downtown Baltimore. The site is situated on 72 acres on the Middle Branch of the Patapsco River, on a former abandoned industrial site. The project included re-creating the biotic habitat along the river to provide a new 5-acre, riparian buffer zone that spans a width of 100 feet and is actively managed for wildlife. The buffer zone is the longest continuous riparian buffer in Baltimore. But RD features didn't stop there. The company held an on-site Earth Day event in 2009 during which 50 employees created a pollinator garden complete with a rock water bath for use by butterflies. Monitoring has shown a variety of butterflies and bees utilizing this area. As the plants and shrubs mature, it is expected that the Spring Gardens campus will be home to even more pollinator species. This helps restore peoples' spirit with and participation in their community.

## Regenerative Design Can Occur in Many Forms: Look at Oakland's Zero Waste Program



Regenerative Design typically occurs with development projects. But its concept can also be used in designing and implementing programs. One such example of Regenerative Design is Oakland's dramatically successful waste reduction program. The program's success is in large part based on an understanding of ecosystems and the fact that in nature, there is no such thing as waste. All wastes are converted into nutrients for future growth. To make that shift on an urban scale requires a holistic approach to waste management. Oakland's waste reduction program, which began in 2006, is implemented with three components:

- Improving reuse and recycling of end-of-life products and materials;
- Pursuing re-design strategies to reduce the volume and toxicity in discarded materials and promote low-impact lifestyles; and
- Encouraging the use of discarded materials to stimulate and drive local economic and workforce development.

That third component uses "waste" to give economic life back to the system. The program's ambitious goal of zero waste by 2020 will reduce City costs for depositing refuse at the landfill.

In the first four years of the program, Oakland cut its annual landfill input by almost 30 percent - from 400,000 tons per year down to 291,000. The introduction of a composting program for organic material (food scraps and yard waste) alone led much of the progress. In 2008, organic material accounted for 48 percent of all garbage destined for Oakland's landfills. Material for compost is not just refuse, it becomes a profitable commodity that is sold and used to regenerate depleted soil.

Construction debris is also covered under the Oakland's Zero Waste Program. Like many other localities, the City of Oakland requires building contractors to submit a Construction & Demolition Debris Waste Reduction and Recycling Plan (WRRP) at the start of projects, and a Construction & Demolition Debris Summary Report (CDSR) at the end of construction to report actual volumes of diverted waste. Construction debris is separated at the job site so material that can be recycled or reused is not sent to the landfill. (See



image at right). Both the WRRP and CDSR requirements apply to all new construction, all demolition (excluding single family & duplexes), and any addition or remodel projects with construction valuation exceeding \$50,000 (excluding single family & duplexes). The WRRP must be approved by the City before the issuance of a Building Permit. The CDSR must be submitted before the issuance of any certificate of occupancy.

A leader in Regenerative Design is the firm Biohabitats, Inc. This firm has projects across the USA. You can read about their RD projects at their impressive [website](#).

## Cypress Helps Neighbors Resist Unpermitted Grading Project in Aptos. The Culprit is the Local School District



A portion of the unpermitted grading project at Aptos High School where imported fill has been deposited at a 10-foot depth to convert a natural open space area of the campus to a proposed athletic field.

When neighbors of rural Aptos High School began to experience the excessive noise and dust from major excavation activities earlier this summer they became alarmed, in large part, because they hadn't been notified of any such project occurring at the public high school campus. A quick investigation by Cypress Environmental determined the Pajaro Valley Unified School District (PVUSD) had embarked on one of Santa Cruz County's largest grading projects in several years without obtaining required grading approvals! In addition, PVUSD failed to conduct Environmental Review to determine if the estimated 20,000 cubic yards of grading could result in any impacts to the environment; including nearby residential properties! It's rare to find a public agency that would carry out such a large-scale project without the appropriate approvals or failing to conduct the required Environmental.

Review; but that's what happened. By the time Cypress owner, Kim Tschantz, began his investigation, the school district was well on its way to converting 5 acres of a natural open space area at the entrance to the campus to a standard-sized (100-yard long) athletic field for football, soccer and other sports.

The project included importing about 15,000 cubic yards of excess dirt from a Caltrans highway-widening project. This caused an inordinate amount of heavy truck traffic and repetitive back-up beeper noise in the neighborhood. The grading was occurring on land mapped as an aquifer recharge zone and within 50-feet of a wetland, without any measures to ensure future recharge or protect the wetland habitat. Neighbors, who all adamantly say they support the idea of new sports facilities at the high school, want to make sure the new facility is not being constructed at "their expense" of bearing the impacts. They are also concerned about the lack of any measures to minimize noise or night lighting impacts from the future use of the field. School officials admit the field is planned for use every weekday afternoon (weather permitting) during the school year and most Saturdays and Sundays during the spring and autumn soccer seasons. The field is planned to support both high school athletics and those of the Aptos soccer club, an organization not affiliated with the PVUSD.

*Normally, when school districts construct new facilities, they must obtain approvals from the Office of the State Architect. However, when grading occurs in the absence of any building construction, school districts are required to obtain grading approval from the city or county where the project is located (California Government Code Section 35097). The PVUSD failed to do this, and in the process, subjected neighbors to detrimental impacts.*

Cypress is now in the process of crafting a solution with PVUSD and the neighbors. After several meetings with PVUSD officials, County officials and attending several School Board meetings, Kim Tschantz, has convinced PVUSD to work with the neighbors to include environmental solutions into the project design and to do so through obtaining a Grading Permit from the County. County Planning placed a Stop Work ("Red Tag") on the project until a Grading Permit is approved. Mr. Tschantz also appealed PVUSD's earlier decision to exempt the project from Environmental Review. The County will now conduct this environmental analysis as part of the Grading Permit process.

State law allows members of the public to review and comment during Environmental Review; thus allowing the neighbors to be engaged in that process. As Kim told the School Board in June, "we hope for a win-win solution, where Aptos High gets an additional sports field but the neighbors are protected from the impacts of future grading operations and regular use of the field once the grading is completed".



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