

Cypress Environmental and Land Use Planning

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- **[Coastal Commission Agrees with Cypress Environmental and Unanimously Rejects Staff Recommendation to Deny Project.](#)**

Read the saga that addresses this question: How to best resolve a non-permitted project when removal would potentially result in more environmental damage than keeping it in place? Cypress formulated a solution that allowed part of the project to remain while enhancing adjoining protected habitat; but permitting staff rejected this idea—at first. [More Below.](#)



- **[Do You Know "Tactical Urbanism?"](#)** Get inspired with this hands on activist approach to improving the urban environment that's gaining a lot of interest. It's land use planning made fun! Interested? [More below.](#)



~ Cypress Services

The various services of Cypress Environmental and Land Use Planning are discussed on the "Services" page of my website. I can help you with both large and small projects. Please call me if you have any questions.

~ Autumn Newsletter Correction About CEQA

My [last newsletter](#) contained an article on the passage of SB 743 which amended CEQA, the State's premier environmental law. The law includes changes on how traffic impacts will be determined. I reported that the new law will remove the car-centric methodology of Level of Service (LOS) measurements *within transit priority areas* (TPA's) in CEQA analyses. This was true in an earlier version of the bill.

Scroll down just below end of newsletter to "Click to View in Browser".

Cypress Mission Statement:

Creating project solutions for you while enhancing our environment.

However, the final version of the bill specifies alternatives to the LOS impact measurement, will occur *statewide*, not just within TPA's. Thanks to Chris Calfee, legal counsel to the Governor's Office of Planning and Research, for pointing this out to me after he read my Autumn newsletter. Mr. Calfee also says that formulating alternatives to the old LOS metric is explained on his agency's [website](#).



Cypress is certified as a sustainable practices business by the Monterey Bay Area Green Business Council.

Cypress has been member of the Santa Cruz Construction Guild since 2010.



Coastal Commission Agrees with Cypress and Unanimously Rejects Staff Recommendation to Deny Project

Cypress Client Can Now Keep Retaining Walls that Stabilize Slope



The 11-member California Coastal Commission took the unusual action of *unanimously* rejecting its staff's recommendation to deny a project that was originally constructed without a Coastal Zone Permit based on the advocacy of Cypress owner, Kim Tschantz and his client, Mike Pitt. Project denial would have required an extensive grading project on a steep slope potentially threatening the nearby lagoon with sedimentation to remove a series a retaining walls totaling 339-linear feet.

The project is located on a 9,600 sq. ft. residential parcel near Santa Cruz that borders a coastal lagoon. About 1/3 of the parcel slopes downward to the edge of the lagoon including vegetation designated

as protected wetland and riparian habitat. In the 1960's the previous owner built a series of retaining walls on the upper part of the slope for slope stabilization and to convert, then unprotected, riparian habitat to a terraced vegetable garden and shed area. In 1983, Santa Cruz County adopted a Local Coastal Plan (LCP), which, among other things, included polices to protect lagoons within the Coastal Zone and specified a 100-foot wide buffer zone around the shoreline of lakes, ponds and lagoons. All development and land alteration is prohibited within the buffer zone unless findings can be made for a Variance-like approval called a Riparian Exception. The 1983 buffer zone extended into over half (57%) of the lot placing not only riparian habitat but the old retaining walls and back yard lawn within the protected area. While the LCP also recognizes pre-existing non-conforming uses as legal, it also encourages their removal over time.

- Photo above: The curved wall supports a level area that was created in the 1960's. The wall in the background will be modified by cutting its right-angled corners to conform with the slope of the adjoining yard behind that wall. -

When Mr. Pitt purchased the property in 2007, the original concrete block and wood retaining walls were failing and erosion was beginning to threaten the lagoon and adjoining hillside habitat. To solve this problem, the walls were replaced with more substantial concrete retaining walls; however, the owner failed to obtain a permit and the project was "Red Tagged" (Stop Work/Violation Notice) by County Planning staff in 2009 as it neared completion. To correct the code violation, a permit application was made by the owner and Cypress was hired to solve the client's dilemma. After three public hearings in 2011, County Planning approved the project based on several mitigative revisions formulated by Cypress Environmental; but the approval was appealed to the Coastal Commission by an individual who lived several miles away from the project site.

The California Coastal Commission has final jurisdiction over land use appeal matters within the State's Coastal Zone. Commission staff took the position that this type of project is not consistent with the LCP policy regarding the 100-foot buffer zone and should be denied. A denial would require complete removal of the already-constructed walls; necessitating substantial excavation on the steep slope to remove the foundation elements of the walls and re-contour the terraced areas to the pre-1960's slope. Useable flat areas, created in the 1960's, would be converted to unusable sloping land. At the Commission's August 2013 hearing, Commissioners sharply disagreed this was the best approach. An exasperated Commissioner Martha McClure, asked staff "is this the best solution you can come up with?!" The staff recommendation for project denial was unanimously rejected and staff was directed to work with Cypress and the property owner to craft a more workable solution.

The "more workable solution" was presented at the Commission's December 11, 2013 meeting. Staff was now recommending approval based on the same mitigative designs Cypress had formulated during the County's hearing process. The Commissioners unanimously approved the project, which included several Cypress formulated mitigations, as follows:

- Implementation of a biotic restoration plan to improve the quality of the adjoining riparian habitat;
- Removal of the most visible walls located at the top of the slope (and which require the least invasive grading);
- Colorizing the remaining walls with a permanent brown stain to blend in with vegetation; and



- Landscape screening of the walls as part of the restoration plan.

- Photo above: The edge of the 100-foot buffer is shown with the red post in the middle of the rear yard lawn. In this case, disallowing all development within the buffer would be an extreme hardship.-

The Commission's approval was based on their findings that there were special circumstances that necessitated approval of the project. Cypress successfully explained that removing the walls would generate environmental damage while maintaining the lower walls was an important method to stabilize the slope. In addition, Tschantz pointed out that when development restrictions cover over half the site area of a modestly-sized urban area lot, approving a reasonable Exception will provide the owner with a normal use of the property similar to other lot owners in the neighborhood. The Commissioners agreed. The project will still provide a buffer setback ranging from 59 ft.-- 66 ft. between the lowest walls and the shoreline of the lagoon.

[Newsletter continues on following page with the article on Tactical Urbanism.](#)

Do You Know About Tactical Urbanism?

A neighborhood wants to show there is a better way to utilize and enliven a problematic or blighted common open space but City leaders are reluctant to invest limited public funds for improvements until it can be demonstrated that the investment will pay off - both financially and socially. What's a good method that won't take years of meetings and plan preparation while minimizing expenditures? Mike Lydon, Principal at Street Plans Collaborative in New York, has a response to this question. His mission is to improve the livability of our towns and cities at a small scale using an activist approach with direct neighborhood participation using. He calls it **Tactical Urbanism**.



Before and After: A normal commercial block is *temporarily* transformed to include a dedicated bike lane, an outdoor seating "island", better pedestrian crossing and landscaping. Notice two vehicle lanes had to be removed but parallel parking remains on one side of the street--on the opposite side. Everything can be easily changed back if the new "tactical approach" is evaluated as not working or needs modification.

Lydon's approach is taking off in several U.S. cities. This new planning technique takes direct action to implement temporary low-cost skeleton pilot projects that local residents create and interact with to see if it's the right approach to reduce traffic, crime or blight in an area and generate a new investment and civic pride. Rather than spending countless hours and months on putting designs on paper for peoples'

reaction and input, Tactical Urbanism takes its ideas to the streets-literally!

Sometimes sanctioned, sometimes not, Tactical Urbanism uses “tactical” actions near the front end of a redevelopment and design process that are commonly referred to as guerrilla urbanism, pop-up urbanism, and D.I.Y. planning. “Tactical”, as in its definition of “small-scale actions serving a larger purpose”, is the basis for this new approach to type of urban revitalization.



Tactical Urbanism is a city-led approach to neighborhood improvement using short-term, low cost and small-scale manageable interventions intended to create long-term change. It stages physical changes in a neighborhood to determine how they will work before committing funds for permanent projects. It differs from guerrilla urbanism or DIY planning in that it is City sanctioned. Using a combination of neighborhood volunteers and City workers, busy streets or under-utilized large parking lots are temporarily transformed to green spaces, bicycle lanes and/or wider pedestrian

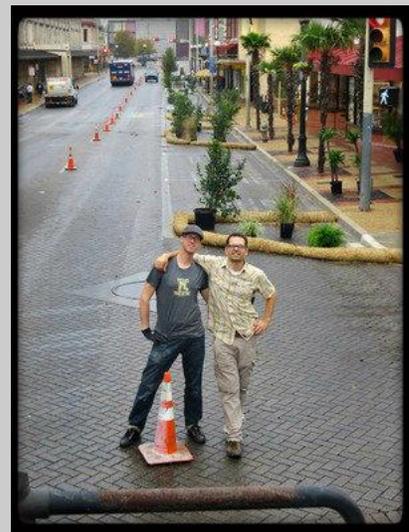
walkways with sidewalk cafes and similar uses to observe how people will use the transformed area and how re-routed motor traffic affects nearby areas. These transformations use low-cost approaches to temporarily redefine the “tactical area” including linear placement of traffic cones or sandbags to demarcate landscape islands; new pedestrian zones or bikeways. New landscaping is provided using container box trees loaned from local nurseries. Community art takes shape with local residents creating public sculptures and murals in locations designated for public congregation.

- Photo above: Morning downtown starts off with yoga during a day of Open Streets -

“Build a Better Block” is one form of Tactical Urbanism. “Open Streets” is another. [Build a Better Block](#) was founded in Dallas, Texas in 2010 by Jason Roberts, now a TED presenter. His organization focuses on revitalizing blighted or underused neighborhood commercial areas using the approaches discussed above. [Open Streets](#) closes one or more selected scenic streets to motor vehicle traffic in a community for one or two days to allow exclusive pedestrian and bicycle access. This typically results in a mobile party atmosphere that includes rollerbladers, unicyclists, clowns and booths for food and information on alternative forms of transportation. Open Streets provides residents and City leaders ideas for converting segments of some thoroughfares to alternative transportation routes and/or linear parks.

Successful Tactical Urbanism is based on these elements:

- Vision - Formulating a deliberate interaction to promote change
- Measurement- Learning what works and what doesn’t during implementation
- Agility - Small-scale actions that are easy to modify
- Value - Must create some aspect of social betterment
- Community - Involving the citizens who will be affected the change.



- Photo at right: Building a Better Block in Dallas -

A primary goal of Tactical Urbanism is to create a more vibrant, sustainable, life-affirming community that accommodates all walks of life, young and old. The direct action approach has resonated with so many neighborhoods around the USA that Tactical Urbanism is being embraced by more and more cities. Find out more by listening to Mr. Lydon explain Tactical Urbanism at [his website video](#). To get really inspired, view the [first Build a Better Block project](#) on youtube.

Please visit [my website](#) to better understand our various land use planning and environmental planning services that can help you and your project.

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