

Cypress

Environmental and Land Use Planning

P. O. Box 1844 Aptos 95001
(831) 685-1007 www.cypressenv.com

Kim Tschantz, MSP, CEP



Special Newsletter *Santa Cruz Local Edition* *June 2012*

Greetings Fellow Santa Cruz County Residents,

I'm trying something new; sending out an occasional "mini-newsletter" with information of special relevance to residents, property owners and professionals within Santa Cruz County. My regular summer newsletter, which is sent to a wider group of recipients, will go out next month. In this "mini-newsletter", you can learn about:

- The Benefit of Pre-Development Site Reviews for You or Your Clients ([Click here and go to article](#))
- The New Definition of "Reconstruction" in Santa Cruz County - Part 2 of New Ordinances Affecting Development ([Click here and go to article](#))

More About Cypress Environmental and Land Use Planning

You can always access more information about Cypress Environmental, including the archives of my past newsletters at my [website](#).

Image at right: A daytime view of Seabright Beach looking south.

Image at masthead above: The sunset view of Seabright Beach looking north at the newsletter masthead. Yes, summer weather is here!



The Benefit of Pre-Development Site Reviews

What Is It?

A Pre-Development Site Review (PDSR) is an investigation of a property and the land use regulations applied to it to determine the critical land use issues and environmental factors affecting any proposed development on that property. It is a critical pre-design step for most projects (including residential) before substantial time and money has been encumbered on architectural designs or development plans. It can tell you if your project idea is feasible or how to modify it to make it feasible.



One of the major pitfalls of new projects for homeowners and business people alike is an incomplete understanding of all of the land use issues that effect a project at the outset of project planning. As a result, when plans are submitted they are rejected by one of more agencies during the plan review process. A PSDR prepared by Cypress Environmental can help you avoid this type of costly delays and give you great ideas on how to effectively steward the land for less time and cost over the long-term.

Why Have it?

Q: Are PDSRs required by the five planning agencies in our county? **A:** No

Q: Will a PDSR save you time and money and result in a better project? **A:** Yes!

A PDSR can be prepared for any type of property or project. It will provide you with the following benefits:

- You will save significant amounts of *time and money* by gaining the knowledge of the environmental and regulatory issues affecting your property **before** you complete the design your project plan.
- You will gain a *basic understanding* of the environmental opportunities and constraints that occur on your property which affect development, such as biotic, soils and geologic issues.
- You can develop your project in a way that is sensitive to the natural resources and constraints on your land. This can *minimize your property maintenance costs* over the long term.
- By gaining an understanding the zoning and other related land use requirements that apply to your property, you will know *if your project plan is feasible* at the outset; or how it needs to be modified to make it feasible.

~ If you are selling your property, it can be an *effective marketing resource* that informs prospective buyers of the possible uses and opportunities on the site. This is especially useful for properties that have unusual shape, size or topography.

PDSRs by Cypress Environmental and Land Use Planning

As a firm with local experience and expertise in both standard land use planning and environmental planning, Cypress is highly qualified to prepare a PDSR for any type of project within the four cities and the unincorporated portion of Santa Cruz County. PDSRs can be prepared for any type of project, including a new dwelling on a vacant parcel, expansion of an existing commercial business, creating a rural retreat center or as an added sales resource when putting your property on the market. The cost to prepare a PDSR varies with the type of project and size of the site. You can find more information on Cypress-prepared PDSRs at the home page of my [website](#).

Please contact Kim Tschantz at (831) 685-1007 if you are considering a project and would like to discuss a PDSR for your specific project idea.

The New Definition of "Reconstruction" in Santa Cruz County Part 2 of New Ordinances Affecting Development

Overview

This article follows an article in my spring newsletter about new County zoning ordinance changes that affect development and construction. These changes, which were adopted in March 2012, are for the most part "friendlier" to construction. My brief article last month focused on changes on to the County's rules about "non-conforming uses and structures". This article will focus on how the County defines reconstruction of a structure and why that may be important for you.



The Term "Reconstruction" as Used in the Regulatory World

Building and Zoning regulations of most local jurisdictions, like the County of Santa Cruz, define a major reconstruction differently than a remodel and have more stringent requirements for reconstructions than for remodels. This is based on the idea that since reconstruction is typically a partial replacement or an entire replacement of an existing structure, it should follow regulations similar to those for construction of whole new buildings. Until this March, County Planning, like many other localities, used the "altered

wall" method to determine if a building project was/was not reconstruction of a structure. Under this method if more than 50% of the existing exterior walls or foundation were altered, it was "reconstruction". The County's new rules trade in the old "altered wall" method for the new "whole structure" method for projects undergoing zoning plan check. Under the new approach, reconstruction

will be based on looking at alteration of the major structural components of the structure, which includes the foundation, floor framing, exterior wall framing and roof framing.” Only when 65% of these total components are altered will County planners call the project “reconstruction”. If it’s under 65%, then it’s just a remodel.

The Existing Term for “Reconstruction” in the Building Division Will not Change

The Building Division arm of County Planning has always used another definition for “reconstruction” from that used by zoning and zoning plan checkers; and this will continue. For *building* plan check, a project is considered “reconstruction” only when all exterior walls are removed and there is nothing left but the foundation. While it may seem surprising that two divisions of the same agency have separate definitions for the same word, the next section explains why this is beneficial to builders.

Why Should Homeowners Care?

For zoning plan check, a project involving “reconstruction” subjects the builder to more requirements than the more simple remodel or addition in the following ways:

- The work must be designed to meet all current zoning standards, such as lot coverage, setbacks and building height;
- A geologic report can be required, if County Planning staff think one is necessary; and
- “Reconstruction” of non-conforming structures must get an approved Use Permit through public hearing before applying for a Building Permit.

It is widely believed that the new “whole structure” method will result in fewer building projects being considered reconstruction project. Another more builder-friendly change is that the new regulations exempt any structural alteration work needed to comply with Americans with Disabilities Act (ADA) requirements or for federal standards for rehabilitation of historical structures from the calculations used to determine “reconstruction”.

For building plan check, a complete tear down of the structure makes it a “reconstruction” project. In that case, all current fire codes, including the installation of a fire sprinkler system, are required. Fire districts will sometimes also require improvement of the driveway access, including a new fire truck turn-around area near the end of the driveway to meet current fire safety standards for reconstructed buildings. If building plan check had also adopted the new zoning definition for “reconstruction”, compliance with current fire standards would apply to more projects. So this is one instance where two definitions of the same term actually save homeowners and commercial property owners substantial money.

Conclusion

It’s important to remember that at the County, zoning plan check and building plan check use the term “reconstruction” differently. Reconstruction in the eyes of building plan check means the plans will be routed to the area fire district and the fire agency will view the project just like a new structure. Reconstruction in the eyes of the zoning plan checker is based on the new “whole structure method” and



reconstructed buildings in the zoning sense require projects to conform to today's zoning rules and an expensive geologic report. In addition, a lengthy Use Permit process will also be required for some "reconstructed" buildings. However, the new "whole structure method", that determines if a projects falls into the "reconstruction" category, will result in significantly *fewer* projects being called "reconstruction" by County planners than have previously occurred. If you want to understand more about these changes to the code, please feel free to contact me at kimt@cypressenv.com or through my Contact Page at www.cypressenv.com. Next time: The New Rules for Commercial Uses.

Kim Tschantz, MSP, CEP

Environmental Planning and Analysis, Permitting and Project Management