

Strawberry Design Review Board (SDRB)

Meeting Notes

Public Meeting – Monday, February 20, 2023, 7:00 p.m.

Meeting location: Via Zoom.
Call to order: 7:00 p.m. by Julie Brown, Chair
Board members present: Julie Brown, Chad Sparks, Penna Omega, and Matt Williams.
Board members absent: None
Other attendees: Michael Gallagher, Rebecca Lind, and Candice Bozzard (Secretary).

- **Review and approval of past minutes**

Minutes correction noted. Approval postponed until next meeting.

- **Correspondence and announcements:** As of March 1st, board members must meet in person; staff, applicants, and public can still meet electronically. SDRB will assess the technology prior to the next meeting.
- **Any Comments from the Public for Non-agenda Items:** None

Agenda Item 1: General Board Business Discussion: Countywide Plan (CWP) amendment regarding community plans, Communications and Future Agenda Items

BOARD DISCUSSION:

Board discussed the new amendments to the Countywide Plan and the impact it has to the Seminary project and “Land use.” A momentous change was the removal of the specificity clause which impacts SDRB and the ability to enforce it. Another area of concern with this revision was the change in height restrictions and density provisions. Chair Brown introduced Michael Gallagher, President of the Seminary Neighborhood and Rebecca Lind, former SDRB member and now on the Planning Commission.

Michael Gallagher (MG) first stated that he appreciated the work the SDRB does for the community. Then he went on to say that he met with Supervisor Moulton-Peters, county staff and others to clarify what the practical impacts of those amendments made would be to Strawberry area and Seminary project. The following recap was provided:

- Asked if the proposed number of housing units at Seminary were increasing staff said “no”.
- SMP and staff confirmed zoning amendments were adopted immediately in an unusual move which did not observe the customary 30-day waiting period for comments.
- Asked why the staff disregarded concerns raised by community members and Planning commission, Sarah Jones (SJ) explained staff position that CA HCD expects jurisdictions to remove impediments, constraints, and obstacles to development. Staff felt the Housing Element (HE) was more likely to be approved if fewer Community Plan amendments were required for future development proposals. She posed that blanket removal of hierarchical language was “more efficient” than individual plan changes, which would “open up everything” about those plans. SJ

maintained that Community Plans would still be looked at alongside the CWP by the County using their judgment, implying that it would be County choice as to how things are implemented.

JB posed that if height restrictions from Strawberry Community Plan (SCP) are not eliminated, but also not protected by hierarchy language, it would be the County using its own judgement as to what the heights could be in Strawberry.

MG responded that several of the supervisors he has spoken to were under the misimpression that the changes approved applied only to the HE properties, not to all properties under the CWP. The difference being that thousands of parcels, not hundreds, are impacted.

Rebecca Lind (RL) responded to Mr. Gallagher's comments and added further insight on the Community Plan amendments, Housing Element, and state law.

-She posed that a likely application of the height issue would be a ministerial review of mixed-use development with affordable units which couldn't be achieved with Community Plan heights. In this case, the county would override Community Plan limits for increased height under CWP. If neither height allowance was conducive to the project, the applicant could ask for a waiver under CA law.

-What appears unanswered is how things would proceed if there were NO affordable housing in the project.

-RL noted that the Seminary project is not part of the HE but does have an Affordable Housing (AH) overlay of 2 unspecified acres which would be eligible for newly adopted development standards and review process within the Form Based Code (FBC).

-However, there are more questions about the Seminary because while it wasn't rezoned, it hasn't been assigned a transect number under the FBC. There is also no clarity on where the 2 acres are located. She will be following up on these questions.

-The Planning commission did not receive any information on these impacts to Seminary project as it was treated as a vested project already in the pipeline. SDRB would be wise to follow this as it develops in the project.

-In response to MW questions, RL qualified FBC has been widened. Originally for HE sites listed for 2 cycles but not developed, it is now **also** for AH overlay projects.

-Additionally, County is studying a third option – which RL opposed but is still being considered. For any multifamily housing project** in the unincorporated county, regardless of whether it's in the HE or not, developers can opt into the FBC. This provides them ministerial review which means no public hearing, no CEQA, and no appeal. Strawberry is particularly vulnerable to this scenario as it has many multifamily properties.

**Projects can be 100% market rate which undermines affordability push.

-The adoption of the FBC as an alternative will reduce the number of projects coming for Design Review.

-RL noted that in order to avoid "net loss" from HE, projects that do come through with fewer units than assigned (either under density or affordability) will trigger adds to the HE list from a *backup list* to enable the county to make up the difference. In those cases, the County can draw from a list of +-5000 *backup* sites studied under the various aspects of the CEQA process. These projects may or may not fall under ministerial review depending on the thoroughness of that sites CEQA review process.

- RL noted she was the only planning commissioner to vote in favor of the HE because she felt the Planning Commission (PC) would lose its voice otherwise. She hoped to make changes to improve the HE and make it better through continued conversations and clarifications with staff.

JB asked RL what her gravest concerns were for Strawberry.

-RL noted the language about community plans was unnecessary for the HE, as they are automatically overridden under state law wherever conflict exists. However, staff expands outside the HE when it adds vague language about “the policies and programs contained within” (the HE) which are not listed or specified. So we don’t know what those are and they will be “interpreted” which is a problem as noted earlier with Michael. That gets you into waivers and concessions which really effect the project and are of concern. PC was very concerned about the Community Plan language and discussed it at length but did not get a chance to vote on it specifically, because they voted to reject the HE outright.

-SB35 will allow 80% to 100% bonus, ministerial review, and not environmental review BUT must be 100% conforming with zoning, CWP and (in Strawberry) the SCP. Seminary site is not eligible for this as it needs a community plan amendment.

-The biggest impact to Seminary project in all of this appears to be the AH overlay and how it is treated.

-Another big impact to Strawberry is the Frontage Road and North Knoll road properties. Four story limit could be five with a waiver. Projects can come in with significant density bonuses built in as state laws and inclusionary requirements converge under SB35. Projects with an 80% density bonus can argue they need greater height, less setbacks, in order to be achieved. Designation is Transect 4 which has more opportunities for variety in FBC: cutouts and set backs, townhouse like projects, etc. SDRB should ask the County for further briefing on Transects under FBC since it has been adopted.

-It is possible for projects on top of existing buildings as well. But it would be complicated to apply FBC here.

-North Knoll is a Housing Opportunity site with a large number of units designated despite its steep slope. The amount of area up-zoned raised concerns as the “floating” implications are not really understood and no one understands what happens to density assigned to undeveloped area.

-RL also noted that SB330 prevents counties from down zoning.

-RL notes that Frontage Road could be a wall of housing which would be of concern to SDRB.

-AB-2097 Prohibiting Minimum Parking: effective January 1st, jurisdictions can no longer require parking for ANY new development including commercial. Parking lots across the state are now available for development. Example at Strawberry Village, if they wanted to build in the parking lots, they would no longer be required to build replacement parking.

-These many things were not explained at all to the public.

RL closed with a reminder that being on the HE list at all has real implications going forward. The multifamily development to follow will see significant increase of FBC use under state law. Staff review will increase and projects will not go before Planning commission nor DRBs.

JB noted that Tam Valley is seriously impacted by these changes to community plan hierarchy. The TVDRB will be meeting tomorrow night to discuss their role and we are invited to attend. They may take some action as a board. We may consider our role as not only neighbors but also a broader community of design review boards and voices for the 24 community plans being impacted. We can continue this conversation in our next meeting. MW forwarded TVDRB agenda and meeting link.

Next meeting will be at Strawberry Rec. MW and CS to install smart tv for our future use in zoom.

The meeting was adjourned at approximately 8:27 p.m.