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2
3 **MINUTES OF THE**
4 **PINOLE PLANNING COMMISSION**
5 **SPECIAL MEETING**
6

7 **November 9, 2015**
8

9 **A. CALL TO ORDER:** 7:11 P.M.
10

11 **B. PLEDGE OF ALLEGIANCE AND ROLL CALL:**
12

13 Commissioners Present: Kurrent, Tave, Thompson, and Chair Toms
14

15 Commissioners Absent: Brooks, Bender, Martinez-Rubin
16

17 Staff Present: Winston Rhodes, Planning Manager
18 Nick Pappani, Project Planner, Raney Planning and
19 Management
20

21 **C. CITIZENS TO BE HEARD:**
22

23 There were no citizens to be heard.
24

25 **D. CONSENT CALENDAR:**
26

27 **1. Planning Commission Meeting Minutes from September 28, 2015**
28

29 Commissioner Thompson requested an amendment to Page 4, Lines 43 to 45 of
30 the September 28, 2015 minutes, to read:
31

32 *Commissioner Thompson expressed concern with the project and the*
33 *zoning for the property and recommended it be situated closer to Kaiser*
34 *and be more in keeping with the Three Corridor Specific Plan;*
35

36 Commissioner Kurrent stated while he had not been present at the September 28,
37 2015 meeting, he had viewed the videotape of the meeting and was qualified to
38 vote on the Consent Calendar.
39

40 **MOTION** to adopt the Consent Calendar, as amended.
41

42 **MOTION:** Thompson **SECONDED:** Tave **APPROVED:** 4-0-3

43 **ABSENT:** Brooks, Bender, Martinez-Rubin
44

45 **E. PUBLIC HEARINGS:**

1 **1. Design Review 15-13: East Bluff Apartments Physical**
2 **Rehabilitation**

3
4 **Request:** Consideration of a design review request to modify the
5 exterior of eleven existing multi-family buildings, expand an
6 existing community building by approximately 500 - 750
7 square feet, upgrade existing recreational amenities, and
8 make related improvements within an existing 144-unit multi-
9 family development.

10
11 **Applicant:** Eden Housing
12 22645 Grand Street
13 Hayward, CA 94541

14
15 **Location:** 1813 Marlesta Court, APN 401-240-032

16
17 **Project Planner:** Cindy Gnos and Nick Pappani

18
19 Nick Pappani, Raney Planning and Management, presented the staff report dated
20 November 9, 2015, and reported that the project had been presented to the
21 Planning Commission Development Review Subcommittee on October 13, 2015.
22 The Subcommittee had noted the loss of balconies, landscaping changes, lighting
23 issues, and auto and bicycle parking needs, with additional information to be
24 submitted and included with the project plans. Additional information had been
25 provided by the applicant on October 29, 2015 via a resubmittal. A condition of
26 approval had been added to the conditions of approval to provide bicycle parking
27 with the goal of a maximum 36 spaces in accordance with the Pinole Municipal
28 Code (PMC). Due to the constraints of the site, 36 bicycle parking spaces might
29 not be feasible and the condition had been written to reflect that possibility.

30
31 Mr. Pappani identified the proposed and required number of parking spaces, with
32 the project overall to provide one additional parking space. Due to the constraints
33 of the site and given the use would not be expanded, staff was of the opinion the
34 number of parking spaces would be adequate. Management had reported no
35 parking problems on-site.

36
37 Mr. Pappani recommended that the Planning Commission adopt Resolution 15-14
38 to approve the proposed design for the physical rehabilitation of East Bluff
39 Apartments, with the conditions as shown.

40
41 Responding to the Commission, Mr. Rhodes identified the current occupancy of
42 the apartment complex as fully occupied with a long waiting list. The existing
43 parking situation was deemed to be the worst case scenario. Visitor parking for
44 the complex was higher than required and had worked well for the project and
45 could be used by both visitors and residents.

1 Fifteen units would be made accessible, with accessible parking to be located
2 adjacent to those units and with the distribution to be verified during the building
3 plan check process. The use of greywater was intended for landscaped areas
4 only and not intended to be used on turf immediately adjacent to the children's
5 play area. The units were not required to be Leadership in Energy and
6 Environmental Design (LEED) certified. The applicant planned to use materials to
7 make an improvement to the 1970-era complex in terms of better energy and
8 water efficiency.
9

10 Mr. Rhodes reported that property owners within 300 feet of the project site had
11 been publicly noticed, although the existing tenants had not been notified of the
12 public hearing by City staff.
13

14 Mr. Pappani added that the potential play structure would be addressed in the
15 condition for a landscape plan and the requirement to include a design for staff
16 review.
17

18 Mr. Rhodes understood the same play equipment would be used with the
19 exception of a change to the color scheme for each play area to differentiate them
20 for use by specific age groups. He identified the location of the visitor/guest
21 parking; understood the balcony areas had been tested and water intrusion had
22 been found; and it was costly to maintain that area. He recommended that the
23 applicant clarify that information. A lighting plan had not been included in the plans
24 although a photometric plan would be required for submittal to both the Police and
25 Development Services Departments, to be reviewed and approved to ensure
26 adequate lighting in the parking lot, walkways, and play areas. He understood
27 solar would be used throughout the project site to defray the energy demand.
28

29 PUBLIC HEARING OPENED 30

31 JOANNA CARMAN, Eden Housing, Project Manager, East Bluffs Apartments
32 Rehabilitation Project, described the firm's background, an affordable, non-profit,
33 housing developer which began in 1966. Eden Housing had numerous properties
34 in the Bay Area and in Southern California, and had acquired the East Bluffs
35 Apartment project in 2010 along with seven other housing properties in the Bay
36 Area. The project consisted of 144 affordable restricted units at 60 percent
37 average median income (AMI) and below, comprised of studio, and one and two
38 bedroom units. Given that the tax credits on the property had expired, Eden
39 Housing was able to leverage a new round of tax credits in order to finance the
40 substantial rehabilitation of the property.
41

42 Ms. Carman noted that Contra Costa County had also approved \$2 million in
43 Community Development Block Grant (CDBG) funds for the project, and Eden
44 Housing would assume the existing loans on the property including a loan from the
45 Pinole Redevelopment Agency.

1 Ms. Carman reiterated that the proposed improvements included the replacement
2 of all windows due to water intrusion; a large landscaping overhaul with irrigation
3 retrofit and greywater usage; 15 units to be made accessible; solar panels and
4 solar thermals in the laundry rooms; and the repair of out-of-date boilers. The
5 solar panels would offset the property costs, not individual tenant bills; the third
6 story units would still have a patio/balcony and the decking of the units of the three
7 story buildings will be the only units affected as other buildings do not have the
8 wooden decks on the first floor. A photometric study would be prepared and the
9 applicant would also provide motion sensor lighting at the rear of the site during
10 short periods of time given the proximity of the creek.

11
12 Ms. Carman clarified the parking demands for affordable versus market rate units,
13 and noted the excess parking availability with visitor parking scattered throughout
14 the site. During the rehabilitation process, residents would experience temporary
15 relocation given the replacement of the stairs to the units, and a Relocation
16 Consultant would manage the site. Temporary relocation would be provided either
17 through short-term apartments or an extended stay facility off-site. It was
18 anticipated residents would need to be relocated for at least a month. The
19 replacement windows would be double paned; sliders would be the same size as
20 the adjacent windows; the complex included a community room which was
21 currently being used for the property management office; and an after school and
22 digital connector program would be improved with a computer room, offices, and a
23 larger community room.

24
25 Ms. Carman described the play areas and the mail box areas; identified the
26 centralized satellite dishes; explained that management was considering options to
27 accommodate storage since balconies were not meant for storage; described the
28 bicycle parking; and reported that residents had been notified of the proposed
29 improvements through a resident meeting on-site and via mail advising of the
30 temporary relocation and tenant rights. Additional lighting would be added on the
31 pathways; the staff parking area would be west of the community building; and
32 although a resident meeting had been held to advise residents of the proposed
33 improvements, residents had not been informed of the plan to remove balconies
34 given that the project had yet to be approved by the City. Because of ongoing
35 maintenance issues with the balconies, the lack of a budget for continual repairs,
36 and due to the affordable status of the complex, the balconies would be removed.

37
38 SYDNEY MOE, Ferrari Moe, LLP, Forensic Architect, described the concerns with
39 the balconies, particularly with respect to dry rot, and reported that the windows
40 and the sliding glass doors had been actively leaking.

41
42 Commissioners expressed concern that residents had not been informed the
43 balconies could be removed given the use of the balconies for the storage of items
44 such as bicycles, and there was a lack of confidence of a secure and accessible
45 bicycle parking solution.

1 Ms. Carman acknowledged a recommendation that residents be restricted to one
2 vehicle per unit but explained there was no parking issue.

3
4 As to the adequacy of parking, Mr. Rhodes suggested the undesignated parking
5 spaces not assigned to residents would result in more efficient use of the parking.
6 Limiting the number of vehicles per unit would be a private, not a City issue, and
7 would be difficult for the City to enforce. Based on information gathered from
8 staff's visits to the site, there was not a current parking problem because of the
9 size of the units, size of the households, and the affordability level of the tenants.

10
11 Ms. Carman emphasized the existing use and unit makeup was not being
12 changed. Several parking spaces had been reconfigured to meet Americans with
13 Disabilities Act (ADA) standards, and one parking space would be added.

14
15 IRMA RUPORT, 1131 Marionola Way, Pinole, spoke to the past condition of the
16 property, problems in the past with a high rate of crime, and while acknowledging
17 that Eden Housing had improved the property, suggested there could be more
18 improvement. The applicant could consider hiring a manager and assistant
19 manager to manage the property; provide a contact telephone number for after-
20 hours complaints or concerns; establish security cameras throughout the complex;
21 and ensure management verified tenants' backgrounds prior to tenancy. She
22 expressed concern with the potential for noise and other negative impacts from the
23 use of the playground areas; asked when the complex had been designated for
24 low income; suggested there was a parking issue and that many in the complex
25 were not tenants, and noted her understanding that non-tenant vehicles had been
26 towed from the site.

27
28 Ms. Ruport agreed with the conditions of approval, spoke to the issues with
29 respect to litter in the area, suggested trash receptacles be placed near each of
30 the units, and recommended the reconsideration of a Public Safety Fee which had
31 been imposed by the prior property owner. She expressed concern for the
32 removal of balconies, for loitering in the playground area, that too few residents
33 had attended the resident meeting, and urged additional resident meetings and a
34 survey of tenants to ask their opinion of the potential removal of the balconies.

35
36 Mr. Rhodes explained that the issue of playground noise had been raised by the
37 Police Department. As part of the security plan to be provided to the City, the
38 Police Department wanted to see signs posted to advise of the time when the
39 playground areas could be used pursuant to PMC noise standards.

40
41 **REBUTTAL:**

42
43 Ms. Carman detailed discussions with the City Council on the Public Safety Fee;
44 and affirmed security cameras would be installed around the site as part of the
45 long-term plan for the property and as part of the Crime Free Prevention Program.

1 Ms. Carman added that securitythe cameras would not be monitored 24/7; any
2 additional amount not needed to be paid in an annual safety fee allowed the
3 property owner to take in the mortgage which could be used for the rehabilitation of
4 the project; the property managers were part of the Public Safety Fee with regular
5 meetings with the Police and Fire Departments; and as part of the Crime Free
6 Prevention Program there would be a way to contact the property manager in the
7 event of an emergency.

8
9 Mr. Rhodes identified Condition 14 which required the applicant to provide a long-
10 term security plan. He suggested the condition be modified to add the following
11 statement: *Crime prevention measures including installation of security cameras.*
12 A condition of approval also required the emergency contact information to be
13 updated prior to the issuance of a building permit. Whether a condition should be
14 imposed requiring security cameras to be monitored by the Police Department
15 would be left to the purview of the Police Department to determine.

16
17 Ms. Carman and Ms. Moe further clarified that any complaints about noise from
18 tenants, particularly in the playground area, would be a lease violation after a
19 certain number of noise warnings. Since Eden Housing had acquired the property
20 and with better management, they were unaware of any issues. There was no
21 concern with the timeframe for the use of the playground area given that area
22 would be for younger children. It was also clarified that Building B had tuck-under
23 parking and might be able to accommodate a hanger for bicycles.

24
25 Ms. Carman reported that a 24-hour manager resided on-site and a night
26 manager, who also resided on-site, was available for emergencies. Tenants had
27 been noticed via hand mail of the resident meeting to discuss the proposed
28 improvements, fifteen households had been represented, and tenants had been
29 noticed via certified mail to advise of the temporary relocation and tenant rights.
30 Another resident meeting had been scheduled prior to the holidays to discuss the
31 proposed changes; resident meetings would be held monthly and on a regular
32 basis during the construction phase; the Temporary Relocation Consultant would
33 hold one-on-one household interviews with every unit; noticing would be provided
34 to the tenants of the construction schedule; property management staff was
35 available from 9:00 A.M. to 5:00 P.M. to address tenant concerns; and there was a
36 bullet board in the community meeting room to post additional notices. She
37 clarified that Eden Housing would cover all moving costs associated with the
38 temporary relocation of the tenants.

39
40 Ms. Ruport asked that a 1-800 number or e-mail be provided for the property
41 managers of the complex, and suggested signage be posted at the entrance to
42 announce information to the tenants.

43
44 PUBLIC HEARING CLOSED
45

1 The Planning Commission discussed modifications to Resolution 15-14, as
2 follows:

3
4 Modify the third sentence of Condition 14, SECURITY PLANS, to read:

5
6 *The long-term site security plan shall include installation and usage of*
7 *security cameras and the operating hours of the new play areas and the*
8 *community room with accompanying copies of posted community rules of*
9 *conduct to clarify property management behavioral expectations for*
10 *individuals using these community facilities.*

11
12 Modify the first sentence of Condition 17, BICYCLE PARKING, to read:

13
14 *The applicant shall submit bicycle parking details including design*
15 *specifications and cut sheets for the proposed bicycle rack for review and*
16 *approval by the Planning Commission.*

17
18 Add a new condition to read:

19
20 *Develop plan for consolidated installation of television satellite dishes and*
21 *cabling for each unit for review and approval by the Development Services*
22 *Department prior to issuance of any building permit.*

23
24 Add a new condition to read:

25
26 *Shade or weather resistant structure to be placed over the mail boxes with*
27 *a weather protected bulletin board added to the area to notify tenants of*
28 *potential actions.*

29
30 Ms. Carman explained that improvements would be made to the mail boxes, to be
31 made accessible, which would take up more space than the existing mail boxes.
32 As such, she suggested the condition be revised to allow the consideration, not the
33 requirement, of a shade structure over the mail boxes.

34
35 On the discussion, Mr. Rhodes recommended the condition be further revised to
36 read:

37
38 *Design a shade structure at the mail boxes with a weather protected bulletin*
39 *board, for review and approval by the Planning Commission, prior to the*
40 *issuance of any building permit.*

41
42 Planning Commissioners expressed concern that of the 144 units in the complex
43 only 15 had been represented at the resident meeting encouraging the applicant to
44 ensure tenants were properly noticed, not only of the relocation but the removal of
45 the balconies. Commissioners recognized the safety issue leading to the removal

1 of the balconies, but remained concerned mitigating the loss of that amenity.
2 Planning Commissioners recommended the applicant install barbeque pits near
3 the play structures, including picnic tables to make the building more livable for the
4 community. It was also recommended that another community bulletin board be
5 placed at the entrance to the complex.
6

7 STEVE ARAGO, Landscape Architect, First Carbon Solutions, acknowledged that
8 the two play areas could be expanded to include a barbeque pit and picnic tables.
9 One was intended for younger and the other older children. The play surfaces
10 would consist of rubberized top quality safety surfaces, and both areas could be
11 expanded to include community oriented amenities, although he cautioned that
12 could cause more noise. The lawn areas would be renovated with new sod and
13 new drip line irrigation, resulting in a 40 percent water reduction, with the greywater
14 system also providing a reduction in water usage.
15

16 Ms. Carman affirmed that another bulletin board could be placed at the entrance.
17

18 The Planning Commission recommended modification to the first sentence of
19 Condition 19, FINAL LANDSCAPE PLAN, to read:
20

21 *The applicant shall provide a detailed final landscape plan prepared by a*
22 *Landscape Architect for review and approval by the Planning Commission.*
23

24 Add a new second sentence to Condition 19, FINAL LANDSCAPE PLAN, to read:
25

26 The landscape plan shall include barbeque and picnic areas.
27

28 The remainder of Condition 19 to remain as written.
29

30 Planning Commissioners recommended that the applicant consider carport
31 storage at the end of the carport such as a cabinet that could be locked, to which
32 Ms. Carman commented that would create an issue with accessibility behind a
33 vehicle, and the tucked under parking did not currently coincide with the unit
34 number; however, that recommendation could be considered. She emphasized
35 the desire to ensure the units were affordable while also being of high quality.
36

37 The Planning Commission asked to be copied with the next letter issued to the
38 tenants of the East Bluff Apartments.
39

40 **MOTION** to adopt draft Resolution 15-14, Resolution of the City of Pinole, County
41 of Contra Costa, State of California, Approving a Design Review Request for
42 Rehabilitation of the East Bluff Apartments (DR 15-13) at 1813 Marlesta Court
43 (APN 401-240-032) subject to conditions, with modifications to Conditions 14, 17,
44 and 19, as discussed, and with the addition of three new conditions, to read:
45

1
2 Develop plan for consolidated installation of television satellite dishes and
3 cabling for each unit for review and approval by the Development Services
4 Department prior to issuance of any building permit;

5
6 Design a shade structure at the mail boxes with a weather protected bulletin
7 board, for review and approval by the Planning Commission prior to the
8 issuance of any building permit;

9
10 Submit a design for a new permanent community notification area at the
11 main entrance prior to the issuance of any building permit, to be reviewed
12 and approved by the Planning Commission.

13
14 **MOTION: Kurrent SECONDED: Thompson APPROVED: 4-0-3**
15 **ABSENT: Bender, Brooks, Martinez-Rubin**

16
17 Mr. Rhodes identified the 10-day appeal process of a decision of the Planning
18 Commission in writing to the City Clerk.

19
20 **F. OLD BUSINESS: None**

21
22 **G. NEW BUSINESS: None**

23
24 **H. CITY PLANNER'S / COMMISSIONERS' REPORT:**

25
26 Mr. Rhodes reported that the environmental document for the proposed CVS
27 project had been released and was available for review. In addition, the Verizon
28 Wireless application for property on Pfeiffer Lane had been scheduled for
29 Planning Commission consideration on November 16. All property owners within
30 1,000 square feet had been notified of the public hearing.

31
32 **I. COMMUNICATIONS: None**

33
34 **J. NEXT MEETING:**

35
36 The next meeting of the Planning Commission will be held on Monday,
37 November 16, 2015 at 7:00 P.M.

38
39 **K. ADJOURNMENT: 9:39 P.M.**

40
41 Transcribed by:

42
43
44 Anita L. Tucci-Smith
45 Transcriber

