



MEETING

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m. by Chairperson Bogue, followed by the Pledge of Allegiance.

ROLL CALL

Present:	COMMISSIONERS	Zermeño, McKillop, Sacks, Caveglia, Halliday, Thnay
	CHAIRPERSON	Bogue
Absent:	COMMISSIONER	None

Staff Members Present: Conneely, Gaber, Looney, Patenaude

General Public Present: Approximately 2

PUBLIC COMMENT

None made.

AGENDA

1. Site Plan Review Application No. 2002-0602 – Standard Pacific Homes (Applicant) / Acacia Credit Fund 7, LLC (Owner) – Request for Approval of the Design of 221 Single-Family Dwellings, Including a Request of a Variance of Front and Rear Yards for 2 Lots, as Phase II of Eden Shores (Commonly Known as Oliver West) – The Property is Located at 28905 Hesperian Boulevard in the RSB6 and RSB8 (Single-Family Residential) and OS (Open Space) Zoning Districts

PUBLIC HEARINGS

1. Site Plan Review Application No. 2002-0602 – Standard Pacific Homes (Applicant) / Acacia Credit Fund 7, LLC (Owner) – Request for Approval of the Design of 221 Single-Family Dwellings, Including a Request of a Variance of Front and Rear Yards for 2 Lots, as Phase II of Eden Shores (Commonly Known as Oliver West) – The Property is Located at 28905 Hesperian Boulevard in the RSB6 and RSB8 (Single-Family Residential) and OS (Open Space) Zoning Districts

Principal Planner Patenaude made the presentation. He indicated that the Eden Shores Project was approved in July of 2002. Tonight’s review application was for Phase II. He described the parks and the staff recommendation that there be tot lots in both the corner of The Cape project as originally proposed, as well as in the 2 ½ acre park in The Breakers portion of the Project. The sound wall will be extended per agreement with the environmental court decision recently reached. He then submitted his report for questions.

Commissioner Halliday asked about the single story homes in the project. She then asked about the Bay Trail through this part of the project.

Principal Planner Patenaude said the Bay Trail does not enter into this portion of the project, and is more toward the Phase I part of the project. There are trails to connect both the Sports Park and the Bay Trail.

Commissioner Halliday then asked about the wetlands mitigation areas.

Principal Planner Patenaude said they would be fenced for no entry into them.

Commissioner McKillop discussed the tot lot and its location near the flood control channel.

Principal Planner Patenaude stated that Alameda County Flood Control is along the site, which is an engineered channel. He commented that the developer preferred not to have to build the second tot lot as a cost issue for the developer. He noted that there would be a 15-foot high sound wall in that area.

Commissioner Thnay commented on the mention of the wetlands being fenced off, and wondered whether people would still find a way to vandalize it.

Principal Planner Patenaude emphasized that type of fencing which will be used.

Commissioner Thnay then asked about the depth of the swimming pool.

Principal Planner Patenaude said it would be an adult swimming pool and the developer could explain further.

Commissioner Halliday then asked about a pedestrian path from the portion of the first part of the project going from Eden Shores Boulevard to the Sports Park. She asked whether there was also going to be any access for pedestrians from this phase of the development to the Sports Park. She then asked specifically about a trail shown on the Map and whether that would be an access point for leaving the project and going to the Park.

Principal Planner Patenaude explained that the trail she was looking at was merely an emergency access, which was approved with Phase I.

Commissioner Caveglia commented that the maps were confusing. He said he would appreciate a map with all of the information on all of the phases of the project and in some perspective.

The public hearing was opened at 7:54 p.m.

Peter Dunn, Standard Pacific Homes, noted that Principal Planner Patenaude had done a good job of describing the project. He then clarified that there is no other pedestrian crossing to the other side. The difficulty is with the railroad crossing and how it will have to be fenced off for safety reasons. He then discussed the tot lot issue. He noted that the tentative map shows the parcel for open space and wetland pockets. He emphasized that they did not suggest having it as a tot lot since they would be building one in the neighborhood park. He said they wanted to give up a lot and fold it into the neighborhood park to consolidate similar activities. He said



they would like to revert back to an open landscaped area in this corner of the project. As to the depth of the pool, he said they have not finalized those details yet; however, it would be fairly standard since it is for adult swimming races and activities. He commented that it would be deeper than a wading pool.

Commissioner Zermeño asked about a small area he noticed on his plans and whether it, too was access to Eden Shores Drive.

Mr. Dunn told him that this was near the railroad as a paved emergency vehicle access road, which would be gated and secured. There would be no access through the gates. There will be no gates for children to pass through. He added in response to further comments that buyers will be told a train will run by their homes indicating also that there will be a fairly comprehensive disclosure statement.

Commissioner Halliday then asked about Lot H, which staff preferred to have made into a tot lot. She asked about the tot lot in the larger neighborhood park and whether this might not serve the neighborhood as well or better as an open landscaped space. She then noted that it was her impression that there would be a trail crossing over from this project area to walk to the Sports Park.

Mr. Dunn said the Bay Trail crosses the overpass. It will be 6-feet wide, which is wider than typical crosswalk. This, then, would go the sports park.

Commissioner Thnay commented that although he could see the trail locations, he did not see bike lanes or space available to and accessible by bikers.

Mr. Dunn commented that the streets are wide enough, and the trail is meandering and 6-feet wide as well.

Commissioner Thnay then suggested the developer install bike racks at the community center.

Mr. Dunn agreed that they could add those.

Chairperson Bogue said he thought having a gathering room at the park is an important feature but that it is a little small. He then noted other rooms in the building such as the pool support room, restrooms, showers but that there were no changing rooms and asked why not.

Mr. Dunn stated that the park is only two acres of usable space so there would necessarily have to be a number of trade-offs. As to the size of meeting place, he commented that it would be difficult to hold everyone in the community in any room. He said any larger annual meetings might be held in a rental room somewhere. He added that when they first presented it, it was smaller and staff mentioned this, so the developer enlarged it. He said since it will be a private area, people will be going to the park and pool from their homes so there should be

no need for a changing room. This is just for the community occupants themselves.

Chairperson Bogue said, even at that it would seem likely that people would want to change out of their wet clothing. He suggested they need to look at the facilities again.

Commissioner Halliday added a further comment regarding the Swim Club at which she is a member. She noted that although it too is for the neighborhood, there is a changing room in both ladies and men areas. She also suggested that the developer look for some way to put in at least one room.

The public hearing was closed at 8:08 p.m.

Commissioner Thnay suggested that staff talk to homeowners to determine the right amount of fees needed to support the upkeep. He emphasized that a too small amount would not be enough to pay for all the features. It should be determined before hand to be the right amount.

Principal Planner Patenaude said the smaller park would be maintained and controlled by the homeowners. The 5-acre park, by HARD.

Commissioner Thnay emphasized that then there should be more fees to pay for upkeep of this facility as well.

Commissioner Sacks asked about the change in conditions, which were brought to the Commissioners at the meeting, and were different from those enclosed in the packet. Some were eliminated and changed. She asked for an overview of the changes.

Principal Planner Patenaude explained that the changes were similar to the changes made in Phase I. He then went through all of the changes and revisions.

Chairperson Bogue then asked about condition 17. and the curbing at the parking lot for the pool area.

Principal Planner Patenaude referred him to Condition 33, which states it will be a 6-inch curb.

Chairperson Bogue then discussed the tot lot, the landscaping of trees and shrubs, same value of turf and lawn for maintenance.

Principal Planner Patenaude explained that the landscape information was in the packet. However, a Lighting and Landscaping District would determine the care. He noted that Area "H" would be a play area if it were not a tot lot. There would be no restriction on playing on the lot.

Chairperson Bogue then asked whether the homeowners could prohibit use of the lot as a play area at a future date.

Principal Planner Patenaude noted that if they were to change the use of the lot or restrict use



of the equipment, there would then have to be a change in the permit.

Commissioner Zermeño then moved, seconded by Commissioner Thnay, approval of the site plan review application.

Assistant City Attorney Conneely asked them to clarify the tot lot issue.

Commissioner Zermeño said he wanted his motion to include the tot lot. Our children have to have a place to play. He then said it was a good project.

Commissioner Halliday added her own general comments. She suggested they go back to tot lot. She argued that in smaller projects she was not sure that the tot lot and playground equipment belonged in Area "H". She commented that whether the equipment is there is not important since the area is there for the children to use.

Commissioner Thnay said it was important to him as a parent to have the tot lot closer to the homes. He noted that overall it is a good project, with proposed amenities to serve the whole community. He commented that it is unfortunate that there is only one access to this area. As a result no one can get out.

Commissioner Sacks then said if this project really has to be here, she was hoping for more mixed types of housing. However, this is what we have. She said she would like to echo the tot lot sentiments, and asked for a friendly amendment of applicant's request of open landscape turf area. She said she remembered being a child and how she and her brother would look forward to just playing without equipment. She said this type of play involves more creativity.

Commissioner Zermeño said he would not accept the friendly amendment. He explained that during the years he was traveling with kids, they would tend to go to the equipment. He thought the playground was better served by having equipment.

Commissioner McKillop said she would agree with Commissioners Halliday and Sacks and like to see this area remain open space.

Commissioner Caveglia suggested that Commissioner Sacks just make an amendment. However, he noted that he did not believe the EIR was adequate for the project, so he would vote no.

Commissioner Sacks then moved, seconded by Commissioner Halliday, a substitute motion to leave Lot H as open space.

Commissioner Thnay said he was under the impression that the tot lot equipment would not be available in the neighborhood park. He said that since there is still a tot lot, he liked the concept of families being together in the larger park. He said he thought this open area might

just serve the neighborhood better.

Commissioner Halliday said she would focus on the tot lot, and support the project reluctantly. She said she agreed with Commissioner Caveglia that the City of Hayward and the community would be better served not having this project here. She said she had argued that the Urban Limit Line should be at the railroad tracks. However, since the community has voted on the issue, she would not stand in the way against it. She did commend the developer for the park and the meeting room. Given the turnout for most Homeowners Association meetings, she said, it might just be adequate for the board and also the general membership meeting. She added that it is a good design.

Commissioner Thnay commented that he was unhappy about pedestrian circulation in this plan and that it is totally auto oriented. He said he recalled earlier discussions that pedestrians would be looked at more closely. He noted that in some of the corner lots, pedestrian paths could be placed between homes, 47/48 and 143/144, to the Boulevard rather forcing people to go around. The present design forces people into their autos. He suggested that staff and the developer look at improving access for pedestrians. He then added his thanks to the Hayward Area Shoreline Protection Agency for their aid in preserving the wetlands. He added that he would support the motion.

Commissioner Zermeño said he was not convinced that we could do away with the tot lot.

Chairperson Bogue added that the grade separation might be a problem for pedestrian.

The vote on the substitute motion passed 6:1, with Commissioner Caveglia voting "No."

ADDITIONAL MATTERS

2. Oral Report on Planning and Zoning Matters

Principal Planner Patenaude said there were no items to report.

3. Commissioners' Announcements, Referrals

Commissioner Halliday referred to an article in the Daily Review regarding a change for the Interchange plan. She noted that the article quoted a Caltrans official as saying the I-880/92 interchange does not need to be done. The funds should be used for the Benicia Bridge. She expressed astonishment at the amount of work which was done in this area, for it to now come to nothing.

ADJOURNMENT

The meeting was adjourned by Chairperson Bogue at 8:39 p.m.

APPROVED:

MINUTES



**REGULAR MEETING OF THE PLANNING
COMMISSION, CITY OF HAYWARD
Council Chambers
Thursday, January 9, 2003, 7:30 P.M.
777 "B" Street, Hayward, CA 94541**

Barbara Sacks, Secretary
Planning Commission

ATTEST:

Edith Looney
Commission Secretary