

**CITY OF UNION CITY  
MINUTES FOR THE REGULAR PLANNING COMMISSION MEETING  
OF NOVEMBER 4, 2004, 7:00 P.M.  
IN THE COUNCIL CHAMBERS OF CITY HALL  
34009 ALVARADO-NILES ROAD, UNION CITY, CALIFORNIA**

**I. ROLL CALL: Commissioners Anderson, Lew, Sison, Sweeney and Chairperson Savage**

**STAFF PRESENT:** Mark Leonard (Director, Economic and Community Development); Joan Malloy (Planning Manager); Tina Gallegos (Assistant Planner); John Bakker (City Attorney); Carlos Jocson (City Engineer); Kris Fitzgerald (Administrative Assistant).

**II. ELECTION OF OFFICERS:**

Commissioner Sweeney nominated Commissioner Anderson for Chairperson

Commissioner Savage seconded the motion.

AYES	5 (Anderson, Lew, Savage, Sison, Sweeney)
NOES	0
ABSTAIN	0
ABSENT	0

Commissioner Savage nominated Commissioner Lew for Vice-Chairperson

Commissioner Sweeney seconded the nomination.

AYES	5 (Anderson, Lew, Savage, Sison, Sweeney)
NOES	0
ABSTAIN	0
ABSENT	0

**III. APPROVAL OF MINUTES: The minutes of the Regular Planning Commission Meeting of October 21, 2004 were approved as submitted**

**IV. ORAL COMMUNICATIONS:**

Hugh McNamara, 32232 Mercury Way, Union City, urged people to attend the Holiday Craft Fair at the Ruggieri Senior Center on November 5, 2004.

**V. WRITTEN COMMUNICATIONS: None.**

**VI. PUBLIC HEARINGS:**

**A. CONTINUED HEARINGS:**

- 1. DRY CREEK COTTAGE AND GARDENS, MAY ROAD, Site Development Review SD-07-04; The East Bay Regional Park District is requesting approval of Site Development Review to construct a 50 car parking**

area and to allow limited public access to the property gardens through May Road. The East Bay Regional Park District, as lead agency has prepared a Mitigated Negative Declaration on the project and has determined there will be no significant effect on the environment with the incorporation of mitigation measures.

Tina Gallegos, Assistant Planner, presented the staff report.

Chairperson Anderson opened the public hearing.

Glenn Kirby, East Bay Regional Parks District Advisory Committee, spoke in support of the project. Mr. Kirby stated that approving this project would provide relief for the Tamarack neighborhood, which is being used as the main entrance to Garin Dry Creek Park.

Mr. McNamara spoke in support of the project.

Commissioner Sweeney stated that she received an email from Mr. Marcotte suggesting an alternative to the red curb lanes along May Road. She did not think it was a viable alternative.

Commissioner Sweeney stated her concerns about the visibility of the parking lot from Mission Boulevard. She suggested berming to conceal the cars in the parking lot.

Diane Althoff, East Bay Regional Park District, stated that they believe that they can now accommodate landscaping along the western edge of the parking area.

Commissioner Sweeney asked if they would be able to use landscaping when there was no water available.

Ms. Althoff replied that originally they did not think that there was sufficient funding to bring water to that area but the funding situation has improved and they should be able to do it.

Commissioner Sweeney asked if a new condition for landscaping or berming would be acceptable.

Ms. Althoff stated that it would be fine.

Ms. Gallegos stated the new condition would read “Additional landscaping and/or berming shall be required to visibly reduce the view of the parking area from Mission Boulevard”.

Commissioner Lew stated that she does not understand how May Road is going to be handled.

Ms. Gallegos stated that the extension at Whipple Road will be closed and bollards placed.

Commissioner Lew asked where is the entrance/exit to the parking lot.

Commissioner Sweeney replied that there are two roads next to each other and one is going to be closed and the other will remain open.

Commissioner Lew asked if the dispute over the fire access road has been resolved.

Mark Leonard, Director, Economic and Community Development, referred the question to the Fire Department representative.

Karl Schneider, Union City Fire Department, stated that May Road is approximately 20 feet wide between the telephone poles and the edge of the pavement. Mr. Schneider stated that the Union City Fire Department has sent a letter to Mr. Marcotte stating that the road is being designated a required fire department access lane and Mr. Marcotte will have to make arrangements to have the vehicles moved off of the road.

Mr. Schneider stated that Mr. Marcotte has been notified that this is a required fire lane and he needs to post signs to that effect. Mr. Schneider stated that East Bay Regional Parks District has already put up the new signage on their side of the road.

Commissioner Sweeney asked if the 20-foot fire lane would normally be required for the apartment complex.

Mr. Schneider replied that it would be required for the apartment complex.

Commissioner Sweeney made a motion to approve Site Development Review SD-07-04, making findings 1 - 3, with the conditions of approval as modified (New condition: Additional landscaping/berming shall be required to visibly reduce the view of the parking area from Mission Boulevard) and adopting a resolution confirming this action.

Commissioner Lew seconded the motion.

AYES	5 (Anderson, Lew, Savage, Sison, Sweeney)
NOES	0
ABSTAIN	0
ABSENT	0

**B. NEW HEARINGS:**

- NILES CANYON ROAD AND PALOMA WAY SCENIC CORRIDOR PROTECTION PLAN**, to consider a protection plan for the Niles Canyon Road and Paloma Way Scenic Corridor that addresses the types and extent of land uses that protect and retain the scenic quality. This project is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15307 and 15308 in that this project has been authorized by state law to assure maintenance, restoration, or enhancement of a natural resource and of the environment by establishing procedures for protection.

Joan Malloy, Planning Manager, presented the staff report.

Chairperson Anderson asked for a motion to appoint Commissioner Sison and Commissioner Sweeney as an alternate to the subcommittee that would review and comment on proposed development projects within the corridor that may have an impact on the scenic value.

Commissioner Sweeney moved.

Commissioner Lew seconded.

Commissioner Lew asked what the status of the draft document is.

Ms. Malloy stated that this document is being presented to all the involved jurisdictions for public comment. Ms. Malloy stated the document would then move to the councils and Boards of Supervisors and be adopted in its final form.

Commissioner Lew asked if there is an order of precedence for all the different guidelines from each jurisdiction.

Ms. Malloy stated that it would depend on which jurisdiction an action is proposed. For example, Alameda County's criteria would apply to a project in Alameda County. A Union City project would be subject to Union City regulations.

Commissioner Lew asked if that could be put that in the plan for clarification.

Ms. Malloy stated that it could be.

Commissioner Sweeney stated that she thinks that this is a wonderful thing.

Barry Ferrier, 32212 Allison Way, Union City, stated that he believes that this will be a good scenic highway. However, there is a lack of places to stop to enjoy the scenery and he would like to see that added.

Lisa Asche, County Planner, Alameda County, spoke of the possibilities of closing the canyon once or twice a year for walk-a-thons or bike-a-thons, which could be considered with a working partnership between the County, Fremont and Union City.

Mr. McNamara suggested adding historical markers for events that occurred in the canyon, especially in regards to movie making.

Commissioner Lew made a motion to recommend to the City Council adoption of the proposed Niles Canyon Road/State Route 84 State scenic highway designation protection plan by making the findings 1 – 6 and the Planning Commission adopt a resolution confirming this action.

Commissioner Savage seconded the motion.

AYES	5 (Anderson, Lew, Savage, Sison, Sweeney)
NOES	0
ABSTAIN	0
ABSENT	0

**VII. SUPPLEMENTAL STAFF REPORTS:**

**A. CONTINUED REPORTS:** None.

**B. NEW REPORTS:**

- 1. MULTI-FAMILY GREEN BUILDING GUIDELINES PRESENTATION;**  
Karen Kho, Program Manager of Alameda County Waste Management Authority, will make a presentation on the Multifamily Green Building Guidelines. The Multifamily Green Building Guidelines are provided as a public

service by the Alameda County Waste Management Authority and Recycling Board in an effort to provide environmental benefit and reduce cost.

Karen Kho, Alameda County Waste Management Authority, gave a presentation on Multifamily Green Building Guidelines.

**VIII. COMMISSION MATTERS:**

- A. Follow-up on Planning Commission referrals to the City Council.
- B. Upcoming applications for the Regular Planning Commission meeting of November 18, 2004.

**IX. GOOD OF THE ORDER:**

Commissioner Lew will not be present at the next meeting.

- X. **ADJOURNMENT:** 8:25 p.m.

**APPROVED:**

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**ROSEMARY SAVAGE, CHAIRPERSON**

**ATTEST:**

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**MARK LEONARD, SECRETARY**