

MINUTES
ALAMEDA COUNTY PARKS, RECREATION AND HISTORICAL
COMMISSION ORDINANCE PROJECT WORKSHOP

Thursday, February 7, 2008
224 West Winton Avenue, Room 160
Hayward, CA
(Approved March 3, 2007)

I. Call to Order – Roll Call

The meeting was called to order at 7:09 p.m. by Commissioner Allen, Chair.

Commissioners Present:

Annalee Allen
Marie Cronin
James Loughran
David Sadoff
Julie Machado
Harry Francis
Dennis Waespi

Commissioners Excused:

Ellen Wyrick-Parkinson
David Tam
Stephan Sanger
MaryAnn McMillan
Al Minard

Guests:

Staff Present:

Chris Bazar
Angela Robinson-Pinõn
Nilma Singh

2. Welcome and Introduction of PRHC, staff, consultants, officials present. The Chair welcomed all and introduced the Commission, Chris Bazar, Planning Director and staff—Ms. Robinson-Pinõn.

3. Project Background and Context Mr. Bazar thanked all for their attendance. This hearing is to receive public comments and input. The Ordinance is a goal of the BOS and PRHC and is a common tool used by other jurisdictions also. Members of the Supervisors' staff have been invited to this hearing and he further introduced Seth Kaplan from Supervisor Miley's office. This is only a draft and early in the public process. Similar meetings will be held with Castro Valley Municipal Advisory Council, San Lorenzo Village Home Association, East County--Sunol Advisory Council, Subcommittees, Planning Commission, and finally with BOS. He further discussed the purpose of the Inventory, CEQA concept, the Ordinance which is currently in a draft form; and the benefits--County (local), State and Federal. Ms. Robinson-Pinõn described the notification process which includes both site addresses and contact addresses and if additional or different address is necessary, she urged all to submit them. There will be a East County meeting also with the date, time and place yet to be determined. The Chair announced that the Draft List is available in the rear of the room.

4. Project Overview – Matt Davis, Carey & Company, with a power-point presentation, discussed the following in detail: Survey---completed and remaining work; Historic Preservation --significance, integrity, components, CEQA; the Ordinance; County Register of Historic Resources; addition and removal of a property from the Register; types of alterations subject to/not subject to review; Secretary of the Interior's Standards; incentives and the timeline. He also added that 2/3 of the 50 DPRs have been completed and a draft will be submitted by March 1st, 2008. Staff announced that copies of the Timeline is available for the public in the rear of the

room and further noted the different dates and deadlines. Commissioner Francis requested information on the incentives. Mr. Davis indicated that incentives were discussed during his presentation.

5. Public Comment on the Draft of the Historic Preservation Ordinance and Register.

Benjamin Cantu, 415 N. Main Street, Manteca, said he was representing the Pestana Family, property owners of 1578 East Avenue, whose property has been listed as a Structure of Merit. The Family has indicated that they do not wish to be included in this program.

Kent Hoggan, property owner at 27745 Palomares Road, Castro Valley, stated that he had not been aware that the outbuilding on his property was a water tower. It was remodeled several years ago as a two-bedroom unit and does not resemble a tower. It is not visible from any public right-of-way the street with no access. Currently, the part of the outer wall needs considerable repair. He did not want to be part of the List. Any restriction placed on properties will decrease property values. David P., co-owner, said that they were not totally sure which structure is being considered, perhaps the barn which has been affected by the creek. They had not received any notification until a few days ago which was from a neighbor and noted that the public comment period is almost over. Mr. Bazar explained that although notices were mailed, he urged all that did not receive one to submit their information to staff to ensure receipt of future mailings. At the end of the hearing, comparisons could be made with the mailing list. Mr. Davis noted that this address is listed on both the Structure of Merit and the Landmark List and clarified that it should only be on the Structure of Merit List. He apologized for the misaddressing of Smythe House/Bonnie Doone Ranch which is further up the street adding that corrections have been made.

Jim Panico 3115 Sunshine Place, Castro Valley said that he also owns the property at 16874 Cull Canyon Road, which is #10 on the List. He did not wish to be on this List. He felt that inclusion on the List should be on individual basis where the property owner is allowed to enter a historical contract; and the 50-year threshold is too short but perhaps 100 years. His barn was built four years ago according to all building/seismic codes, to only look historically significant to the area. The Chair requested clarification on seismic upgrades on historic designations and the rationale for 50 year criteria. Mr. Davis explained that there is no significant difference on the seismic retrofitting requirements for historical buildings but only reduces the liability; and the 50-year criteria is a minimum threshold.

Leslie Hatakeda, property owner at 2059–150th Avenue, San Leandro, stated that his property is on the Structure of Merit List. Since the old wooden homes are pricey to paint, he is planning to put aluminum siding and replace his windows. He asked for the criteria/his limitations. Staff replied that there are no limitations for properties on the Structure of Merit List.

Ted Braga, 1074 and 1086 Delano Street, which has the 100+ year old red barn that has never been painted and is falling down, with two houses which is not habitable per today's living. He is living in one of the houses while remodeling the other. Although he agrees with the preservation of older homes, he did not wish to be placed on any list.

Lawrence Clark, 17272 Redwood Road, stated that since there are a lot of buildings on his property, he was sure which one is listed. He requested removal of his property.

James Coleman, 21026 Montgomery, said he has spoken before in opposition and recommended adding the words "at owners' approval". He also requested clarification on Mills Contract Act. Mr. Davis referenced Section 9, page 41 adding that it is a State program for owners of historical buildings to enter into an agreement with the local government not to make any changes that

would compromise the historical significance for a ten year period. In return, the owners receive a property tax abatement. Staff added that the State web-site indicates 40-60% abatement and the Chair announced that City of Oakland has just begun their own Mills Act program.

4760 Collier Canyon Road property owner, Behzad Varnstek, stated that his property currently has no dwellings although he has plans to subdivide. Staff will double-check this listing.

Marco Meniketti, 19083 Santa Maria Avenue, said that he had received notification. He did buy his property because of the historical structure. Although he supports and approves the process and the goal, the Ordinance needs further work. He also felt that this could be worked out for the benefit of all.

Jason Preece, 10366 So. Flynn Road, said that although he is affected by this Ordinance, he was not sure if he supported or opposed it but agreed that the Ordinance still needs work, such as an addition or removal to the List. The Ordinance should be flexible to allow change with time, i.e. 50 year criteria; viability of the owner to live in the structure whether or not it is adequate and/or add to the house without CEQA process; be less invasive into the rights of the property owners. The County is reviewing its Secondary Unit Policy and he felt that the Ordinance should address this and supersede how this Policy comes out.

Virginia McCullough, 86 Kilkare Road, Sunol, asked if the Commissioners file the FPPC Economic Interest Forms and how long this Commission has been in existence. Sunol has had the most experience with the County who has given them a gravel pit, an asphalt plant, a tourist train which has been relocated twice and is now on this List including the Kilkare Club House. The citizens also had submitted a 5700 signature petition to stop a hillside development. She has owned her home for 30years and did not want to be on the List. Mr. Bazar, in response, confirmed that the Commission does file individual Economic Interest Forms and thought that it has been in existence since 1986 since he did not have a copy of the By-Laws. The Chair added that each Commissioner is a volunteer appointed by their Supervisor who can appoint up to three appointees. The Ordinance, once adopted, will include the qualifications required.

Lucia Soares, property owner of 22913 Meekland Avenue, Hayward, asked if owners have access to the reports on their properties. Although she has twice requested that her property be removed, it is on the List. Mr. Davis explained the Draft 50 DPRs will be completed by end of this month which consists of two pages, the first which describes the property and the second describes the historical significance. The Commission will then review the List, make changes if necessary before it can be available to the homeowners. Ms. Soares suggested that the County could take the adobe structure. Mr. Bazar replied that he will check with County Counsel and perhaps have an answer at the next meeting. She also asked if there is a set of specific directions to have a property removed from the List and which Supervisor to contact, the district in which the property is located or the district where she lives. She invited the Commission to a site visit. Mr. Davis said it is under Article 4, Section 7, Pages 20-21. Mr. Bazar added that there was not a need to go through a formal process yet since it is a Draft List only and she could write to both Supervisors.

Jim Baker, property owner at 341 Kilkare Road in Sunol, said that his property is on the Register. He requested that the future owners be notified if the property is on the List before purchase. Mr. Bazar agreed that the option should be explored.

Marc Crawford, property owner at 3832 Somerset Avenue, Castro Valley, pointed out that there is no appeal to get off the Draft List. He was unsure why his house was on the List and asked what will happen to the remainder of the properties (apart from the 50 with DPRs) or when will they be

notified of the reasons. Mr. Bazar replied that all property owners will be notified/provided with feedbacks. He expressed concern since he is planning improvements including window replacement and exterior walls. Mr. Crawford felt that Section 7, Commission Duties and Powers, #D, Page 10 is too broad and expressed concern with #L on page 11 as this Commission is an advisory body only. He also felt that this was a 'power struggle'. Although he supports historic preservation, some of the properties on the List have developmental potential and he thought that this Ordinance has an anti-development component. There needs to be some burden on the County and/or this Commission to tell the owners what the historical significance is on their property which has not been done. The Chair re-iterated that this is an advisory body with volunteers. The process has been started at the request of the Board of Supervisors. Mr. Crawford also expressed concern with Structure of Merit, page 17. Mr. Bazar explained that the historical reports are required by State under CEQA and pointed out that all decisions are appealable to the Board of Supervisors who has the final decision.

David Stark, Public Affairs Director of Bay East Association of Realtors, 7901 Stoneridge Drive, Pleasanton, stated his concern with the impact on private property rights, specifically including the rights of land use, modification of properties and relocation of private properties. The Draft Ordinance includes very loose and inconsistent use of technical historical preservation terminology that does not reflect equal treatment of resources including buildings, landscapes and sites but biased towards structures. Some requirements are stricter than the State or Federal requirements. There is no clear or specific implementation timeline, no step-by-step nomination process for addition, properties identified in prior surveys without any structure will be grandfathered in. These will all have a major impact on private property rights and asked if property owners had been notified that they were being surveyed. There are also no instructions to post-designation reviews, additional reviews, alterations, relocation or use change or demolition and felt that there is too much control over interior changes for privately owned properties. The nomination process is too broad, the process for removing properties is very complicated and potential political especially for properties that could be 'grandfathered' in. Mr. Stark asked why consultants were hired prior the adoption of the Ordinance which would have established the historic preservation standards. The Draft Ordinance lacks certainty for property owners, level of regulations, and impacts property values, use of property and calculation of renovation expenses. He will be submitting written comments in support. He urged that the Board of Supervisors adopt an Ordinance and then create a list of properties.

Josh Candle, General Manager, Chabot Cinema, 2852 Castro Valley Boulevard, said that he was neither in support nor against the Ordinance. He pointed out that although they would like to make improvements and install upgrades, but unable to due to restrictions and regulations. There needs to be some exceptions, especially for businesses that are affected. There is much anger as there have not been specific answers to questions. He urged the Commission to consider on a case by case basis.

Frank Mitchell, 752 Bockman Road, San Lorenzo, asked how many Commissioners live in the unincorporated areas and have historical homes. It had taken him five years to develop his property. His concern is the increased costs which will have no mitigation. Being on the historical register will not increase the property value. There should not be a restriction to do any legal modifications on a property. He felt that this is a 'bad' Ordinance.

Wunam Lin, property owner at 6390 Grassland Drive, Castro Valley, asked for the specific criteria which places his property on the List. Mr. Davis explained that most the properties on the Structure of Merit List were placed through the recognizance survey process, a site survey, done in 2006, that identified properties based on design characteristics only. They have not gone through

the same level of analysis that the Landmark properties have. Mr. Lin, in response, requested that since there are no specific criteria, his property be removed from the List. The property values will not increase and if they decrease, Mr. Lin requested that the Ordinance clearly states how it will compensate.

Patricia Kawalski, co-owner of 21001 and 21003 Mission Blvd, requested that her property be removed from the List as modifications/improvements with permits have been installed to completely alter the inside and outside 35 years ago. The design has been completely changed and is no longer a house. The upgrades have added to the neighborhood and resulted with increased taxes. She felt that this was not the time for this since the home prices have dropped and less money is coming into the County, resources should be focused on parks and recreation. If properties are not adequately upgraded/developed, future deterioration will occur and owners will lose incentive to up-grade.

Ralph Watkins, 21003 Mission Blvd, Hayward, felt that the biggest problem is the lack of communication and lack of specificity. In reference to homes in Cherryland, the property owners cannot afford the up-grades and Mr. Watkins asked who will pay for the difference in cost. Mr. Bazar replied that the Ordinance does not include the mechanism and the County currently does not have the program in existence.

BJ Coleman stated that she owns three properties 912, 926 and 944 St. James Ct, in Castro Valley and she lives on Montgomery. She has not received any notification. She concurred with all the previous speakers. Staff requested that Ms. Coleman meet with staff to confirm her information on the mailing list. Ms. Coleman then confirmed that she had received two letters this time but none previously. She had bought her property in an area where there was no home association to put restrictions on her property.

Julie McCullough, 86 Kilkare Road, Sunol, said she loves her Victorian house and felt that owners need a choice. She asked if all owners who do not want to be on the list submit a petition and who will gain from this. Mr. Bazar said yes, a petition can be submitted. The Chair reiterated that the Commissioners are volunteers but receive travel vouchers. Staff added that she has not received a response from County Counsel regarding the release of property owner names but the address list is available on the Draft Register.

Nuu Tuimoloau, said he was representing his mother and his property, an apartment complex, was not on the list. They do not support being on the list and although his property is well kept, there is nothing historical about their property.

Jim Coleman, 21026 Montgomery Street resident, said he had attended the last meeting and asked why residents come to this Commission when the Ordinance has not been adopted. Mr. Bazar explained that this Commission has authority on an advisory basis and there is an existing old Ordinance. Commissioner Sadoff replied that this is why an Ordinance is needed.

Public testimony was closed. The Chair thanked all and announced that the next meeting will be in March, 2008.