

**MINUTES**  
**ALAMEDA COUNTY PARKS, RECREATION AND HISTORICAL**  
**COMMISSION**

**Thursday, March 6, 2008**  
**East Bay Regional Park District,**  
**2950 Peralta Oaks Court, Oakland, CA**  
**(Approved April 3, 2008)**

**I. Call to Order – Roll Call**

The meeting was called to order at 3:40 p.m. by Commissioner Allen, Chair, who requested Commissioner Sadoff to chair the meeting.

Commissioners Present:

Annalee Allen  
MaryAnn McMillan  
Al Minard  
David Sadoff  
Julie Machado  
Harry Francis  
Ellen Wyrick-Parkinson  
Dennis Waespi

Staff Present:

Liz McElligott  
Angela Robinson-Pinõn  
Nilma Singh

Commissioners Excused:

Marie Cronin  
Stephen Sanger  
David Tam  
James Loughran

Guests:

Louis D’Ambrosio, The Wine Group  
Steve Forrester, The Wine Group  
Garrett Drummond, Livermore City Historian,  
David Stark, BayEast Assoc. of Realtors

**I. CALL TO ORDER - ROLL CALL**

**II. APPROVAL OF MINUTES – Minutes of February 7 Regular Commission meeting and February 7<sup>th</sup> Workshop.** *Commissioner Waespi made the motion to approve both February 7<sup>th</sup> (regular and workshop) Minutes as submitted. Commissioner Francis seconded, which carried unanimously.*

**III. OPEN PUBLIC FORUM - Any member of the public may address the Commission on a matter not on the regular agenda. No discussion or action may be taken on these items.** *No one requested to speak*

**IV. CHAIR and STAFF REPORT(S):** *These items include information and discussion by the Commission:*

**A. CHAIR REPORT –** Commissioner Allen distributed sign up forms/invites to meet Richard Moe, head of National Trust Historic Preservation, Washington, D.C., on Thursday, March 27 at the First Church Christ Science, Berkeley at 7:30 p.m. He will be joined by John Carroll, SF Chronicle columnist. Proceeds will benefit the restoration of the church. Additional information is available upon request. She also announced that Peralta Hacienda in Oakland, in conjunction with their second Saturday event, International Ends of Trail, will hold family activities on Alameda County ranchers.

**B. STAFF REPORT –** *None.*

**V. OLD BUSINESS** – *All old business will include information, discussion and/or action by the Commission.*

**A. Highland Hospital Update** – Staff noted that cd copies of the DEIR were included in the Commission packages and there are only two hard copies of the DEIR available. In response to Commissioner Allen, staff noted that the comment period ends on April 10<sup>th</sup>. Individual comments can be submitted to Bruce Jensen, Project Planner or through a subcommittee reporting first to this Commission at the next meeting, April 3<sup>rd</sup>, followed by a letter on behalf of the full Commission. The Chair added that there is another opportunity for a site visit on Monday, March 10<sup>th</sup> with City of Oakland Landmark Committee. Staff requested that Commissioners notify her if interested in the site visit referencing Brown Act issues. Commissioners McMillan and Sadoff volunteered for the Subcommittee.

**B. Commissioner Recruitment** – *None.*

**VI. NEW BUSINESS** – *All new business will include information, discussion and/or action by the Commission.*

**A. 4590 Tesla Road – The Commission will discuss a proposed Relocation of a home.** Ms. Robinson-Pinõn presented the staff report and in response to Commissioner Minard, confirmed that the gazebo will not be relocated. Louis D’Ambrosio, Applicant introduced Steve Forrester, project architect, who explained that the structure will be turned at a 45 degree angle and pointed out the relocation area on the map. Commissioner Allen noted that a re-location and/or a re-orientation may result in losing Mills Act contract benefits. Mr. D’Ambrosio stated that he was unfamiliar with the Mills Act and at his request, staff provided additional information. Mr. Forrester added that the structure is not original to the property but was moved in 1967. The proposal is to move the structure from Tesla Road to an inside private entrance, still facing Tesla Road with the vineyard in front, to avoid vandalism; all windows will be replaced with similar wooden ones and the structure will be used for private use. Commissioner Minard explained that if listed as part of the historical complex, the structure will be eligible for historical building codes and urged the Applicant look into this.

Garrett Drummond, Livermore City Historian, provided the following background history: Although construction began in 1894, the structure was not occupied until 1896 by the Gordon Family. Dorothy McNielsen bought the house and relocated the second floor of the tower to its present location. The house has been vandalized numerous times and the Applicants are willing to repair it to its original condition. As such, he urged an approval.

In response to Commissioner Machado’s concern for increased vandalism at the new location, Jim Ryan, Estate Manager, explained that the house will be placed inside the fence and will have the presence of security guards from the adjacent bottling center which operates from 6am to 6pm. In response to Commissioner Minard who asked for the reasons of the new orientation, Mr. D’Ambrosio explained that house, with its wrap-around porch facing Tesla Road, will used as a backdrop for Shakespeare plays.

*Commissioner Waespi made the motion to accept staff recommendation and Commissioner Francis seconded. Motion carried unanimously.* Commissioner Machado requested that staff recommendation should be part of the staff report in future.

**B. 19745-19755 Meekland Avenue – The Commission will discuss a proposed demolition.** Ms. Robinson-Pinõn read the staff report. Commissioner Machado pointed out that there are three addresses but only two residences--#19759 is attached directly to the house. Staff said she would have to check with the project planner. Commissioner McMillan said that she had visited the site today but was confused due to the lack of addresses. Staff noted that per project planner, the blue and green houses will be demolished, the photographs of which were included in the Commission package. However, the matter could be continued for further clarification.

Frank Mitchell, property owner at 752 Bockman Road, said that since his property is in the same neighborhood, he was interested in the development of the subject property. There are two older houses in the front and without their removal access to the large rear lot is not possible. The additional house # was probably issued to the old jeep business. Affordable housing at this location would be a benefit which Commissioner McMillan agreed. In response to Commissioner Sadoff, staff confirmed that a title report was not requested. Commissioner Minard recommended a continuance until a title search is completed to confirm if the rear property is included. Staff confirmed that it is--the property goes back to the railroad right-of-way. Commissioner Wyrick-Parkinson pointed out that projects should only up-grade the neighborhoods.

David Stark, Public Affairs Director, East Bay Association of Realtors, Pleasanton, stated that he has 15 years of experience in housing development/affordable housing. Affordable housing increases home values in the neighborhood.

Commissioner Machado thanked staff for the photographs adding that she did not find any architectural significance. She agreed with Commissioner Minard's request for a title search which the Commission has always requested. *Commissioner Waespi made the motion to accept staff recommendation to approve the proposed demolitions. Commissioner McMillan seconded and the motion carried unanimously.*

**C. Measure AA Subcommittee Report** – Commissioner Sadoff recommended that since the Subcommittee members are not available, the matter be continued to the next meeting. *With no objection, the matter was continued.*

**D. Subcommittee to Review the Draft Department of Parks and Recreation 523 forms** – Staff announced that she received electronic copies of the DPR yesterday afternoon. Chair Allen requested volunteers for the Subcommittee. Commissioners McMillan, Machado, Minard and Waespi volunteered. *Commissioner Sadoff made the motion to create an Adhoc Subcommittee with the above members, to look at the draft 50 DPR and Commissioner Machado seconded.* Staff added that Carey & Company will be able to attend some meetings including conference calls and emails. Ms. McElligott recommended that questions be consolidated and staff could act as liaison. *Motion carried unanimously.*

**E. Draft Historic Preservation Ordinance/Inventory** –Topics to include:

- i. The potential formation of an ad hoc subcommittee to address comments received on the Ordinance
- ii. Protocols relating to the listing and de-listing of resources on the Register
- iii. How Structures of Merit are utilized in the Ordinance
- iv. How alteration requests are evaluated under the Ordinance
- v. Schedule of future workshops

Phyllis Montez, property owner at 21001 Mission Blvd, Hayward and 975 St. James Court, Castro Valley, stated that upon receipt of the agenda, she called Supervisor Steele who was unaware of today's meeting. Ms. Montez also said that she was confused and needed clarification; and recommended that members of the public be made part of the subcommittee.

David Stark requested to speak after Commission discussion/comments since the staff report was not made public. Chair Allen pointed out that as stated at the last meeting, his written comments have not been submitted and, as such, the Commission is unaware of his concerns. Mr. Stark indicated that he did submit written comments regarding the Ordinance to staff, to be forwarded to the Commission. He would like to comment on the Adhoc committee.

Frank Mitchell said he owns properties in Cherryland area and on Bockman Road. He also expressed confusion and commented on the lack of information. Although the prior surveys indicate that copies are available in the County Libraries, Mr. Mitchell complained that they are not. Many properties on the list do not have any historical significance. He asked why County buildings are not included in the list and if the Ordinance is not complete, how can the Commission move forward. Mills Act was designed specifically to preserve the historical buildings.

Ben Cantu, representing the Pestana Family at 1578 East Avenue, Hayward, submitted written comments. The Pestana Family does not wish their property to be included under any designation in the Historic Preservation Ordinance.

Brian Morrison, 2544 Castro Valley Blvd, said that he saved the feed store from demolition and restored it. He expressed concern that his property was on the List. Commissioner Francis complimented Mr. Morrison for his good job renovating the property.

David Stark, a member of City of Pleasanton Housing Commission and on behalf of East Bay Association of Realtors, recommended that property owners and a representative from the real estate industry be involved in the committee as a coalition is needed for the benefit of all and it was important to include these voices. He urged the Commission to direct staff to request that the Consultant scale back the activities of nominating properties for the Register or suspend the activities until the Ordinance is approved. Otherwise, the Consultant be directed to inform the affected property owners of his actions before he proceeds any further.

In response to Commissioner Sadoff, staff stated that she would have to check the By-Laws as to whether non-commissioner participation is allowed. Commissioner Machado confirmed that the Consultant is not nominating properties for the Register and the Draft Ordinance is posted on the County website. However, the inventories are not on the website. Staff said that she would check into this and Ms. McElligott added that copies of any documents are available upon request. Chair Allen, in response to Ms. Montez, asked if staff has received any feedback from any Supervisor's office. Staff replied that the BOS do get a copy of the monthly agenda and she had also received a call from Supervisor Lai-Bitker's office. Commissioner McMillan agreed that clarity is needed which she thought should be the Commission's next step--to provide a step-by-step list, and further explained how each different list was compiled. Commissioner Wyrick-Parkinson felt that each Supervisor should have a representative at every Commission meeting and it is the County's responsibility to notify property owners, perhaps through a letter outlining a list with a contact number.

Commissioner Minard stated that there is a move in the historical department that some houses tell history of the neighborhood/community which needs to be preserved or are

important and perhaps are jeopardized. Having a historical property does not take away the property rights as long as there is no major economic impact. Some areas have Conservation Districts which should be looked at also. There is a need to preserve the historical buildings or they will be lost forever. Chair Allen pointed out that handouts are available including 'Frequently asked Questions', Timeline, etc. Commissioner Sadoff agreed adding that there is a need to save history and obtaining public input. Commissioner Waespi also agreed and acknowledged that mistakes were made: timing and notification. An explanation of the benefits and property right issues is needed. Commissioner Francis felt that the Commission, although trying, was not moving ahead but being repetitious. Property owners do not want to be told but need answers, i.e. an explanation on the 40-60% tax credit. Not all houses can be saved. Commissioner McMillan made the motion to form an Adhoc Subcommittee to discuss the Ordinance and to present a fact sheet. Commissioner Francis seconded. Motion carried unanimously. Commissioners McMillan, Machado, Allen and Sadoff (who would not be able to attend all meetings) formed the Subcommittee. Commissioner Wyrick-Parkinson expressed an interest but added that she will not be able to attend meetings in Hayward. She will provide the Subcommittee with a copy of the Fact Sheet prepared by City of Oakland. Commissioner Minard questioned the possibility of telephone pole postings and poster-size notification. Ms. McElligott replied that although telephone pole posting is done for certain types of applications, the Planning Department is slowing moving away from this method of notification due to complaints. However, at the Commission's request, it could be done. A wider range of notification is also an option. In addition, staff provided the County website, [www.acgov.org](http://www.acgov.org) which has links to different related documents.

Edwin Croll asked if the Commission will be discussing Agenda item VI.E.ii, ii and iii as he was interested in their comments and requested clarification on delisting protocols. The Commission clarified that the Subcommittee will consider all comments and provide answers. Mr. Stark explained that the members of the public would like to hear the Commission's comments/discussion on these items. Mr. Croll said he was interested in discussing Structures of Merit and asked what other information has been collected on the Structure of Merit properties other than 'driving by'. He recommended that checks be made for historical significance. Commissioner Sadoff encouraged all to submit comments for the Subcommittee to consider in their report. In response to Mr. Croll regarding future workshops, the Commission opted to continue the March East County workshop until the Subcommittee's report. Staff will send out a cancellation notice. There will be a regular Commission meeting on April 3<sup>rd</sup>.

Lucia Soares, 18550 Melrose Avenue, Hayward, asked if reports were available on the DPR properties as the Consultant had indicated at the last meeting and a list of steps to delist a property. Staff replied that draft reports are available and provided a cd copy to Ms. Soares. Although there is a list in the Draft Ordinance, Ms. Machado explained that the Subcommittee will also be looking into this.

Alfreda Andrews, 76 James Avenue, Castro Valley, stated that her concerns include personal property rights, and costs to owners for maintenance.

Phyllis Montez stated that her property, 21001 Mission Blvd, Hayward, has been completely remodeled, both inside and outside, to look 'old' in 1980. Commissioner Machado replied that her property will be delisted noting that this is one of the tasks of the Subcommittee. The public was urged to submit written comments.

Mr. Stark offered his services to the Subcommittee and suggested that the Commission to start from scratch with the inventories. The previous studies have shown the need for an Inventory, establish standards and protocols and then develop an Inventory. Commissioner Machado noted that perhaps Mr. Stark could provide help with title searches.

**VIII. COMMISSIONER REPORTS – *Continued.***

- A. District 1: Haggerty** - Commissioners Cronin and Minard.
- B. District 2: Steele** - Commissioners Francis, McMillan and Machado
- C. District 3: Lai-Bitker** - Commissioners Loughran and Sanger
- D. District 4: Miley** - Commissioner Waespi announced that the East Bay Regional Park District website has detailed information on AA Measure.
- E. District 5: Carson** - Commissioners Tam and Wyrick-Parkinson

**IX. ADMINISTRATIVE**

**A. Agenda Items for future meetings**

- X. ADJOURNMENT:** There being no other business, Commissioner McMillan made the motion to adjourn and Commissioner Waespi seconded. Meeting was adjourned at 5:55 pm.