

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

**Thursday, July 23, 2008**  
**Public Works Agency Auditorium,**  
**399 Elmhurst Street, Hayward, CA**  
**(Approved August 7, 2008)**

**I. Call to Order – Roll Call**

The meeting was called to order at 3:40 p.m. by Commissioner Allen, Chair.

Commissioners Present:

Annalee Allen  
Marie Cronin  
James Loughran  
David Sadoff  
Julie Machado  
Harry Francis  
Al Minard  
David Tam (arrived late)  
MaryAnn McMillan

Staff Present:

Angela Robinson-Pinõn  
Nilma Singh

Commissioners Excused:

Ellen Wyrick-Parkinson  
Stephen Sanger  
Dennis Waespi

Guests:

Marc Crawford, 3832 Somerset Ave, CV  
Wunan Lin, 3550/3558 C.V. Blvd  
Jason Preece, 10366 So. Flynn Road, Livermore  
David Stark, Bay East Assoc of Realtors  
Edwin Croll, 2830 C.V. Blvd  
Jeff Rodgers  
BJ Coleman 21026 Montgomery  
John Grinold

- II. APPROVAL OF MINUTES – Minutes of June 5<sup>th</sup> and 30<sup>th</sup> meetings.** Regarding June 5<sup>th</sup> Minutes, Commissioner Sadoff made a correction on page 3.C. under Historic Preservation Ordinance, line 4, regarding his testimony. Commissioner Loughran made the motion to approve the amended Minutes and Commissioner McMillan seconded. Motion carried unanimously.

In reference to the June 30<sup>th</sup> Minutes, the Chair provided the correct name of a guest speaker, Chris Pattillo and Commissioner Minard noted that his recommendation for a historical archeologist on site during earth moving period was omitted from the Commission summary. Chair Allen said that she had expressed his concerns at the BOS meeting and further summarized the discussions of the June 30<sup>th</sup> meeting. Commissioner Minard made the motion to approve the June 30<sup>th</sup> Minutes and Commissioner Tam seconded. Motion carried with Commissioner Sadoff abstaining.

- 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. *None.*

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

**A. CHAIR REPORT –** She provided an up-date on the improvements around Lake Merritt including the reconstruction of the historical E.18th Street pier, built 1908 and

distributed images of the pier and the repairs made; and announced the upcoming Twenty-Eighth Annual Downtown Oakland Walking Tours including the walk around Lake Merritt this Sunday, July 27<sup>th</sup> ending at the band-stand for a free band concert.

**B. STAFF REPORT – None**

Commissioner Sadoff recommended moving Item E (DPR Review Subcommittee) before Item D (Row Chabot) under Old Business.

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

**A. Historic Preservation Ordinance – The Commission will continue their discussion on the proposed Ordinance.** Ms. Robinson-Pinon presented the staff report and at the Chair's request, read the June 5<sup>th</sup> Minutes in reference to the Allocation and Number of Commissioners. The Commission further discussed their motion from the last meeting.

Public testimony was called for. Marc Crawford, property owner at 3832 Somerset Avenue, Castro Valley, expressed concern that only very few items are being looked at and many other larger issues are not being discussed such as fines on the assessed property values, and recognizing violations as misdemeanors (under Enforcement and Penalties, Draft Ordinance). In response to Commissioner McMillan's request for a written list of all his issues, Mr. Crawford stated that he had submitted a list at a prior meeting. He pointed out that no other County Ordinance has this type of a Section and felt that the penalties were an extreme and, as such, there should be a cap on the fines. He felt that once on the list, property rights are lost; it takes a long time and at a great cost to get off the List; the development projects on the list do not have any historical significance; and this is a drastic response to the chicken ranch issue. Commissioner Minard explained that these measures are to preserve historical structures. Commissioner Machado added that this section has been taken from historical ordinances that already exist in other jurisdictions. She further described an incident of a fire destroying a historical dwelling and that a Sunol property owner who had presented his renovation plans to this Commission, has successfully finished renovations to his house without any problems.

Wunan Lin, property owner of 3550/3558 Castro Valley Blvd, said that he was not sure why his properties were on the Structure of Merit List and requested to be taken off as the criteria is no longer present. The Chair explained that this Ordinance and List are still in draft form.

Jason Preece, 10366 So. Flynn Road, Livermore, stated that he has not seen any revisions to the draft ordinance to-date. He also did not know why his property was placed on the List as he has been unable to find any information/material on "Period Revival farmstead". There are windmills in the rear of his property and Mr. Preece asked which building on his property is historical as it is not identified in the List. Most of the buildings are dilapidated and beyond repair. He felt that this is a waste of time and resource to consider his property historical; although visible from the street, his property is not publicly accessible; no one could come out to look at his property even it was historical; it is similar to many other ranches in the area; and he would like to build a new house on this property. Each property should be looked at 'case-by-

case basis. DPR reviews and/or any related documentation should be made available to the public for review and comment and perhaps for evaluation by private historians. The information is based on work done in 2005 which is out of date. The Ordinance also limits the size of addition to 500 square feet which is not large enough. In response to the Chair, Mr. Preece said that the historical aerial map, dated 1945, shows 17 structures on his property. The Chair asked if he would be interested in the possibility of receiving any property tax relief. Mr. Preece replied that only if there is assurance on what the specific relief would be and not a generalized Mills Act which requires resources first which he does not have.

David Stark, Public Affairs Director, Bay East Association of Realtors, stated that the Association continues to have concerns regarding the impacts on private property owners' rights and the manner in which the Ordinance is being developed, and supports owner consent. He also asked for a copy of the latest draft ordinance and/or if any changes have been made to the 2006 draft since many comments have been submitted and changes requested. The Association supports Option #3 as a voluntary approach will have a better response with incentives to the owners. Preservation of private property rights is not a political issue. In reference to Section C, Historical Survey, he asked if any additional work has been completed and if yes, have they been made available to the public. If not done yet, he urged that the Commission direct staff to contact each property owner on the List asking if they are aware that their property has been placed on the List and, as such, obtaining written documented proof. The Chair confirmed that no changes have been made to the Draft Ordinance yet and staff added that she was waiting for further discussions/decisions to occur before making the appropriate changes. Commissioner McMillan noted that developers allow old houses, with historical significance, to deteriorate before it is destroyed. Mr. Stark replied that although this issue would be more appropriate for the Home Builders Association of California, he thought that the property owners should be notified that their property is historical, define what is historical is and get the owners involved. Commissioner McMillan agreed that the communication problem should have been resolved at the beginning. Commissioner Minard thought that property owners will be more inclined to submit written request to be removed compared to being added to the List. A discussion followed regarding notification with staff pointing out that letters were sent out to property owners advising them that their properties were on the List, postcards are mailed to all property owners announcing the upcoming meeting on the Ordinance, and that many cards have been returned for various reasons, i.e. 'No Forwarding Address'...etc.

Edwin Croll, property owner at 2830 Castro Valley Boulevard, felt that there is a need to identify the purpose of both lists and their relationship with the Ordinance, and a work-up for every property. At the request of the Chair, staff explained how and why Carey & Company was selected to work on the Ordinance. Mr. Croll, in response, explained that he had contacted Carey & Company who advised him that they did not have his property on any list nor did they have any information on his property. His concern was not being on the List (Structure of Merit List) but felt that a work-up, other than a drive-by, was necessary. Staff confirmed that Mr. Croll had contacted Carey & Company. Commissioner Minard explained that each DPR forms costs about \$20,000 each and further explained how properties are placed on the List by a historian. Mr. Croll asked how these issues can be resolved--through public forum or through written request; how the Structures of Merit will interact with the Ordinance and what is the purpose of properties placed on the List. Perhaps the first step should

be a work-up so that owners know why their properties are on the List. The Chair replied that public forums will continue and staff added that these are issues to be discussed.

Jeff Rodgers stated that he was representing Mrs. Greer, 9355 Patterson Pass Road, Livermore. Mrs. Greer had submitted a letter requesting that her property be taken off the List but has not received a response to-date. He asked for her next step. Staff confirmed receipt of her letter and apologized for not responding as there has not been a resolution. The Chair re-stated that all documents are in draft form and perhaps by Fall, there will be a resolution. Staff will respond in writing.

BJ Coleman said her concern is getting off the Draft List. She asked if she has been taken off the List and if changes have been made to the Draft List, and complained that she had not received the letter of notification. The Consultants, at one meeting, had stated that they had driven around and added houses to the List. In response to Commissioner Minard who asked why she wanted her property off the List, Ms. Coleman replied that she did not like being 'pushed in a corner'; answer to anyone or being in a HOA-like-situation. Although historical-looking from the outside, her home, along with others, have been altered inside and, as such, do not qualify as historical. The Chair clarified that the Commission is not interested in the 'insides' and letters can be submitted to this Commission with copies to the BOS.

Commissioner Tam explained the functions of this Commission, one being to facilitate the enjoyment of private property. Procedurally, this Commission is a stepping stone but with a broader set of interests.

John Grinold stated that he was representing the Vallecitos Nuclear Center located at 6705 Vallecitos Road, Sunol. This was the first commercial nuclear power plant in the country and under the jurisdiction of the Department of Homeland Security; and though not open to the public, it is visible from the street. Although it has historical significance, the structures have been funded and are actively being decommissioned. Nevertheless, Mr. Grinold added that some parts are being preserved. He requested that the structure be taken off the Structures of Merit List, a written request will also be submitted. Commissioner Minard asked what parts are being preserved and Commissioner Sadoff asked if any permitting was required. Mr. Grinold replied yes, permits have been obtained and those buildings that are required are being preserved.

The Chair thanked all for their participation. Commissioner Tam requested to be excused and announced that he will not be available at the next meeting but could telecommute, if needed. A discussion followed regarding next month's meeting—whether to cancel the August or the September meeting. Staff indicated that she will be in attendance at the August meeting only.

Commissioner Sadoff thought that all public input has been received and recommended that the Commission engage in discussions and action. The Chair read Question 1 including the three Options and asked if County Counsel will be in attendance at any future meetings. Staff stated that County Counsel has no concerns with any of the Options.

Marc Crawford complained that although he has requested copies, he has not received any nor read the Options and Mr. Croll requested that all related documents be made

available to the public also. Commissioner Minard suggested that packets be made available for the public at the next meeting.

Discussion ensued regarding the Options. Commissioner Minard recommended replacing the words ‘...owner’s objection’ to ‘...owner’s consent’ under Option 2. Commissioner Sadoff said he was leaning towards Option 3 and expressed concern with the way this process has come about; and disappointed and frustrated that more homeowners have not seen the advantages of this program. Commissioner McMillan agreed adding that she was upset with the process--lack of public notification initially. She recommended that the matter be postponed until the Commission has an opportunity to discuss among themselves. The Chair suggested that the next meeting be closed for further public comment to allow time for the Commission to deliberate. Commissioner Sadoff expressed legal concerns. Staff indicated that she would have to check the Administrative Code noting that the Commission acts under the provisions of the Brown Act.

The Chair asked the Commissioners to conduct a straw vote for the three Options: No votes for Option 1; 2 votes (Commissioner Minard and Commissioner Allen); and the remaining seven Commissioners voted for Option 3.

Commissioner Machado asked to be excused. The Chair announced that there will be an August meeting on the 7<sup>th</sup> at 224 W. Winton Avenue at 3:30 p.m., public comment/discussion will be accepted in the beginning followed by the Commission discussion; and that this meeting is adjourned. The public can request for copies of the documents.

- B. Title Search and Demolition forms** – *The Commission will discuss their use in historic preservation* – continued.
- C. Unincorporated Alameda County Historic Survey** – *The Commission will discuss the Historic Survey submitted by Carey and Company* – continued.
- D. Row Chabot Update** – *The Commission will hear an update on the project* – continued.
- E. DPR Review Subcommittee** - *The subcommittee will report on its work and findings to date. The Commission may request revisions to the draft DPRs* – continued.
- F. Olivina Winery Gate** - *The Commission will discuss the designation of this historical resource* – continued.

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

- A. Meeting Location** – This item was not discussed.

**VIII. COMMISSIONER REPORTS** – *No commissioner reports were provided*

**IX. ADMINISTRATIVE**

- A. Agenda Items for future meetings**

**X. ADJOURNMENT:** There being no other business, Commissioner Loughran made the motion to adjourn the meeting and Commissioner Minard seconded. Meeting was adjourned at 5:45 pm.