

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

**Thursday, September 4, 2008  
224 W. Winton Avenue,  
Hayward, CA  
(Approved November 6, 2008)**

**I. Call to Order – Roll Call**

The meeting was called to order at 3:30 p.m. by Commissioner Allen, Chair.

Commissioners Present:

Annalee Allen  
Marie Cronin (arrived late)  
James Loughran  
David Sadoff  
Al Minard  
Harry Francis  
Ellen Wyrick-Parkinson  
Stephen Sanger (arrived late)  
MaryAnn McMillan  
Dennis Waespi  
David Tam

Commissioners Excused:

Julie Machado

Guests:

Frank & Maria Mitchell, 750 Bockman Rd.  
BJ Coleman, St James Ct, Hayward  
Harry Todd, 20554 Forest Ave, CV  
Pat Kowalski, 21101 Mission Blvd, Hayward

Staff Present:

Liz McElligott  
Angela Robinson-Piñon  
Nilma Singh

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

**II. APPROVAL OF MINUTES** – August 7<sup>th</sup> Minutes ~ *Commissioner Waespi made the motion to approve the Minutes as submitted and Commissioner Loughran seconded. Motion 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.*

Frank Mitchell, 750 Bockman Road, San Lorenzo, read and submitted his three letters: 1) addressed to staff in protest of improper notification and material availability--less than 48 hours before the meeting. He felt that materials should be made available to the general public seven days prior to a meeting; 2) addressed to the Commission that Alameda County has no historical zoning and property owners need and have the right to know the correct zoning designations to their legal title. He requested that the Commission direct the Planning Department to write zoning regulations covering the historical wish-list; and 3) addressed to Commissioner Machado regarding one of her statements from the August 7<sup>th</sup> meeting which was also quoted in the Daily Review regarding benefits. He, along with other property owners, find no benefits of being placed on any register and requested that they be informed of the benefits in writing.

BJ Coleman submitted copies of her letter requesting that all her properties, 912, 926, 944 and 960 Saint James Ct, Hayward, be removed from the List.

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

- A. CHAIR REPORT** – Commissioner Allen distributed two brochures regarding City of Oakland Mills Act pilot program and the other called “How Old is My House?” and requested that copies be included in the next Commission package; and announced the on-going summer walking tours, one of which she will be leading on Sunday, September 7<sup>th</sup> at 11 am at Lake Merritt/Civic Center area. Other up-coming tours include the Borax Smith Estate off Park Boulevard and the redwoods. Detailed information is also available on the City website. She thanked staff for the up-dated Commission roster noting that there is no contact information for Commissioner Minard; and, any other corrections to be submitted to staff. Ms. McElligott made a correction to her email address. The Chair also announced the up-coming plans to commemorate the October 21<sup>st</sup>, 1868 earthquake at Mission San Jose. Commissioner Minard added that festivities will be held at Mission San Jose Church, Fremont at 7:55 a.m. (the time of the actual earthquake); and provided his contact information.

The Chair announced that this is the last meeting for Ms. Robinson-Piñon and expressed appreciation for all her work; and, that Agenda item V111 #B Meeting Location will be brought forward for discussion at the request of Commissioner Wyrick-Parkinson.

**VIII-A Meeting Location** ~ This item was moved up for discussion at the request of Commissioner Wyrick-Parkinson who indicated that since she chairs a meeting in Oakland on the first Thursday of the month, it is difficult to make it on time. She requested that the meeting location either be moved to the Oakland location, alternate between Oakland and Hayward or be changed to the second Thursday of the month. Commissioner Tam suggested the first Thursday with a 3:00 pm meeting time. The Chair pointed out that the reason for the temporary Hayward location was largely due to having the HP Ordinance on the agenda and to accommodate the many property owners. Commissioner Sanger noted that a change to the meeting day would require a change to the By-Laws. *The Commission unanimously agreed on meeting on the first Thursday of the month at the EBRPD location and other locations to be determined as agenda items warrant.*

- B. STAFF REPORT** – *No report.*

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

- A. 3306 D Street** – *The Commission will discuss a variance application where a structure over 50 years of age has been demolished.* Ms. Robinson-Piñon presented the staff report. Commissioner Sadowf asked if this is an existing non-conforming, if there is a penalty for demolition without a permit and requested clarification on Section 21084.1. Jeff Bonekemper, project planner, replied yes, the house was constructed in 1933 conforming to the required standards and the side-yard setbacks are unknown; and explained that the California Public Resource Code Section 21084.1 states that even though a structure may not be listed by the local or State

governments, it could still be historically significant. As such, it is being presented to this Commission. He further described the process noting that although a demolition permit was applied for, the building was demolished without a permit and, in response to the Commission, confirmed that there are no pictures/plans available nor has it been referred to the Hayward Historical Society. There are also other issues, such as asbestos. A variance is required because the setbacks are larger than what is allowed under the Fairview Specific Plan. Ms. Robinson-Piñon added that staff is requesting recommendations.

The property owner's son explained that this property was up for auction (William's Auction) and pictures were posted on the web. The structure, best described as a shack, was in a very poor condition. All remodeling was done without permits. No issues were noted when the demolition permit was applied for. Commissioner Wyrick-Parkinson recommended that the ground be tested for contamination before moving forward with the project. *Commissioner Sadoff made a motion that an abbreviated historical review be conducted by a qualified person including a title check, photo review and any other background check for historical significance. Commissioner Loughran seconded and Sanger made a friendly amendment to the motion to include that no further planning review/action take place until after the matter is re-heard by this Commission on the historical aspect. Commissioner Sadoff agreed to the amendment. Commissioner Minard requested an amendment to include ground check and Commissioner Cronin suggested a timeframe. Commissioner Sadoff did not agree to both these amendments.* Commissioner Francis asked for the importance of a review as the structure in the photograph looks like a dilapidated outhouse. Commissioner Waespi asked if there are penalties for demolition without a permit. Mr. Bonekemper replied that this is a Building Department issue. *Motion carried with Commissioners Cronin, Francis and Wyrick-Parkinson dissenting.*

- VI. OLD BUSINESS** – *All old business will include information, discussion and/or action by the Commission.*
- A. Title Search and Demolition forms** – *The Commission will discuss their use in historic preservation.* Commissioner Sadoff thought that the Santa Clara form was superior to that of SF which concentrates on high-rises, and perhaps changing the defining age to pre WWII. Although Commissioner Minard disagreed with an arbitrary date, he recommended retaining the 50-year cut-off date and Commissioner Loughran agreed adding that it defeats the Commission's purpose. Commissioner McMillan requested title insurance and/or a chain report, a cost of approximately \$350.00. Commissioner Minard said he supported a full title chain report. The Chair thanked staff for copies of other examples and requested a time frame for an up-dated draft copy of the Ordinance. Staff indicated that it will most likely be December, 2008.
- B. Unincorporated Alameda County Historic Survey** – *The Commission will discuss the Historic Survey submitted by Carey and Co.* Staff clarified that Carey & Company had requested Commission comments but none has been submitted to-date. There are still some contracting issues to be resolved which are being handled by the Department. The Chair noted that much public concern has been expressed as to why the Commission was working on the survey and the Ordinance simultaneously. Commissioner McMillan said she would like to review the last context statement and will submit her comments to staff. Commissioner Minard requested that Carey &

Company provide a list of properties which should be paced on the Landmark List or those worthy of preservation and full title searches as requested previously. Staff explained that there is a status code on each DPR Form and an explanation sheet on the codes was included in a prior Commission package. The Chair noted that since currently there are contract issues, the matter be re-agendized to allow the Agency Director to provide clarification. Ms. McElligott added that she was unsure of the contract fund availability and any additional funds.

- C. DPR Review Subcommittee** - *The subcommittee will report on its work and findings to date. The Commission may request revisions to the draft DPRs.* The Chair stated that a Subcommittee was formed to work and report on findings. Commissioner McMillan explained that it has been difficult for the three subcommittee members, Commissioners Waespi, Machado and herself, to review the forms, and the Subcommittee has been unable to meet to work on the criteria; and the matter had also been set aside due to other discussions. Ms. McElligott requested that an explanation be provided to the public on the DPR and its relationship to the Ordinance which staff did. Commissioner Minard stated that he would look at the list and provide comments at the next meeting. The Chair recommended a new Subcommittee--Commissioner Waespi requested to be excused and Commissioners McMillan and Minard volunteered for the new Subcommittee.

Public testimony was called for. Harry Todd, 20554 Forest Avenue, Castro Valley, stated his property has no historical significance as it is not a colonial revival residence. His house has a flat roof, is not of a Spanish style, built in 1937 and he is the third owner. He recommended another survey by the Commission and requested that his property be taken off the List. The Chair explained that the Commission had discussed and approved an 'opt-out' method at the last meeting and Mr. Todd to contact staff for further direction.

Frank Mitchell, 750 Bockman Road, San Lorenzo, said that despite his earlier comments, he appreciated the work the Commission has done. He expressed concern regarding the lack of information on the DPRs through the library systems; asked how the determination was made to place these properties on the List; and requested information on the company which Commissioner McMillan had contacted. It is costly to put a property on the Mills Act program. Mr. Mitchell pointed out that the 50-year 'cut-of-date' would include all properties in San Lorenzo, Fairview and a good portion of unincorporated Livermore Valley. Staff noted that the DPRs are still in draft form, awaiting comments from the Subcommittee which will be forwarded to Carey & Company who will make the modifications, before they are released to the public.

Pat Kowalski, 21101 Mission Blvd, Hayward, stated that she has attended most meetings and was still confused and unsure if her property has been removed or not. She requested clarification on the opt-out procedure. Ms. McElligott added that all modifications will be reflected in the revised Draft Ordinance. Ms. Robinson-Pinõn suggested that since an opt-out procedure was approved at the last meeting, a letter could be mailed out to property owners with copies of the approved Minutes which are also posted on the website. The Chair recommended a letter with bullet points of all actions taken by this Commission including the opt-out. Ms. McElligott re-iterated that this is still in draft form and Ms. Robinson-Pinõn added that the motion for opt-out included '90 days after the adoption of the Ordinance'.

Maria Mitchell, 750 Bockman Road, San Lorenzo, felt that the Commission was unsure which path to follow with limited resources and perhaps more concentration was needed for a definition.

Jim Panico, property owner at 1687 Crow Canyon, thought that the List was a waste of public money including the postcards notifications. He has talked to a lot of other property owners on the List, many of whom want to be taken off the List. There are many other properties that need to be on the List but are not. He requested that his property be de-listed as the structure has already been demolished. Commissioner Cronin advised him to submit a letter requesting de-listing.

- D. Olivina Winery Gate** - *The Commission will discuss the designation of this historical resource.* Staff reported that Carey & Company, on June 9<sup>th</sup>, submitted forms to the State Office of Historical Preservation requesting that the gate be included as a California Point of Interest. The matter will be heard on November 7<sup>th</sup> by the Historic Resource Commission.

**VII. COMMISSIONER REPORTS** – *Commissioners will report on areas of concern and/or informational items concerning parks, recreation and historical preservation issues within the supervisory districts they serve.*

- A. District 1: Haggerty** - Commissioner Minard re-announced the commemoration of the October 21<sup>st</sup>, 1868 earthquake at Mission San Jose at 7:55 a.m.; and reported that he will be reviewing some of the historical buildings in Fremont that were destroyed by fire as to whether or not EIRs will be required.

- B. District 2: Steele** - Commissioners Francis reported that the skateboard park project is slowly moving forward; and the water sprinklers at the Castro Valley Community Center was closed by HARD and now the community is involved in trying to re-open it.

Commissioner McMillan announced the San Lorenzo Heritage Society House and Garden Tour of the Oliver Estate, the “Eden Mansion”, to be held on September 21<sup>st</sup> and the cost is \$25.00 per person.

- C. District 3: Lai-Bitker** – *No report.*

- D. District 4: Miley** - Commissioner Sadoff noted the new Noticing Procedure under review by the Planning Department. Ms. McElligott explained that the matter was heard by the Planning Commission on September 2<sup>nd</sup> and staff will provide detailed information at the next meeting.

The Chair requested clarification regarding the Statement of Economic Interest Form. Staff explained that the forms were distributed at the recommendation of County Counsel.

Commissioner Waespi announced the up-coming Castro Valley Fall Festival, September 13-14; and Measure AA is now known as Measure WW on the November Ballot.

- E. District 5: Carson** - Commissioner Tam provided clarification and requested deletion of his statement on page 5, line 4. *Commissioner McMillan made the motion to amend the Minutes to reflect the above and Commissioner Waespi seconded. Motion carried unanimously.*

#### **VIII. ADMINISTRATIVE**

- A. Agenda Items for future meetings**

- B. Meeting Location** ~ This item was moved up for discussion at the request of Commissioner Wyrick-Parkinson.

- XI. ADJOURNMENT:** There being no other business, Commissioner McMillan made the motion to adjourn and Commissioner Waespi seconded. Meeting was adjourned at 5:35 pm.