

MINUTES
ALAMEDA COUNTY PARKS, RECREATION AND HISTORICAL
COMMISSION

Thursday, August 7, 2008
Alameda County Administration Building
224 West Winton Avenue, Room 160
Hayward, CA 94544
(Approved September 4, 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
Dennis Waespi
David Sadoff
Julie Machado
MaryAnn McMillan
Ellen Wyrick-Parkinson (arrived late)
Al Minard
David Tam (arrived late)

Commissioners Excused:

Stephen Sanger
Harry Francis
James Loughran

Guests:

(see speaker cards)

Staff Present:

Liz McElligott
Angela Robinson-Pinõn
Nilma Singh

II. CALL TO ORDER - ROLL CALL

- II. APPROVAL OF MINUTES – Minutes of July 23.** The Chair provided clarification on her statement as reflected on page 5, first paragraph. Her intent had been to close further public comment to allow Commission to deliberate. *Commissioner Sadoff made the motion to approve July 23rd Minutes and Commissioner Machado seconded. Motion carried unanimously.*

CHAIR’S REPORT: The Chair distributed a copy of an article from Fall 2007 California Historian Journal on Cecilia Weed, a former departed Commissioner; copies of a letter from Fitzgerald Abbott & Beardsley, Attorneys at Law dated August 6, 2008 and copies of the Draft October Agenda from the Correspondence Folder; and announced the up-coming Art & Soul Festival, August 30th, 31st & September 1st and the Oakland Heritage Alliance 28th Annual Walking Tours.

- 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.

Since she was unsure if public comments could be submitted in reference to Agenda item V.A, Susan Pasquinelli representing Fitzgerald Abbott & Beardsley, Attorneys at Law, spoke under Open Forum. She noted that attached to their letter of August 6th is a copy of an evaluation

completed by Mark Hulbert, a Preservation Architect and she was representing Duane and Carolyn Doyle, property owners at 24829 Palomares Road.

The Chair summarized the Commission's action at the July meeting and asked staff for clarification on public testimony. Ms. Robinson-Piñon noted that public testimony can be closed, permissible under the Brown Act and further read the related Section. She also announced that, as requested by the public at the last meeting, copies of the Commission package are available in the rear.

The Chair announced that members of the public who have not had a chance may submit their testimonies today noting that the Commission also needs time to discuss and take action. Commissioner Waespi felt that since the public has not had the chance to read the handouts, everyone should be allowed to speak. In response, Commissioner Machado requested that public testimony be limited to new points/issues. The Commission agreed that the 3-minute rule be applied.

IV. 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. Pasquinelli continued. At the Commission's recommendation, their August 6th letter was submitted requesting that the subject property be removed from the List and that the Commission adopt Option #3. The Commission's simultaneous action for Ordinance adoption and adding properties to the List is inappropriate. Instead, the Ordinance should be adopted first with a set criteria followed by the addition of the properties using this criteria. As such and based on Article 4, Section II, she requested that the Doyle property be de-listed. There is also no conclusive evidence that this property was constructed in the 19th century and regardless of the date of construction, the residence has been significantly altered.

Mark Hulbert, Preservation Architect, said he was also speaking on behalf of Duane and Carolyn Doyle, property owners at 24829 Palomares Road. He discussed the points as outlined in his letter: preservation is a corporation venture; there is no evidence that this is a 19th century residence; and although there are old features, they are not readily identifiable.

Frank Mitchell, 750 Bockman Road, San Lorenzo, stated that he had received two notices, the first on Monday which was incorrect and complained that this does not provide sufficient notification for a public hearing. Option 1 is controversial and wrong. There is nothing historically significant about his property and his house, built in 1947, has been significantly altered and, as such, does not qualify to be on the List. He also asked who will pay for the evaluation and urged that his property be taken off the List.

James Panico, property owner at 16874 Cull Canyon Road, Castro Valley, submitted his written comments to be read into the Minutes. He felt that the Ordinance is an invasion into the owners' right to maintain their properties and will transfer their rights to State/County. Since properties were built by previous owners, the history and architectural styles reflect these previous owners. The idea that properties are being purposely abandoned or dilapidated is wrong. This ordinance should be written to give incentives and not penalize the owners.

Bill Peterson, property owner of 2495 Castro Valley Blvd and Castro Valley Lumber, said that he had bought this property in 1988 and in 1995 when refinancing, the property value was

assessed \$30,000 lower by a private appraiser compared to the County's assessment, which was the cost of demolition of the existing building. This building is of no value but a liability and, as such, requested that his property be removed from the List.

Randy DeValle, representing property owners at 632 and 688 Blossom Way, Hayward, requested, on their behalf, that these properties be removed from the List.

Ralph Watkins, 21003 Mission Boulevard, asked for the criteria used to place properties on the List. He felt that everything has been very inconsistent; the public is confused and there has been no conclusion regarding Options 1 and II. Mr. Watkins also requested to be removed from the List.

BJ Coleman agreed with Commissioner Waespi that the public has not had a chance to review the material and many owners who are interested are not in attendance. She suggested that perhaps the material could be mailed out to these owners; requested that her property be taken off the List and urged support for Option III.

Kevin Hall, 22380 Eden Canyon Road, Castro Valley, stated his support for Option III and requested his property be taken off the List. He was unsure why his property was on the list and asked for the procedure of how properties were placed on the List.

Marc Crawford, 3832 Somerset Avenue, Castro Valley, submitted copies of his written testimony and discussed the following: expressed concern with Article II.D. and requested that it be stricken; Article II.L. and P. are both handled by Planning Commission; Article IV-- the process of delisting is elongated and without a time limit; and Article XI Enforcement and Penalties--there are no other ordinances with similar penalties.

Larry Lepore, HARD Superintendent of Parks, noted HARD's protection of historical buildings in conjunction with Hayward Historical Society. The Ordinance needs to provide more flexibility and the List needs to be looked at. He noted that the Meek Estate is not on the List.

Jack Rayl, property owner at 20110 San Miguel Avenue, Castro Valley, stated that he would like to be removed from the List.

Guy Warren, 14563 and 14575 Crow Canyon Road, said he has been unable to attend any prior meetings. Since his property is a cattle ranch, all repairs are done immediately with newer equipment, i.e. nails. As a result, the buildings have been altered significantly. He also supported Option 3.

Pat Kowalski, 21001 Mission Boulevard, concurred with all the testimonies submitted. The dwelling has been totally renovated and nothing historical exists. As such, Ms. Kowalski requested that her property be de-listed and stated support for owners' consent.

Commissioner McMillan made the motion to close public testimony and Commissioner Machado seconded. Motion carried with Commissioner Cronin abstaining.

The Commission discussed the three options. Commissioner Machado proposed a fourth option which would include an opt-out date--Landmarks which are very important to the community will not require owner consent; and Structures of Merit which would require owner's consent with an opt-out date. The DPR List was not intended, by the DPR

Committee, to automatically become the Landmark List. Commissioner Sadoff expressed concern with the initial noticing process and, as such, supported Option 3 which would include a short 1-page form for an opt-out process.

The Chair discussed and outlined the process---regular meetings and workshops which would include the Consultants. There has been one workshop to-date and the East County workshop is yet to be scheduled. Staff added that she would check with the Consultants.

Commissioner Minard agreed that some erratic steps were taken and that some property rights could be lost but stressed the need to save these buildings. Since most owners will not voluntarily place their properties on the List as they do not understand the advantages, he felt that properties should be placed on the List and taken off only upon receipt of a owner's request. He supported Option 3 with Commissioner Machado's suggestion of an opt-out date. Properties on the Landmark List are significant landmarks, hence, should be placed on the List without owner's consent. Commissioner McMillan pointed out that the Commission has been trying to put together an Ordinance for the last two years to preserve the history and buildings of Alameda County. She also agreed that the public had not been informed initially but pointed out that the first meeting had only six attendees. She stated her support for Option 3. Commissioner Cronin indicated that she received her postcard notification yesterday which is late for the general public to add another meeting into their schedules. She requested that future notices be mailed earlier. Commissioner Cronin further described the historical significance of her property and felt that owners do have the right to opt not to be placed on the List. Commissioner Wyrick-Parkinson stated that she lives in a Historical District. There had been insufficient outreach and each property owner should have been able to participate. Comments should be taken for a new draft and worked on together to make it successful. Commissioner Tam felt that there is always a chance to make it better. Commissioner Waespi apologized on behalf of the Commission adding that he favors historical preservation for the right reasons and the need to voluntarily be added to the List. He was unsure of the monetary benefits of the Mills Act and felt that a representative from the Assessor's office should be in attendance to provide clarification before any decision is made. Commissioner Waespi also supported Option 3.

Commissioner Machado expressed concerns with the wordings of Option 3 and instead suggested "...allow an owner to opt out" in place of the nomination process except for the Landmark properties. The Chair noted that the definition of Landmark has not been established. Commissioner Machado re-iterated that the Subcommittee's intention was not to have the DPR properties become the Landmark List. Commissioner Sadoff felt it would be unfair to have Landmarks without owner consent, however, be reworded to include a time frame unless opt-out through standard process. He urged an action to allow staff to move forward and work with County Counsel. Commissioner Minard indicated his support for Option 4 but recommended more than a one page form for opt-outs. Commissioner Cronin felt that the County should provide documentation as to why a property should be placed on the Landmark List similar to providing evidence why a property should be de-listed. Commissioner Minard explained that the Landmark properties will have the DPRs done which indicates the reason. Owners will be provided a copy of the DPR.

Commissioner Sadoff made the motion to adopt Option 3 with the modification that requires owners to opt out within a specified time period, i.e.90 days, to remove from the list. Commissioner Waespi seconded.

Commissioner Machado made a substitute motion for Option IV which would allow owners to opt out except for Landmark designated properties. Commissioner Tam seconded. At the request of Commissioner Waespi, staff read the description of Landmarks. Commissioner Machado clarified again that the lists on pages 1 and 2 of the Ordinance were not intended to be landmarks. These properties were placed on the Landmark List in error by the Consultants. A roll-call on the substitute motion was as follows: In support - Commissioners Machado, Minard and Tam; In Opposition – Commissioners Allen, Cronin, McMillan, Sadoff, Waespi and Wyrick-Parkinson. Motion failed 3/6.

A roll-call on the original motion was as follows: In support – Commissioners Allen, Machado, McMillan, Minard, Sadoff, Tam, Waespi, and Wyrick-Parkinson. Commissioner Cronin voted no. Motion carried 8/1.

At the request of Commissioner Machado, staff clarified the demolition guidelines as indicated in Option 3.

The Chair read Question #2, Certificate of Appropriateness. Commissioner Minard felt that this Commission should hold hearings. Commissioner Machado concurred. A discussion ensued regarding permit requirements, the availability and cost of the Certificate, and incentives. Commissioner Wyrick-Parkinson pointed out that her historical district does not allow changes to the façade and Commissioner Tam asked if additions can be made in the rear. Staff explained that no façade changes can be made to parts which visible from the public right-of-way and currently there is no fee. *Commissioner Minard made the motion to move staff recommendation with the deletion of the word ‘of’ before the word ‘work’ and Commissioner Waespi seconded.* Commissioner Machado indicated that staff recommendation reflects that certificates not be required for Structures of Merit. *Commissioner Minard withdrew his motion and made another motion that requires Certificate of Appropriateness for both Structures of Merit and Landmark properties. Commissioner Machado seconded. Commissioner Tam made a friendly amendment to include the historical preservation districts. Motion carried unanimously, 7/0 with Commissioner Wyrick-Parkinson excused.*

Regarding appeals, Commissioner Machado stated that since the intention is not the same as the Ordinance, she was not in support of appeals being heard by the Planning Commission. Commissioner Sadoff said he also supports the appeal hearings to be heard by the Board of Supervisors. Commissioner Minard felt that a two step appeal process would be better. Staff pointed out that a two-step process would be consistent with other Boards and the appeal fee has been increased to \$250.00. Commissioner Minard made a motion in favor of staff recommendation and Commissioner Tam seconded. A roll call for the motion was as follows: Commissioners Allen, Cronin, Machado, McMillan, Sadoff and Waespi voted no; and Commissioners Minard and Tam voted yes. Motion failed with 6/2. Commissioner Sadoff made the motion to retain the original language (appeals to be heard by the BOS) and Commissioner Machado seconded. Motion carried unanimously.

The Chair announced that this was the last meeting for staff, Ms. Robinson-Pinõn and, although a short week, she suggested having a September meeting because of the many remaining items on this agenda. A discussion followed and the Commission agreed to meet on September 4th at this location (224 W. Winton Avenue, Hayward). Commissioner Tam requested that the location of meetings issue be agendized for the next meeting.

B. Title Search and Demolition forms – The Commission will discuss their use in historic preservation – *Continued.*

- C. Row Chabot Update** – The Commission will hear an update on the project - *Continued*
 - D. Unincorporated Alameda County Historic Survey** – The Commission will discuss the Historic Survey submitted by Carey and Co - *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.*

- 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 – *Continued.*

- VI. COMMISSIONER REPORTS** – *No reports were provided.*

- VII. ADMINISTRATIVE**
 - A. Agenda Items for future meetings**
 - B. Staff Report**

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