



Locally Owned, Community Oriented

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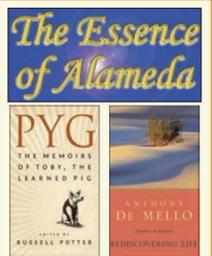
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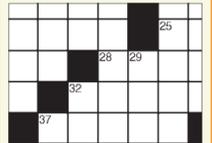
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**Alameda Sun
Almanac**

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Dennis Evanosky

Michaan's Expands

Dennis Evanosky

Ian Michaan, above, celebrated the opening of his new Monarch Street showroom last Friday. The building that houses the showroom is on Alameda Point near his monthly antiques fair. "This new showroom takes our auction house to a completely new level," Michaan said. "It is a beautiful, open, well-lit selling space that will allow us to expand the auction from about 2,000 lots to 3,000 or 4,000 lots." Michaan said that the showroom's new location is also more convenient for his patrons; it's right next door to his antiques fair parking lot, allowing shuttle service to and from the fair and the auction house. Michaan's Auctions hosts the antiques fair, now in its 14th year at Alameda Point, the first Sunday of every month. The next fair will open at 6 a.m., Sunday, Sept. 2. Michaan's auctions sometimes attract international attention while the monthly antiques fair draws thousands to Alameda Point. Michaan is also well known for owning the Grand Lake Theater in Oakland.



Google Earth

The Boatworks property is located at the corner of Oak Street and Clement Avenue.

'Boatworks' Property Still Stuck in the Mud

Legal action keeps project in limbo

Michele Ellson
The Alamedan

A proposed housing development that would line a stretch of waterfront near the Park Street Bridge is once again tied up in litigation, with the city insisting the blighted property be cleaned up and its owners saying those clean-up demands are inhibiting their efforts to sell.

City officials are suing Catherine and Francis Collins in an effort to force them to clean up the 9.48-acre property they own at 2235 Clement Ave. and to demolish the dilapidated buildings that remain there. But the Collinses have countersued, claiming the city is overreaching in its clean-up demands.

"Mr. and Mrs. Collins want nothing more than to be able to move forward with the development of their property, replacing the vacant buildings the city is so concerned about with new homes," wrote Kathy Sher, the Collins; attorney, to the city on Aug. 17, 2011.

But city officials said the trash-and-weed-strewn property had become a haven for vagrants and that the dilapidated buildings there are unsafe and should be torn down. And they said they've done everything they agreed to do and that it's up to the couple to see the sale of the property through.

Last year city leaders OK'd a development plan for the site that included 153 homes, a 29-unit apartment building and a park, which was contingent on a list of more than 90 conditions.

The city council's July 2011 approval of the project came on the heels of a 2010 settlement of one of the three lawsuits the Collinses filed to try to win permission for an earlier development plan.

Legal filings from a 2007 case say the couple had sought to develop the property since 1991, but that they had been consistently stymied by the city's refusal to zone the property for residential

development and to accept a 242-unit development with dozens of affordable units they said were permitted under the state's density bonus law, which allows developers a pass on some development restrictions if they promise to build more affordable housing than required on a site.

The property had been idle since 2004, when the city forced them to cancel industrial leases there, the Collinses' filings say.

In 2006 the city agreed to zone a little more than half the property for residential development, leaving the rest zoned for a park that city leaders hoped to build there one day. But the funding for such a park never materialized.

A month after the city council unanimously approved the new, 182-unit Boatworks project, the city ordered the Collinses to demolish the four abandoned buildings on their property, which had been the site of three fires since 2007, including one that destroyed a fifth building in 2011 that was later demolished.

Francis Collins didn't return a call seeking comment on the lawsuits or his progress in obtaining a buyer for the site or moving forward on development plans. But the couple may face other obstacles to proceeding with their plans.

Thomas said one of the conditions of moving forward with the project was gaining the San Francisco Bay Conservation and Development Commission's approval on a plan to remove a dock owned by the Army Corps of Engineers and replacing it with a smaller pier and stairs for kayak access.

But Collins was unable to secure that approval for his project, he said.

The Collinses have been held in contempt of court orders twice for failing to follow through on required cleanup, though court records from March show that the

BOATWORKS: Page 9

City Attempts to Have Zack Suit Thrown Out

Ekene Ikeme

Attorneys for the city of Alameda filed a 20-page demurrer document to have the lawsuit brought against the city and county of Alameda over the death of Raymond Zack thrown out.

Attorney Gregory Fox filed the demurrer on July 18. A demurrer is a written response to a complaint filed in a lawsuit, which pleads for dismissal on the point that even if the facts alleged in the complaint were true, there is no legal basis for a lawsuit.

In May of 2012, the Zack family filed a civil lawsuit against the city, but Fox counters the arguments made by the Zack family lawyers in the demurrer.

In the civil suit, the Zack family cites a "dangerous condition of public property," but the city's attorney states, "the plaintiff fails to identify any condition of public property that contributed to the descendant's death" and "their claims are based solely on the rescue personnel failing to prevent the descendant's suicide."

The defense also uses the state of California Judicial Code Section 831.7 argument that "public entities and employees are not liable to anyone who participates in hazardous recreational activity including water contact activities," as a reason for the suit to be dropped.

The city's attorney also states that the Zack family fails to use a claim of negligence correctly. The

Police officers "routinely respond to emergencies, but do not have a 'legal duty' to do so."

— California Judicial Law

civil suit states that because the rescue personnel failed to enter the water, among other things, they should be liable for negligence. However, California judicial laws state that police officers "routinely respond to emergencies, but do not have a 'legal duty' to do so" and that "an officer's failure to respond will not result in tort liability."

The city cites several other claims for the lawsuit to be dropped in the demurrer.

Zack died after wading into the waters off Crown Beach on Memorial Day, May 30, 2011, in an apparent suicide attempt. When a witness notified the authorities, Coast Guard officials told Alameda firefighters they would not be able to tend to the matter, but when AFD and APD officials arrived they did not help Zack because they did not have sufficient training to make a water rescue. The next hearing is set for Sept. 27.

To read the demurrer document, visit <http://apps.alameda.courts.ca.gov/domainweb/html/index.html>, and type in the case number: RG12632015.

A New Interview with 'Atomic Daughter'

Susan Gallegymore

Last Tuesday marked the 67th anniversary of the bombing of Hiroshima and Nagasaki. Alameda Community Radio's program "News & Views" aired an interview with M.T. Silvia, who produced and directed the award-winning, 80-minute film, *Atomic Mom*, a documentary about two women, both mothers: an American scientist and a Japanese survivor, who make peace decades after the bombing of Hiroshima.

Pauline Silvia, M.T.'s mother, worked as a biologist for the US Navy where she researched the effects of radiation on animals. For most of her life, and congruent with the Navy's directive, Pauline said nothing about her work to anyone, despite her daughter's deep curiosity and anti-nuclear activism.

When she was in her mid-70s Pauline was driving with M.T. from San Francisco International Airport when she pointed to a large, beige, windowless building near Candlestick Park.

"That's the RAD lab," Pauline said. She explained that she'd worked at the Navy's Radiological Defense (RAD) lab for four years.

Growing up, M.T. knew her mother worked on something secret and mysterious. She probed further to learn more.

Radio Waves

Her mother was reluctant to speak at first, but over time, she opened up.

What began as a daughter documenting her family's history blossomed into a deeper understanding of the Atomic Age, her mother's brief role that left an enduring legacy in both women's lives, and the film.

Atomic Mom tells a complex story and asks profound questions. It looks at a nuclear industry responsible for the displacement of Native Americans, Pacific Islanders and "downwinders." It also focuses on the devastation of land and ocean environments, cultural upheaval and the project's continued secrecy.

The film discusses features of America's popular culture of the 1950s and '60s that extended to fashion, hairstyles and leisure time.

A trend in the developing gambling mecca of Las Vegas treated guests to all-night parties and, at dawn, unobstructed patio-views of atomic blasts at the nearby Nevada test site.

Pop music of the era included Sheldon Allman's *Crawl Out through the Fallout* (he tells his paramour he'll "kiss the radiation burns away") and *Radioactive Mama* (he

assures her she "will reach critical mass tonight"). Elton Britt's *Uranium Fever* declares his intention: "with a Geiger counter in my hand / I'm going out to stake me / some government land."



Courtesy photo

M.T. Silvia

In December 2011, M.T. traveled to Japan for the film's premier. She met many Hibakasha (bombing victims) who shared deep misgivings about nuclear power's latest devastation: the Fukushima Daiichi disaster that is breaking up once tightly-knit families as generations disagree about how to keep children safe from radiation.

M.T. says, "The fact is, we are all downwind of this story and we have been for many years...and we continue to put ourselves at risk."

Listen to clips from the film, music from the era and the extended interview with the film-maker at alamedacommunityradio.org. Visit atomicmom.org for information on how to watch *Atomic Mom*.

Susan Gallegymore is managing director of Alameda Community Radio.



Al Wright

Welfare Council Benefits Community Again

Carrie Beavers

Alameda Welfare Council (AWC) luncheon attendees explore the treasures at the ever-popular jewelry booth Wednesday, July 25. The luncheon, now in its 84th year, is AWC's primary fundraising event. Over the last 10 years, AWC has distributed more than \$280,000 to Alameda charities.