

SOCIAL NEWS (Continued)

Heimann and Marilia Mercader Heimann of Blackhawk, and a graduate of Monte Vista High School, will be attending the Berklee College of Music in Boston. Jessica graduated from MVHS in 2016 but has been pursuing her music career independently with her band for the past two years.

Alaina Hobden, daughter of Rita and Garth Hobden, and a graduate of Monte Vista High School, is on her way to Goleta and the University of California at Santa Barbara.

Mitchell McQueen, son of Kelly and Tom McQueen, and a graduate of San Ramon High School, is on his way to the Honor's Program at the Kelley School of Business at Indiana University in Bloomington.

Nicolette Musco, daughter of Tracy and Tre Musco and a graduate of Carondelet High School, is looking forward to sun, surf, and studies at Loyola Marymount University in Los Angeles.

Will Riherd, son of Vicki and Michael Riherd, and a graduate of Monte Vista High School, will be attending Boston College where he received an academic scholarship and was selected for the Gabelli Presidential Scholar's program.

Annalyse Stedman, daughter of Michelle and Mike Stedman and a graduate of Monte Vista High School, is joining the Ducks in Eugene and looking forward to the University of Oregon.

Brogan Trevethan, son of Tiffani and Kelly Trevethan, and a graduate of De La Salle High School, will be pursuing a gap year while he explores his college options.

Olivia Welsh, daughter of Stacy and David Welsh and a graduate of the Athenian School, is ready for the challenging academics at Claremont McKenna College in Claremont, California.

Sophie Yewell, daughter of Catherine and Peter Yewell, and a graduate of the Athenian School, is well prepared for life in the Big Apple as a student at New York University.

College Graduations

Michael Bauer, son of Wendy and Dave Bauer, has graduated from the University of San Diego. He heads next to the University of Nevada at Reno for his Master's Degree in Communications.

Derek Hobden, son of Rita and Garth Hobden, has graduated from Oregon State University in Corvallis with a degree in Energy Systems Engineering. He will begin work with the technological pioneer Siemens.

Nicole Jeffery, daughter of Patti and Rick Jeffery, has graduated from the University of Alabama in Tuscaloosa.

Madison McQueen, daughter of Kelly and Tom McQueen, has graduated from Westmont College in Santa Barbara. She will be leaving for the University of Glasgow in Scotland this fall for a one-year Master's Program in Political Communication.

Christopher Perino, son of Carrie and Tony Perino, has graduated from Chapman University in Orange County with a Bachelor's degree in Business Administration with an emphasis on Real Estate, and Bachelor of Arts in Economics.

Jack Turner Sauer, son of Anne and Tom Sauer, has graduated from the University of Colorado, at Boulder with a Bachelor's Degree in Business Administration. Jack is returning to the Bay Area and working at Yelp in San Francisco in Sales.

Advanced Degrees

Laura and John Fulton are proud to announce that their daughter **Tiana Fulton** graduated in June with her Doctor of Veterinary Medicine from the University of California at Davis School of Veterinary Medicine. Tiana is interning at Encina Veterinary Hospital in Walnut Creek and Antioch.

ATTENTION NEW RESIDENTS

Welcome to the Neighborhood!

New residents are an important part of our Diablo community. If you have recently moved to Diablo, or know of a new neighbor to Diablo, DPOA would like to hear from you! Please contact Ruhi Alikhan at 925-361-7449 or ruhi.alikhan@gmail.com.

DPOA has a welcoming gift and information about the Diablo community for you. We are thrilled you are here and welcome you to Diablo!!!

Need to Reach Us? Here's How:

Diablo Property Owners' Association

The DPOA meets every other month on the first Tuesday at 7:30 at the Diablo Country Club PO Box 215, Diablo, CA 94528. Please check the schedule posted at the Post Office.

Volunteer Board Phone Contacts:

Don Nejedly, President	925-838-0538
Dana Pingatore, CFO	415-601-9274
Terri Davis, Secretary	720-878-5296
Jeff Mini	925-743-3710
Ruhi Alikhan	925-361-7449
Leslie Keane	209-988-8474

Diablo Community Service District (DCSD)

Meeting Schedule: 2nd Tuesday of every month at 7:30 PM at the Diablo Country Club

email contacts:

Ray Brant, President & Security Advisor	rbrant@diablocsd.org
Kathy Urbelis, Vice President & Community Liaison Commissioner	kurbelis@diablocsd.org
Kathy Torru, Finance Commissioner	ktorru@diablocsd.org
Sheila Langon, Roads Commissioner	slangon@diablocsd.org
Dave Watson, Director-at-Large	dwatson@diablocsd.org
Dick Breitwieser, General Manager	dbreitwieser@diablocsd.org
Christie Crawl, Legal Counsel, Jarvis, Fay & Gibson, LLP	

DCSD Website: <http://www.diablocsd.org>

Login to get meeting agendas, minutes, financials and DCSD history; organization history; community events and alerts; and information on both the Diablo Municipal Advisory Council and the Diablo Advisory Committee.

Diablo Advisory Committee

Peter Schmidt, Chairman	peterschmidt1979@hotmail.com	837-5977
Harry Baggett,		
Corresponding Secretary		837-7960
Bob Beratta, Archivist	beratta@sbcglobal.net	837-8551
Tony Geisler, Member	awgeisler@sbcglobal.net	837-4670
Patrick Fanning, Recording Secretary		330-3195
Robert Canepa, Member		837-7556

Historic Preservation Committee

Co-Chairmen	
Dee Geisler	837-4670
Tony Geisler	

Meeting Place: On an as-needed basis

DEVIL'S The ADVOCATE

August, 2018
Volume 40 No. 2

DPOA PRESIDENT'S MESSAGE

Mr. Roger's Neighborhood

I must confess that I took a turn in the bouncy house before the start of our annual Ice Cream Social on July 22 and it was exhilarating! Tapping into your inner child is invigorating and calming at the same time. It's no wonder that Diablo's traditional Ice Cream Social is such a popular event. Thanks to DPOA Directors Ruhi Alikhan and Terri Davis for doing an outstanding job in organizing another fun neighborhood social.

If you haven't already, you should take a break from summer blockbusters and action movies and catch the Morgan Neville documentary, "Won't You Be My Neighbor?" You won't be disappointed! Given the divisive nature of current politics, both nationally and locally, Fred Rogers' messages of love, inclusion and civility seem even more relevant today than ever. The idea that "won't you be my neighbor" was an invitation, not a declaration, resonates loudly. We are lucky to have many great neighbors in Diablo.

One shining example of a great neighbor is our 2017 Diablo Citizen of the Year, Dana Pingatore. Congratulations to Dana! She has been the backbone of the DPOA and community for years and continues to work tirelessly behind the scenes. We are sincerely grateful for all the long hours Dana contributes to Diablo and the DPOA's many projects including communications, beautification, organization of events and much more.

We also welcome our great neighbor Leslie Keane to the DPOA Board. Leslie has already made a big impact on the community by spearheading the wonderfully successful Historic Committee Stroll through some of Diablo's historic homes. Leslie has

also been responsible for the beautiful displays at the entrances that everyone has enjoyed.

In addition, I would personally like to thank the members of the DCSD Board who volunteer to oversee our security services and maintenance of Diablo's culverts, bridges and roads. I hope you will join me in supporting their efforts, regardless of your point of view. These great neighbors have been thrust in the front lines of some contentious debate and have displayed remarkable patience and tolerance in their commitment to resolve the current issues for the benefit of the community.

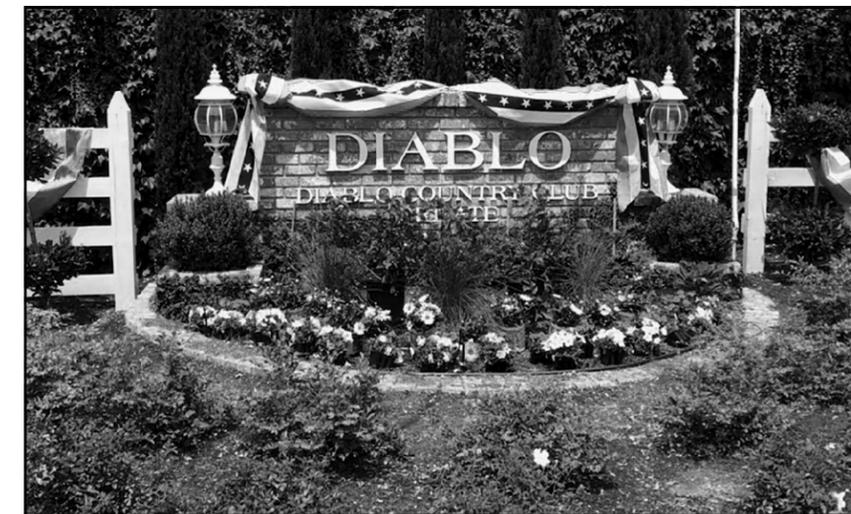
There is still plenty to be done in and around Diablo. Little things make good neighbors as well. Please respect traffic laws, slow down and come to a complete stop at all stop signs. Also, we have a strong need for more volunteers. There are so many projects, small or large, that you might be able to help with during the coming year. If you'd like to be a good

neighbor and make a difference, please come to our next DPOA meeting on Tuesday, August 7th at 7:30 pm in the Diablo Room at Diablo Country Club.

The flags of Diablo were out in force over the July 4th holiday and looked great. Thanks again to Jeff Mini and all of the loyal volunteers who continue to show Diablo's patriotism and honor our country. The flag donations have been so appreciated and highly successful in funding DPOA events and activities. Expect another opportunity to donate and receive your own flag kit with our 2019 membership drive.

Looking forward, our next big event will be on Halloween. Thanks to everyone who has made that tradition so memorable. Again, we welcome your feedback and participation. Also, please help us welcome new residents that you meet and encourage them to join the DPOA.

Happy Summer,
Don Nejedly



Diablo Property Owners Association
P. O. Box 215
Diablo, CA 94528

P.O. Box Holder
Diablo, CA 94528

PRSR STD
ECRWSS
U.S. POSTAGE
PAID
EDDM Retail

The Devil's Advocate

is a publication of the
Diablo Property
Owners Association
P. O. Box 215
Diablo, CA 94528
Editor: Elizabeth Birka-White
925-820-6113
Ebirka@aol.com



Photo taken at a recent Town Hall meeting. Seated on the stage are Sheila Langon, Ray Brandt, Kathy Torru, Kathy Urbelis, Dick Breitwieser. Speaking with the microphone is Tony Geisler. David Watson served as a moderator.

DCSD NEWS

by Kathy Urbelis

Litigation Update

As many of you know, the Diablo Community Services District (DCSD) was named as a defendant in a lawsuit filed in December 2017 by seven residents of Calle Arroyo seeking a judgment from Contra Costa Superior Court that Calle Arroyo is a strictly private street that is not subject to a public right-of-way. They also seek a judgment declaring that DCSD has an obligation to preclude non-residents from using Calle Arroyo.

In a response, DCSD filed a motion stating that the Plaintiffs improperly brought an action for declaratory relief and also asked the Court for a ruling that, even if Plaintiffs were to prevail on their claims that Calle Arroyo is strictly private with no public right of way, DCSD has no obligation to preclude non-residents from using the street. On July 20, the Court issued a ruling on the motion. The judge stated that Plaintiffs could bring an action for declaratory relief; however, the judge invited DCSD to file another motion requesting the Court to confirm that DCSD's limited power granted by its Formation Documents and state law does not authorize DCSD to preclude non-residents from using Calle Arroyo. The judge set the next case management conference for **December 14, 2018**.

Town Hall Meeting on Ordinance Code

One of the DCSD's obligations is to adopt and maintain Ordinance Code that determines how the authorities granted by the state in our Formation Documents will be carried out and enforced. For DCSD, these services are limited to security and maintenance of roads, bridges, and culverts. Our existing Ordinance Code was adopted 25 years ago in 1993. Since that time there have been changes in state law and fee structures, obsolescence of some provisions, as well as culture and technology changes that impact enforcement. Therefore, the DCSD Board initiated a project to review and amend the 1993 Ordinance Code.

On Tuesday, July 24, the DCSD Board held a Town Hall to discuss a new draft of the Code. The meeting opened with Director Kathy Torru presenting the History of the DCSD Formation and the Role of and Procedures for Adopting Ordinance Code. Following this, Director Dave Watson moderated questions and comments from residents related to the new draft, available along with the old on our website (www.diablocsd.org). Discussion centered around Diablo's Formation Document, which basically defines our streets as private with a public right-of-way, and its varying interpretations. Questions and comments were often-times lively and passionate in nature. When the meeting adjourned, the Board

had many suggestions/recommendations and questions to ponder. Directors Torru and Urbelis, who head up this project, will assess the community's significant input between now and when the Board meets again on **August 14**, where they will present a status report and a plan for moving forward.

Vegetation Encroachment: Reminder

In late spring of every year, Diablo residents are asked to make sure their vegetation is not encroaching on our streets. Given our narrow, and in some spots, winding roads, residents need to be diligent about keeping our paved roadways clear. Our lighter rainfall this past winter coupled with our hotter spring has made vegetation creep less of a problem, but please walk your street boundaries to make sure. If you have questions, contact Sheila Langon, Roads Commissioner, at slangon@diablocsd.org.

MAGEE RANCHES UPDATE

Dear Neighbors,

This will update you on Davidon Homes' proposed 69+ unit "Magee Ranches" project for the Diablo Road corridor.

The project: Sixty-six of the homes (plus a minimum of 7 attached second residential units) would be built on land designated for Agricultural Open Space use and accessed from Blackhawk Road ¼ mile east of Mt. Diablo Scenic Blvd., next to Jillian Court. Incredibly, to circumvent a required Ballot Measure S public vote before any such Open Space land may be changed to residential use, the Danville Town Council claims that the 35+ acres to be covered by 66+ homes, infrastructure, and a 5-acre holding pond for floodwaters will remain in "Agricultural use". The other three homes would be built on McCauley Road across from the Green Valley School parking lot.

Background: The project's many environmental impacts---nearly 1000 more cartrips per day, worsening existing congestion and threatening the many tens of thousands of bicyclists riding substandard Diablo Road every year; flooding and erosion in the East Branch of Green Valley Creek that flows through Diablo; potential eradication of a thriving population of endangered CA red-legged frogs---caused hundreds of local residents to actively op-



THE RED HORSE APARTMENTS

by David Mackesey & the Historic Preservation Committee

The Red Horse Apartments at 111 El Centro originated as The Carriage Barn on the Cook Ranch. Built in 1885, it housed the prized pacers and trotters of Seth Cook. The barn was originally constructed at the northwest corner of Alameda Diablo and El Nido (1963 Alameda Diablo) now the location of the home of Kelly and Tiffani Trevethan.

In 1917, Mt. Diablo Park Club founder Robert Noble Burgess decided to repurpose the Carriage Barn. It was moved in one piece by rolling it on logs to the corner of Avenida Nueva and El Centro. Burgess hired acclaimed architect, Arthur Benton, to design a

new facade and interior for the building. He named it The Red Horse Tavern. It was comprised of a tavern, a few studio apartments for single employees of the country club, and hotel rooms for travelers. Its location was chosen to be a convenient stop-over for those who motor toured on the

newly paved road to the summit of Mt. Diablo. Plays were sometimes presented there, and the tavern was the entertainment center of Diablo for a number of years.

In 1948, Diablo Country Club owner Larry Curtola sold the building to a Diablo family, the Johansons. They converted it into private rental apartments. The Hill family subsequently purchased the Red Horse Apartments and owned it for many years until it was purchased by EB HOUSES LLC of Alamo in January of 2018. Taso Tsakos, representing the new owners, says that the interior has already been significantly renovated and that their goal is to faithfully restore and preserve the historic exterior of the building, which was named and featured as one of five "Historic Icons of the Valley" by the Museum of the San Ramon Valley in January, 2016.

Magee Ranches Update (Continued)

pose the project. Nonetheless, the Town Council approved it in 2013 essentially as first publically proposed and with no Measure S public vote. **SOS -Danville Group, comprised of those local residents, sued the Town Council and won in 2016, forcing the Council to rescind its approvals. Subsequently, SummerHill Homes pulled out of the project and later Davidon Homes substituted in.**

Latest news: To comply with the court's order, the Town is preparing a draft revised Environmental Impact Report ("EIR"), which the Town expects to release any day.

Unfortunately, the current indications are that the Town will not **be not be offering any additional mitigations for the project's significant environmental impacts.** Regarding bicyclist safety, weeks ago SOS sent to the Town a Diablo Road bicyclist safety report including an analysis of current conditions and a list of recommendations for significantly improving safety for

bicyclists immediately, and in the near-term. The report was the product of hundreds of hours of work by SOS volunteers and a bicycle safety expert hired by SOS. To date, there has been no response from either the Town, or from some local bicyclist safety activists in Danville and Diablo, to whom the report was copied. Please email me if you wish to have a copy of this report.

Please look for announcements through SOS updates to our supporters and on Nextdoor Diablo so you are aware when the draft EIR is publicly released, the deadlines for commenting thereon, and the dates for attending hearings before the Danville Planning Commission and the Danville Town Council.

~Maryann Cella
S

SOCIAL NEWS

Nuptial Banns

Thomas Sauer, son of Anne and Tom Sauer, will marry Juliana Oldroyd in Monterey, on July 28.

Kendra Scharnell, daughter of Deborah and Robert Scharnell, was wedded to Keaton Eldridge on April 7 in San Luis Obispo. A reception followed at the ancient Peaks Winery vineyard in Santa Margarita. The pair honeymooned in Tuscany and Rome and are now living in Santa Margarita.

Births

Sheila and Jeff Langon and daughter Jessica, son-in-law Kedar, and big brother Kiran Abhyankar welcomed a baby girl on May 9, Anya Langon Abhyankar, weighing in at seven pounds and seven ounces.

Anne and Tom Sauer announce with joy the birth of a second grandson, George Thomas Evans, born on March 4 to daughter Molly and Eric Evans and weighing five pounds, 12 ounces. The new family are living in Danville.

Deborah and Rob Scharnell are thrilled to announce the birth of daughter Kirsten and Cody Bishop and big brother Carter's new baby Bennett Andrew Bishop born on July 9 and weighing eight pounds, five ounces. The family of four are living in Walnut Creek.

Diablo Grandparents Sue and Joe Raphael and Caren and Rick Steffens are delighted to share the happy news of son Brian Raphael and daughter Courtney Steffen Raphael and big sister Cypress's new baby Maverick Joseph Raphael, born on January 18, and weighing nine pounds and 11 ounces

High School Graduations

Yasmin Bahrami, daughter of Mojdeh Salehomoum and Omid Bahrami, graduated from Monte Vista High School.

Jacob Bauer, son of Wendy and Dave Bauer, and a graduate of Monte Vista, is heading off to St. Mary's College in Moraga where he received a soccer scholarship.

Sophie Canepa, daughter of Jean and Robert Canepa and a graduate of Carondelet High School, is packing her bags for the University of Notre Dame in South Bend, Indiana, where she will be studying Mechanical Engineering.

Grace Girzadas, daughter of Gina and Jason Girzadas, and a graduate of the Athenian School, is off to explore Beantown at Boston University.

Luke Happel, son of Gail and Dave Happel and a graduate of De La Salle High School, is looking forward to joining the Hoosiers at Indiana University.

Jessica Heimann, daughter of Richard

Continued on back page

Spring Stroll Was A Roaring Success! by Dana Pingatore

The Diablo Historic Preservation Committee hosted a wonderful spring Stroll Through The Roaring 20's on May 19th. David Mackesey led a delightfully informative tour, relating the colorful stories of the founding of Diablo through the 1920's. Stories focused on 13 of Diablo's historic homes, along the mid stretch of Alameda Diablo, which were all built between 1920-1928.

Owners of the historic homes generously let the tour into their gardens to see the history and architecture up close. Some particularly delightful moments on the stroll included:

-- The glee on David Mackesey's face

as he told of the discovery of a legendary horse head with a flowing mane that's been right here all along.

-- Stepping into the Birka-White home to see the magnificent living room where Herbert Hoover, then running for the office of President, spoke before a Contra Costa County women's group.

-- Being permitted inside the gates of the 2.7 acre gardens of Penny Adam's Tile Pile.

--Receiving 1914 pennies while David told the story of Diablo's connection to the SF Mint.

After meandering up and down Alameda Diablo, the walk concluded

with a lovely lunch reception at Wags Tails, home of Scott Lawrence and Kent Johnson. Diane Daley-Smith and Barry Bennett characterized it as "the best \$19.98 we ever spent!"

The mission of the Diablo Historic Preservation Committee (DHPC) is to educate residents and celebrate Diablo's rich history, architecture and traditions in order to preserve it. All residents are invited to participate. Meetings are generally held every other month at Diablo Country Club. Please contact Tony & Dee Geisler or see the display case for DPOA in the Post Office for more information.



Neighbors Gather in the rear garden of the Scharnell home.



The Owl, salvaged from a dead elm tree belonging to Valerie and David Watson



David Mackesey and Jeff Mini enjoying the tour together.



Penny Adams and Shirley Osmer listening attentively while David Mackesey speaks.



Neighbors gather in the redwood-paneled living room of the Birka-White home.



Kent Johnson, Scott Lawrence, and Tony Geisler greet the neighbors at a post-tour reception at Wag Tags.

**If you like receiving this newsletter,
please join DPOA!**

Your nominal \$125 annual donation supports a range of community enhancing activities all year long, including this quarterly newsletter! Over half of your neighbors have already joined. Print a membership form at www.diablopoa.org or pick up a form at the Post Office in the DPOA display box.

**NEIGHBORHOOD
SOCIAL NETWORK**

Join our private neighborhood social network at www.diablo.nextdoor.com. Neighbors share crime/safety information, events, recommendations and items for sale, etc.