

CITY OF HAYWARD

AGENDA REPORT

AGENDA DATE 09/12/00

AGENDA ITEM _____

WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: Appeal of the Approval of Site Plan Review Application No. 00-130-13 – Frank Goulart for *Friends of Hayward* (Applicant); Jorge & Martha Gutierrez (Owners) - Request to Relocate a Residence (the “Harder House”) from 753 A Street to 297 Eastman Street in the Single-Family Residential (RS) District

RECOMMENDATION:

Staff recommends that the City Council find that the project is categorically exempt from CEQA, and that the City Council deny the appeal and approve the project subject to the findings and the conditions of approval.

DISCUSSION:

The “Harder House,” built in 1906, is located on property soon to be redeveloped as part of the Albertson’s downtown shopping center. *Friends of Hayward*, a non-profit corporation, negotiated to have the house moved to the property on Eastman Street. The subject property contains a later house built by the Harder family and is part of the site of farmland once owned by Judge Harder. The applicant filed the Site Plan Review application to accommodate the proposed move.

The Planning Director approved the application on June 22, 2000. The conditions of approval required that all uses of the property comply with the Zoning Ordinance and that a two-car garage be provided prior to occupancy of the relocated residence. An appeal of the approval was received from Terry LeBaron, 285 Eastman Street. The Planning Commission, on a motion to deny the appeal and approve the application, failed to take action at its July 27, 2000, with a 3-3 vote, leaving the Planning Director’s approval intact.

An appeal to the City Council by Terry LeBaron was received on July 28, 2000. A petition signed by 52 neighborhood residents (40 households) on Eastman Street and Jane Avenue supplements the appeal. The objections to the relocation of the home include:

- its alleged intended use as an historic house museum, creating traffic, parking and privacy impacts in the neighborhood;

- its scale in relationship to the houses in the neighborhood; and
- its need for renovation, and the lack of a guarantee that the work will proceed in a timely manner.

In response to the petitioners, the relocated residence may only be used as a single-family residence. The RS District permits the addition of a second residence providing a property is at least 10,000 square feet in size; the main body of the property contains nearly 28,500 square feet. A second residence could have a height of 30 feet, accommodating 2 stories, within 20 feet of the adjacent properties. Any of the adjacent properties could also be allowed a second-story addition to the existing residences. The relocated structure, while on a raised foundation of 2½ feet, is a one-story residence. The main portion of the residence will be located 20 feet from the adjacent properties. The relocated structure is not visible from any street frontage; therefore, the architectural style will not conflict with the surrounding residences.

Should the applicant or property owner later wish to use the relocated residence as an historical house museum, a Conditional Use Permit would have to first be approved by the Planning Commission. Issues regarding traffic, parking and noise would be dealt with appropriately at that time. Notice of any Use Permit application and hearing would be provided to the surrounding residents.

Funds have been secured to cover the cost of relocating the "Harder House." However, additional funds will be required to renovate the residence for occupancy as a single-family residence. The applicant intends to use vocational students to perform the work and this may occur over an extended time. However, the property owner represented to the Planning Commission that he has obtained some funding for the project. The property is completely fenced and its entrance is controlled by a security gate. Therefore, the relocated residence should not be subject to deterioration from vandalism or vagrancy. A condition of approval requires annual review by staff to determine progress of the renovation work. Should deterioration of the structure occur due to neglect, the City could declare it to be a nuisance and order the removal or demolition of the structure.

CONCLUSION:

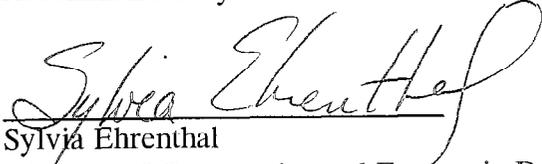
The property at 294 Eastman Street is able to receive the structure and be consistent with the Zoning Ordinance. The structure will be operated as a single-family residence and any future use as an historic house museum will first require approval of a Conditional Use Permit. Therefore, staff recommends denial of the appeal and approval of the site plan review application.

Prepared by :



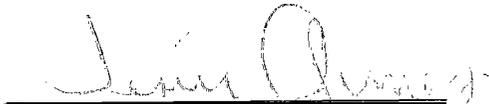
Richard E. Patenaude, APCP
Acting Principal Planner

Recommended by:



Sylvia Ehrental
Director of Community and Economic Development

Approved by:

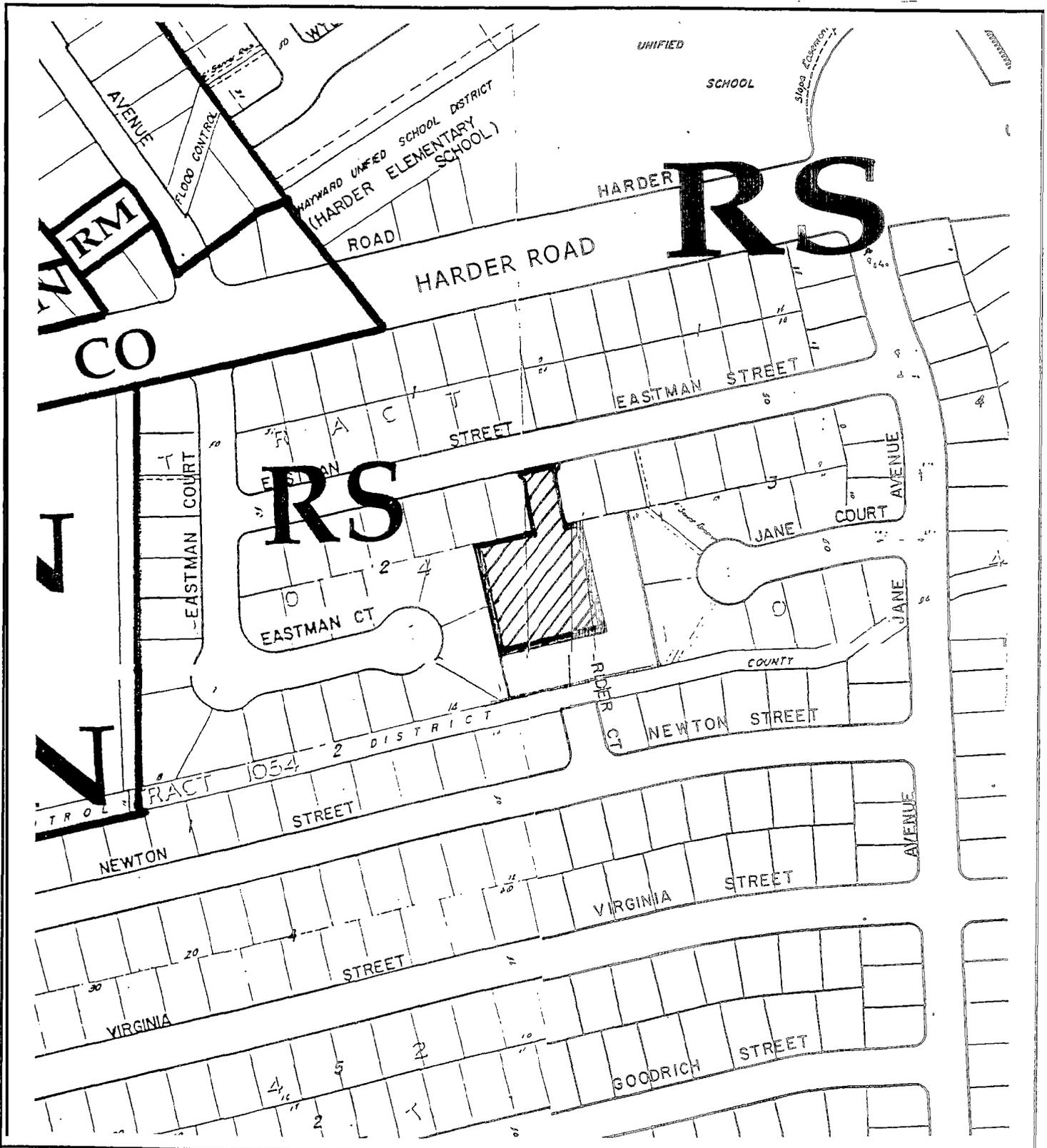


Jesús Armas, City Manager

Attachments :

| | |
|-----------|---|
| Exhibit A | Area Map/Site Plan |
| Exhibit B | Planning Commission Draft Minutes/Staff Report, dated 7/27/00 |
| Exhibit C | Appeal Letter/Petition, dated 7/28/00 |
| Exhibit D | Finding for Approval |
| Exhibit E | Conditions of Approval Draft Resolution |

9.05.00

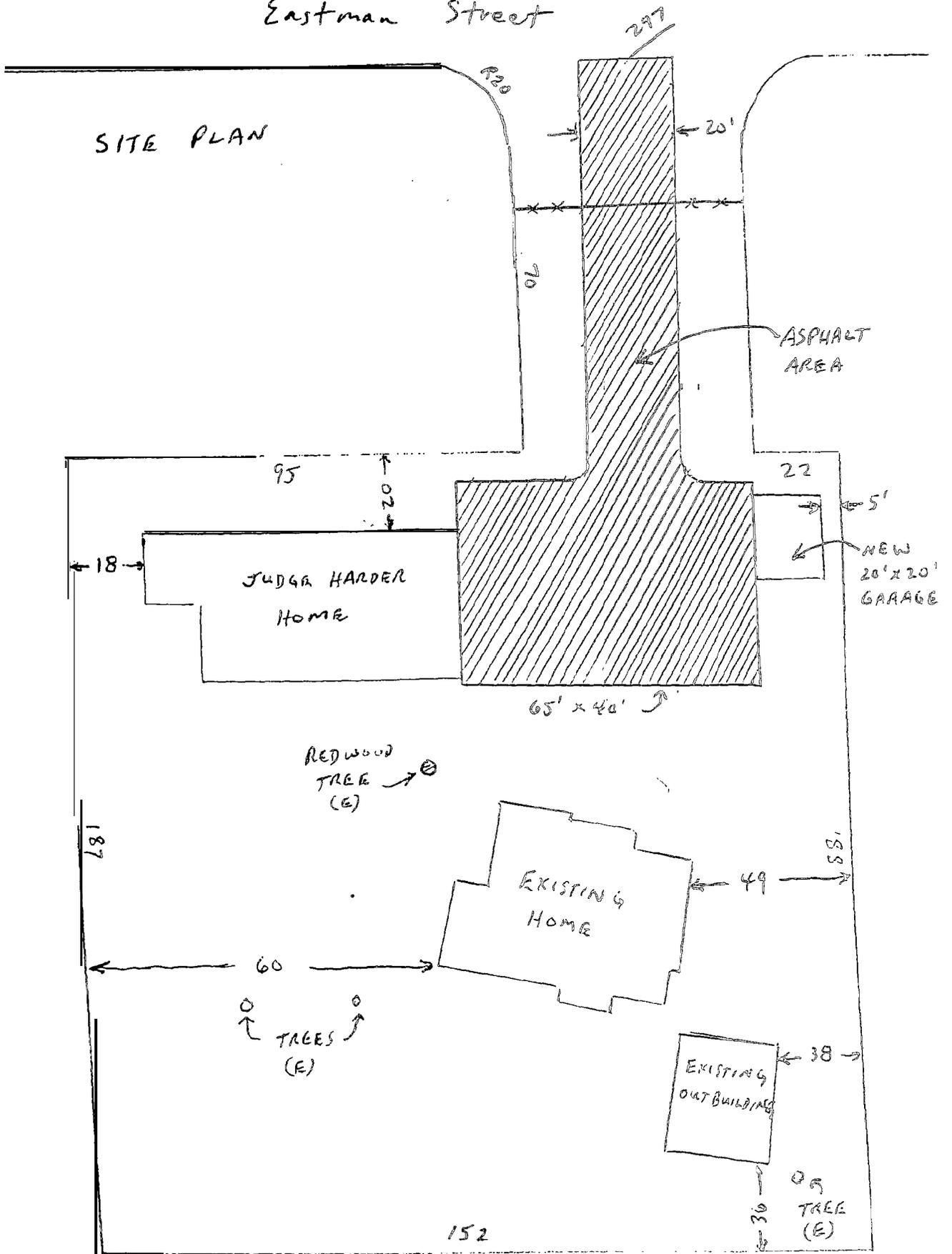


▲ North
 1" = 200'

ZONING/AREA MAP
SPR 00-130-13
 Friends of Hayward (Applicant)
 Jorge and Martha Gutierrez (Owners)
 297 Eastman Street

Eastman Street

SITE PLAN



~~The Site is Located at 22301 Mission Blvd. and 811 Grace Street, in a CC-C (Central City Commercial) Zoning District.~~

PUBLIC HEARINGS

1. Site Plan Review 00-130-13 – Frank **Goulart**, Friends of Hayward (**Applicant**) / Jorge & Martha Gutierrez (Owners): Appeal Of Planning Director's Approval to Allow Relocation of an Historic Residence (The "Harder House") From 753 A Street to 297 Eastman Street in a RS (Single-Family Residential) District

Associate Planner Patenaude described the property, as well as the house, which will be relocated. It was built by Judge Harder. It is presently located at 753 A Street and needs to be moved to make way for the new Albertson's Marketplace. Some of the conditions of the Albertson's project encourage the preservation of the historic buildings on the property as much as possible. The Friends of Hayward are working to preserve the house. The property on Eastman Street is a large lot and can accommodate two residences. The Harder house would require additional parking on the property. A new garage is being proposed. The Conditions include connection of all utilities as well as that application of all Building and other applicable Codes be followed in the restoration. The application was originally approved by staff, as it was felt that the property could accommodate the relocated house according to conditions of the zoning district in the location. The appellant has raised three issues in protest: the use of the house as a historic house and museum as well as problems- with traffic and privacy in the neighborhood. There is no proposal at this time to operate as a museum. Any proposal to operate as a museum would have to have a conditional use permit which would then come back to the Commission at which time the neighbors would be notified and it would be heard publicly. The second issue is the scale of the home in the neighborhood. Most of the homes are one-story; this home is also a one-story home although built on a raised foundation. However, this property could accommodate a two-story home at this location. The height limit in the residential district is 30-feet. The last issue is the renovation of the home itself. The funding to move the home is in place. However, funding to conduct immediate restoration of the home is not available. The applicant plans to use persons training in the construction trades to help with the project and to continue raising funds for the restoration. The City could declare the home a nuisance if it goes too long with no renovations. Because staff felt this is an appropriate location for a second residence on this property and because the relocation fulfills some of the intent of the conditions of the Albertson's property in preserving a historic home, staff recommends that the Commission deny the appeal and approve the Site Plan review subject to findings and conditions.

Commissioner Sacks asked whether the property directly adjacent to the subject property could be developed at some point. She was told that access would have to be provided across the flood control channel. She then asked why there is no time line with the renovation. She was told that since this is a non-profit group doing the renovation, the work would be accomplished but that a time-line would overly burden the group. There is a condition that if does become a nuisance, the City can bring it back to a hearing.

Commissioner Halliday asked about the hours of renovation. She was told they would be the usual hours for any neighborhood construction.



Commissioner Zermeño asked why there was no timeline for the renovation. He said he would feel better with a deadline or at least progress reports.

Associate Planner Patenaude responded that the Commission might appropriately place timeline or progress reports as conditions.

Commissioner Fish asked whether other building projects were required to report on timelines or did they just have to show progress on an annual basis to keep the building permit alive.

Associate Planner Patenaude explained that when applying for a building permit, it is necessary to show progress. An inspection is made every 180 days to keep the permit alive.

Commissioner Zermeño asked whether any other property in the City had been looked at for placement of the house.

Associate Planner Patenaude said he was aware of none, however, this property was chosen since it was previously owned by the Harder family at one time.

The Public Hearing was opened at 8:47 p.m.

Terry LeBaron, 285 Eastman Street, appellant, suggested this in not a historical issue since there is no proposal, at this time, to have it considered a historical house. The neighborhood is not zoned for tours, etc. She asked whether, if it considered a private residence, there are funds available for reconstruction. Neighborhood concerns focus on getting the work done quickly and efficiently. She emphasized that the project is too vague at this point as far as any proposal. She asked that they should have definitive answers to neighbors' questions before the house is moved. She expressed concern about the present property owner's construction on the site as well as the condition of premises at this time.

Dianne Munoz, 292 Eastman Street, a neighbor directly 'across from the driveway of the property owner. She expressed concern about the activities at the present property. She also wondered about enforcement of any restrictions and concerns.

Robert Lopez, 369 Jane Court, indicated that all the homes in the area are raised homes but this one will still tower above all the rest. He said this home would bring down the property values in the area. This is the underlying feeling of the neighborhood. The architecture is better fitted to another location. He added that the answers to all the questions raised are still too vague.

Art Swift, 26115 Eastman Court, former member of the Whitman-Tennyson Task Force, said he was against the whole project for many of the aforementioned reasons. He questioned the

fit.

Frank Goulart, 22248 Main Street, speaking for the Friends of Hayward, expressed feeling for the neighbors and the neighborhood. He said if there are any tours in the future, the Friends would take great pains not to impact the neighborhood. He suggested the historic preservation might actually increase the value of the properties in the area. He responded to other questions and concerns. He explained that he had looked at other places, but realized that the original Harder property had a lot available with an owner who was willing to accommodate the house.

The owner was planning to build a two-story house on the lot. He explained that the City has only designated 12 sites in the City as historical sites. This house is unique to the history of Hayward, not necessarily as an architecturally historic site. He added that the funding for the restoration would be financed partially by the owner as well as community funds. He said the building could be moved and stabilized quickly. He suggested a time-line would be appropriate. He then responded to questions from Members.

Commissioner Halliday asked about the time-line. Mr. Goulart said the owner is motivated to try to renovate the property as quickly as possible. He added that the Regional Occupation Program would like a property just like this to provide a learning tool for the students. Qualified contractors would be available to provide instructions and over-sight.

Commissioner Zermeiio asked about a different site for locating the home. He suggested locating the house at Hesperian and Route 92 since there is presently an old post office on the site, which is near Chabot College and ROP.

Mr. Goulart responded that permission from the church on that site would be needed as well. He indicated that he had checked on the site and there are future plans by the church for that location.

Commissioners Fish and Sacks asked for more details of the actual moving of the house.

Commissioner Bogue asked about transportation of workers to the site.

Mr. Goulart explained that most of the workers would be coming two or three in a car. He added that any talk of tour buses is premature at best since he is envisioning maybe one or two classes from near-by schools for tours at the site. He thinks the only tours would be student classes. He suggested any other tours or groups could meet at Harder School at walk the two blocks to the site.

Commissioner Zermeño suggested finding a different solution might involve including the City, HARD and the Historical Society working together to negotiate a different neighborhood location. He then asked how difficult it would be to find a holding location for the house while working on a permanent solution.

Mr. Goulart said an extra move was not in the budget. Albertson's would Bike to gain access to the property and is already putting deadlines on the move of the house. Once they are ready to move something has to be done or the house will be demolished. He suggested that the Friends of Hayward are willing to trade the building to Mr. Gutierrez in exchange for a



REGULAR MEETING OF THE PLANNING
COMMISSION, CITY OF HAYWARD, Council
Chambers

Thursday, July 27, 2000, 7:30 P.M.
777 "B" Street, Hayward, CA 94541

preservation easement, which would say, you must keep the house and facade in good repair. There would be no other subdivision allowed on the property. There is also a possibility of the Friends buying the property back at some future date. We stated that they would not allow the property to be detrimental to the neighborhood.

Commissioner Caveglia said part of the problem was the lack of communication about the property and its use. He asked about the vision of the Society in using the property.

Mr. Goulart explained that he envisioned the renovation taking two years; after which the property would be owned and used by the Gutierrez family. The Friends of Hayward might hold an event to celebrate finishing the project. After that he may ask the principal of Harder School let students come by and see various historical documents and photographs.

George Gutierrez, 297 Eastman, owner of the property, said he has lived on the site for 11 years. He said he has never had any problem with his neighbors. He said various contractors who want to buy the properties have approached him, which combined are zoned for 12 houses. He said he promised Mrs. Harder and the trustee of the Harder family that he would not demolish the house. That he was going to live on the property. He said he wants to continue to stay there. He added that he thought it would be a great idea to add the Judge's house to the property since it would stop any further development on the land. He said they have a total of \$60,000 to begin the renovation and building the foundation once the house is moved. He indicated that he is presently repairing the water damage on his present home.

Commissioner Sacks asked about the future plans for the house

Mr. Gutierrez explained that he owns the present property with his parents who might be moving into the house. He said this would be an opportunity for his family to expand. This house is bigger than his present home. He indicated that they would be willing to open their home to the public occasionally. He indicated that his present home is 1,291 square feet. The Harder House is 1,740 square feet. The neighborhood consists of houses of 1,500 or 1,600 square feet. He said the biggest house he has seen for sale in the neighborhood is 1,700 square feet.

The Public Hearing was closed at 8:37 p.m.

Commissioner Fish moved, seconded by Commissioner Halliday, to endorse the Planning Director's initial approval.

Commissioner Halliday asked staff whether they had verified that no work was presently being done without City permits.

Associate Planner Patenaude indicated that from the front of the property no items were

visible. He did not inspect the rear of the house.

Commissioner Halliday said a petition from 32 neighbors is taken quite seriously. She added that the neighbors might be wrong in their assumptions of the popularity of historic locations. She amended the motion to request that the Commission will have a progress report on the renovation within one year from the time that the building is actually moved to the property.

Commissioner Sacks said she would vote for the motion with reservations. She asked Mr. Goulart to negotiate with the community so their rights and sensibilities are not violated. She also encouraged the neighborhood to be vigilant.

Commissioner Bogue said he was not convinced that they had addressed the neighborhood concerns regarding parking on the property. He was shown the site plan and how it was accessed from Eastman as well as the garage parking and accessory parking areas on the pavement on the property.

Planning Manager Anderly stated that there is no limit to the length of the driveway. Cars parked outside of the garage are allowed to park along the paved portion.

Commissioner Bogue asked about the teeth to the amendment to the motion if nothing has happened within the year.

Commissioner Halliday asked what the normal review period would be.

Chairperson Caveglia said he would not support the motion since it seemed too vague: He said the house is not necessarily historic. He said they need to listen more closely to the neighborhoods.

Commissioner Zermeño said working with the neighbors has been missing from this process. He suggested a neighborhood historical commission for the area. He also suggested another site for the house through the auspices of HARD and the City.

Planning Manager Anderly clarified that the motion would allow only a review of the property at one year, there would be no punitive action taken at that time.

The motion failed by the following vote:

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|----------|--|
| AYES: | COMMISSIONERS Fish, Halliday, Sacks |
| NOES: | COMMISSIONERS Bogue, Zermeño CHAIRPERSON Caveglia |
| ABSENT: | Williams |
| ABSTAIN: | None |

Commissioner Zermeño then moved, seconded by Commissioner Halliday, the previous motion with the addition of a neighborhood historical commission and that the Commission would review the progress of the house one year from now.



Commissioner Sacks asked for a clarification of the Commission taking "no action."

Assistant City Attorney Conneely explained that the project is neither approved nor denied so the decision of the Planning Director would stand. She then suggested that the Commission could either make a recommendation to the City Council or simply refer it without either. Commissioner Fish said anyone with a property this size would be able to have a second house on it. He wondered why there was so much problem with this. He said he would like to see it preserved because if it stays on the Albertson's property, it would be destroyed.

Commissioner Zermeiio's motion was defeated by the following vote:

| | |
|----------|---|
| AYES: | COMMISSIONERS Zermeño |
| NOES: | COMMISSIONER Bogue, Fish, Sacks, Halliday CHAIRPERSON Caveglia |
| ABSENT: | Williams |
| ABSTAIN: | None |

Chairperson Caveglia then moved to uphold the appeal and deny the Planning Director's action. No second was made to this motion.

2. Use Permit 00-160-03 – Nextel Communications, Inc. (Applicant) / Fairway Park Baptist Church (Owner): To Construct and Operate a Telecommunications Facility From Property Developed With a Gymnasium/Family Life Center – *The Property is Located at 31318 Medinah Street in a CO (Commercial Office) District*

Senior Planner McClellan reported on the application, which, in addition to antennas and equipment shelter, would be an addition to the present structure. Nextel would add a covered entry way and cupola to the present facility. He reported that the neighbors are agreeable to this arrangement. He then described the enclosure for the electronic and necessary equipment.

The public hearing opened at 9: 17 p.m.

Bob Przybylo, 388 Beale Street #1409, San Francisco, with Nextel, said they are proposing a stealth facility and asked for approval without conditions 12 and 13 since those were conditions asked for by the neighborhood which have already been dealt with. Since he said the Company has no concept of the history of the parcel, they should not be held liable for the present situation. He added that the company would provide an enclosure for the dumpster near the gymnasium.

Commissioner Halliday suggested that, since the owner benefits from this arrangement, this is one avenue for the City to leverage their cooperation in following certain guidelines.



CITY OF HAYWARD
AGENDA REPORT

Planning Commission

Meeting Date 07/27/00

Agenda Item

TO: Planning Commission

FROM: Richard Patenaude, Associate Planner

SUBJECT: Appeal of Planning Director Approval of Site Plan Review Application No. 00-130-13 – Frank Goulart for *Friends of Hayward* (Applicant) / Jorge & Martha Gutierrez (Owners): Request to Relocate an Historic Residence (the “Harder House”) from 753 A Street to 297 Eastman Street in the Single-Family Residential (RS) District

RECOMMENDATION:

Staff recommends that the Planning Commission find that the project is categorically exempt from CEQA, and that the Planning Commission deny the appeal and approve the project subject to the findings and the conditions of approval.

BACKGROUND:

The “Harder House” is located on property soon to be redeveloped as part of the Albertsons downtown shopping center. *Friends of Hayward*, a public-benefit non-profit corporation, negotiated to have the house moved, rather than see it demolished, to the property on Eastman Street; the subject property contains a later house built by the Harder family. The applicant filed the subject Site Plan Review application to accommodate the proposed move.

The Planning Director approved the subject application on June 22, 2000. The conditions of approval required that all uses of the property comply with the Zoning Ordinance and that a two-car garage be provided prior to occupancy of the relocated residence.

An appeal of the approval was received by Terry LeBaron, 285 Eastman Street. The appeal was later supplemented by a petition signed by 40 neighborhood residents (32 households) on Eastman Street and Jane Avenue. The objections to the relocation of the home include:

- its use as an historic house museum, creating traffic and parking? and privacy, impacts in the neighborhood;
- its scale in relationship to the existing houses in the neighborhood, as the house is larger and placed on a raised foundation; and
- its need for renovation, and the lack of a guarantee that the work will proceed in a timely manner.

The petition is attached.

In response to the petitioners, the relocated residence may only be used as a single-family residence. The RS District permits the addition of a second residence providing a property is at least 10,000 square feet in size; the main body of the subject property contains nearly 28,500 square feet. All utilities are available from Eastman Street, and the relocated residence will be required to connect to all utilities.

Should the applicant or property owner later wish to use the relocated residence as an historical house museum, a Conditional Use Permit would have to first be approved by the Planning Commission. Issues regarding traffic, parking and noise would be dealt with appropriately at that time. Notice of any Use Permit application and hearing would be provided to the surrounding residents.

The RS District permits the construction **on** a residence on the subject property with a height of 30 feet, accommodating 2 stories, within 20 feet of the adjacent properties. Any of the adjacent properties could also be allowed to add a 2-story addition to the existing residences. The relocated structure, while on a raised foundation of 2½ feet, is a one-story residence. The main portion of the residence will be located 20 feet from the adjacent properties. A rear extension of the house, which is only approximately 10 feet in height, will be 18 feet from the westerly property line; the Zoning Ordinance allows such extensions to be within 10 feet of the property line. The tops of the windows of the main part of the house are approximately 10 feet above grade level; the tops of the windows in a standard house are generally 8 feet above the finished floor .

Funds have been secured **to** cover the cost of relocating the "Harder House." However, additional funds will be required to renovate the residence for occupancy as a single-family residence. The applicant intends to use vocational students to perform the work and this may occur over an extended time. The subject property is completely fenced and its entrance is controlled by a security gate. Therefore, the relocated residence should not be subject to deterioration from vandalism or vagrancy. Should further deterioration of the structure occur due to neglect, the City could declare it to be a nuisance and order the removal or demolition of the structure.

Friends of Hayward intends to acquire a facade easement from the owner. This will provide control of the exterior of the house to *Friends of Hayward* so that they can maintain the historic character of the residence.

ENVIRONMENTAL REVIEW:

The project is exempt from environmental review (Sec. 15332) in that it is an in-fill development project in an urban area.

PUBLIC NOTICE:

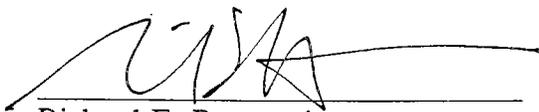
A Referral Notice was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Notice was also provided to the Briarwood Homeowners Association and former members of the Whitman/Mocine Task Force. The Referral Notice provided an opportunity for persons to comment on the project. A few telephone inquiries were received inquiring about the project, and the appeal and petition were received.

On July 17, 2000, a Notice of Public Hearing for the Planning Commission meeting was mailed to every property owner and occupant within 300 feet off the subject site, as noted on the latest assessor's records. Notice was also provided to the Briarwood Homeowners Association and former members of the Whitman/Mocine Task Force.

CONCLUSION:

The relocation of the "Harder House" would be consistent with the mitigation program for the Albertsons downtown shopping center in that an historic structure is preserved. The property at 297 Eastman Street is able to receive the structure and be consistent with the Zoning Ordinance. The subject structure will be operated as a single-family residence and any future use as an historic house museum will first require approval of a Conditional Use Permit. Therefore; staff recommends denial of the appeal.

Prepared by:



Richard E. Patenaude
Associate Planner

Recommended by:



Dyana Anderly, AICP
Planning Manager

Attachments:

- A. Area Map
- B. Site Plan
- C. Findings for Approval
- D. Conditions of Approval
- E. Appeal Petition

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Richard Patenaude
Associate Planner
Planning Division
777 "B" Street
Hayward, CA 9454 1

City of Hayward, Mr. Patenaude,

This letter is our appeal for the site plan review 00-130-13, of which a home that has been considered for residential and historic preservation use, is to be removed from its current location on "A" street Hayward to a new location of 297 Eastman Street Hayward. The objections are as follows.

RESIDENTIAL AND HISTORIC PRESERVATION USE:

This location is not suitable for cultural events or tours. It is bordered on all sides by homes. Nine (9) homes share a common fence with this property.

The way the property has been developed there is no parking available for tours or cultural event vehicles or buses. If they drive on to the premises they must back out causing a potential risk to children which play in this area.

This is a family tract. Bringing in extra traffic and taking up street parking for tours and/or cultural events, would be unfair to the current property owners.

If parking is permitted on premises, for safe turn arounds, the locations available would put property owners at a health risk due to gas fumes of buses and vehicles being started up at property owner's backyards.

You have a noise factor of tours and cultural events that are not a normal residential part of life.

The property is not zoned for this type of use.

This house is not a bungalow as specified in the Daily Review newspaper, dated 6/5/00. This is a large house.

According to the Historic Preservation Ordinance this house does not qualify as a Historic Structure.

If this house was to be placed on **the 297** Eastman Street location it would have to be renovated, per the ordinance, to the exact architectural structure as it was originally built, therefore the foundation that the house will sit on will place the windows at a level of which the house will have complete viewing into each and every adjacent backyard.

Allowing persons to take tours or have cultural events at this location will allow anyone to have complete viewing of each and every backyard adjacent to north and east of this house. This is unacceptable. (The house at its current location, on "A" Street, has a 6 foot fence on the east side of the property. This will verify the window level.)

This property always has vehicles parked in non-ordinance locations. To park the vehicles they drive by the adjacent neighboring backyards. Parking vehicles at this location will not give a very desirable appearance to a property that has a Historic Preservation Use structure on it. As of the date 7/4/00 this can be viewed on the premises.

QUESTIONS: If it is past?

1. Will a brick sound bearer wall be constructed to alleviate the noise factor?
2. Will the new property owner be able to divide the property and sell it at a profit, as a private residential residence, abandoning the Historical Preservation issue, or will the city require it to remain a Historic house for the purpose for which it was put there.
3. What assurance is there that this house will be used for historic preservation use, will remain in proper condition for tours, cultural events etc. if someone is living, renting the house.
4. If this is passed, will the renovations be carried out within the city time limits, (plumbing, wiring, structural repair), and will the work that is being performed be limited to **Monday through Friday normal working hours of 7:00 a.m. to 5:00 p.m.** That would assure quiet enjoyment, from the saws and hammering, for the neighbors when they are home from work in the evenings and on weekends.
5. How long of term do the new owners have to do the renovating. Will there be a deadline without extensions or will renovations be done as the money is available?
6. Are the funds available for the renovating of this house (money set aside in escrow) to assure completion within the city ordinance time limits?
7. Placing a home that needs to be renovated, behind existing homes, is very undesirable in appearance. A building sitting up on blocks waiting for foundations and remodeling to be done is not something a property owner would want to look at for very long. The house being on blocks will set the house approximately 4 to 5 foot higher than mentioned above, just so the foundation can be constructed under it. A six foot fence will not block that view from a property owners backyard.

CONDITIONS OF PROPERTY NOW AT 297 EASTMAN STREET

The map submitted with the application to the city shows water to the property. Per the City of Hayward, 6/26/00, this property has only had **sewer service in the** property owners name since 1992. There has not been any permits showing that there has been water service installed, nor does the City of Hayward have any record of water **usage** billings, for the water service to this property. If there is, where and when did they start service. If there is service, the Hayward Water System would have record of it. I would think the service lines would need to be inspected. ("No Service" can be verified with the Hayward Water System 510-583-4600)

Where the electrical lines are coming into the property there is a dead pine tree that the wires go through of which has only been partially removed. This is a fire hazard situation and is still standing as of 7/4/00. More wires to that pole location will just make it more dangerous for the property owners around the area.

The parking availability? Where is the garage going to be located for **this house**. I understand that the garage for this house is going to be located to the back of the property. If that is so, then you have vehicles driving along the back fence of the adjacent properties resulting in gas fumes which is a health hazard, in which will effect the west and north side property owners. The original tract plan had houses being built on this property, with a cul-de-sac. All backyards would be back to back. There would be no vehicles driving past the back of any person's backyard, This would be a **major issue for someone trying to sell their home which is adjacent to 297 Eastman St.**

There are a lot of questions that have not been addressed. All the residences in this neighborhood have only received a card stating a request for moving a historic house to a new location and no other information. That is why we are requesting that a public hearing be scheduled before the Planning Commission to review the requirements and the means of moving this house for use as a Historic preservation sight or a private residence relocation. We do not want this house located on to the 297 Eastman Street property.

SIGNATURES

PLEASE PRINT NAME

ADDRESS

| | | |
|---------------------------|--------------------|---|
| <i>Dianne Murray</i> | Dianne Murray | 292 Eastman St. |
| <i>Aaron Cisneros</i> | Aaron Cisneros | 278 Eastman St. |
| <i>Sandra Cisneros</i> | Sandra Cisneros | 278 Eastman St. |
| <i>Estelle Green</i> | ESTELLE GREEN | 273 EASTMAN ST. |
| <i>Lori Lopez</i> | LORI LOPEZ | 243 EASTMAN ST. |
| <i>José Lopez</i> | José Lopez | 243 Eastman ST. |
| <i>Grace Cabral</i> | GRACE CABRAL | 215 Eastman St. |
| <i>Clifford Nguyen</i> | CLIFFORD NGUYEN | 26024 Eastman Ct. |
| <i>Inez Stenberg</i> | Inez Stenberg | 26086 Eastman Ct. |
| <i>Wm. C. Stenberg</i> | WM. C. STENBERG | 26086 EASTMAN CT. |
| <i>Cynthia M. Caullby</i> | Cynthia M. Caullby | 26094 Eastman Ct. |
| <i>Joseph L. Caullby</i> | JOSEPH L. CAULLBY | 26094 EASTMAN CT. |
| <i>Timothy Riley</i> | TIMOTHY RILEY | 26102 EASTMAN CT. |
| <i>Lesue Lam Low</i> | LESUE LAM LOW | 26116 EASTMAN CT. ^{HAYWARD} |
| <i>Lil Brown-Parker</i> | Lil Brown-Parker | 26199 Eastman Ct. ^{HAY.} 94541 |
| <i>L. Cabral</i> | L. CABRAL JR | 26091 EASTMAN CT. 94541 |
| <i>Betty Holmes</i> | Betty Holmes | 26075 Eastman Ct. |
| <i>L. Ellifrits</i> | L. ELLIFRITS | 26051 EASTMAN CT. |
| <i>Basem Luitzford</i> | Basem Luitzford | 26035 Eastman Ct. |
| <i>Michael A. Capicco</i> | Michael A. Capicco | 26027 Eastman Ct. |
| <i>Samantha Cederberg</i> | Samantha Cederberg | 26027 Eastman Court |
| <i>Gilbert P. Cabral</i> | Gilbert P. Cabral | 215 EASTMAN ST. |

CONDITIONS OF PROPERTY NOW AT 297 EASTMAN STREET

The map submitted with the application to the city shows water to the property. Per the City of Hayward, 6/26/00, this property has only had **sewer** service in the property owners name since 1992. There has not been any permits showing that there has been water service installed, nor does the City of Hayward have any record of water usage billings, for the water service to this property. If there is, **where** and when did they start service. If there is service, the Hayward Water System would have record of it. I would think the service lines would need to be inspected. ("No Service" can be verified with the Hayward Water System. 510-583-4600)

Where the electrical lines are coming into the property there is a dead **pine** tree that the wires go through of which has only been partially removed. This is a fire hazard situation and is still standing as of 7/4/00. More wires to that pole location will just make it more dangerous for the property owners around the area.

The parking availability? Where is the garage going to be located for this house. I understand that the garage for this house is going to be located to the back of the property. If that is so, then you have vehicles driving along the back fence of the adjacent properties resulting in gas fumes which is a health hazard, in which will effect the west and north side property owners. The original tract plan had houses being built on this property, with a cul-de-sac. All backyards would be back to back. There would be **no** vehicles driving past the back of any person's backyard. **This would be a major issue for someone trying to sell their home which is adjacent to 297 Eastman St.**

There are a lot of questions that have not been addressed. All the residences in this neighborhood have only received a card stating a request for moving a historic house to a new location and no other information. That is why we are requesting that a public bearing be scheduled before the Planning Commission to review the requirements and the means of moving this **house** for use as a Historic preservation sight or a private residence relocation. We do not want this house located on to the 297 Eastman Street property.

| SIGNATURES | PLEASE PRINT NAME | ADDRESS |
|------------|--------------------|------------------------|
| | Tony Cabral | 215 EASTMAN ST. |
| | Jose Guillen | 208 Eastman St. |
| | KATHRYN FLEMING | 222 EASTMAN ST |
| | RALPH R. FLEMING | 222 EASTMAN ST |
| | Robert Rodriguez | 264 Eastman St |
| | HOMERO MUNOZ JR. | 272 EASTMAN ST. |
| | EDNA BAKER | 309 EASTMAN ST |
| | Ekram Canachco | 321 EASTMAN ST. |
| | Janette Thompson | 316 Eastman St. |
| | August P. Mendreta | 2601 Eastman St |
| | Horzo Michael | 390 June Cr., Hay |
| | Cynthia Resendes | 305 Jane Ct., Hayward |
| | Zeb Woods | 353 - June Cr. Hayward |
| | ROHITESH CHAND | 345 Eastman St Hay |
| | Ernest W. Swift | 357 Eastman St |
| | Mr + Mrs GUERRERO | 369 Eastman St |
| | KURT KUEHL | 397 EASTMAN ST. |
| | EARL W. LeBaron | 285 EASTMAN ST |

JUL 23 10:21 AM '00

Mayor Roberta Cooper
and the City Council Members

RECEIVED

cc: Mayor, City Council,
City Manager, and
Dept. Planning

Hayward, CA 94541

JUL 31 2000

Fwd: 07/26/00 ml

City Council Members.

PLANNING DIVISION

This notice is our appeal to the City Counsel on the decision of the Planning Commission for approving the site plan review 00-130-13, of which an application to move a home for residential and historic preservation use is to be removed from its current location on "A" street Hayward to a new location of 297 Eastman Street Hayward.

There are issues that we feel the City Council should be aware of. Persons signing below are requesting the opportunity to be heard by the City Council members regarding our concerns and to voice our request that the City Council over rule the decision of the Planning Commission and reject/deline the applicant for moving this house on to the premises of 297 Eastman Street. The below signers stand firm that we do not want this house located on to the 297 Eastman Street property.

| SIGNATURES | PLEASE PRINT NAME | ADDRESS |
|----------------------------|---------------------|--------------------|
| <i>Edward W. LeBaron</i> | Edward LeBaron | 285 Eastman St. |
| <i>Edna Baker</i> | EDNA BAKER | 285 EASTMAN ST |
| <i>Edna Baker</i> | EDNA BAKER | 309 Eastman St |
| <i>Edna C. Baker</i> | Edna C. Baker | 331 Eastman St. |
| <i>Rodolfo Chavez</i> | Rodolfo Chavez | 345 Eastman Street |
| <i>Mrs. Mrs. Guerrero</i> | MRS MRS Guerrero | 369 Eastman St |
| <i>Kurt Kuehl</i> | KURT KUEHL | 397 EASTMAN ST. |
| <i>Cynthia L. Resendes</i> | Cynthia L. Resendes | 305 Jane Ct. |
| <i>Robert Lopez</i> | Robert Lopez | 369 Jane Ct. |
| <i>Rich LaPlante</i> | RICH LAPLANTE | 306 Jane Ct |
| <i>Stanley P. Baker</i> | STANLEY BAKER | 366-JANE CT |
| <i>Zeb Woods</i> | Zeb Woods | 353 Jane Ct |
| <i>Max C. Craig</i> | MAX C. CRAIG | 348 JANE CT |
| <i>Mary Keating</i> | MARY KEATING | 324 JANE CT |
| <i>M. Pierce</i> | MERVIN PIERCE | 321 JANE CT. |
| <i>Elizabeth Pierce</i> | ELIZABETH PIERCE | 321 Jane Ct. |
| <i>Greta L. Mated</i> | GRETA L. MATED | 26069 JANE AV |
| <i>Edward G. Mated</i> | EDWARD G. MATED | 26069 JANE AV |
| <i>Eric Steinberg</i> | Eric Steinberg | 26064 Jane Ave. |
| <i>Ronald C. Thompson</i> | Ronald C. Thompson | 316 EASTMAN ST |
| <i>Kathryn Fleming</i> | KATHRYN FLEMING | 222 EASTMAN ST. |
| <i>Ralph Fleming</i> | RALPH FLEMING | 222 EASTMAN ST |
| <i>Goordon Johnson</i> | Goordon Johnson | 247 ISABELLA ST. |
| <i>Robert Rodriguez</i> | Robert Rodriguez | 264 Eastman St |
| <i>Timothy Riley</i> | TIMOTHY RILEY | 26102 EASTMAN CT |

SITE PLAN REVIEW APPLICATION NO. 00-130-13
FRIENDS OF HAYWARD (APPLICANT)
JORGE & MARTHA GUTIERREZ (OWNER)
FINDINGS FOR APPROVAL
September 5, 2000

- A. The development is compatible with on-site and surrounding structures and uses and preserves a residence once occupied by one of the City's historic families.
- B. The development takes into consideration physical and environmental constraints, in that the residence will be constructed with 20-foot yards along adjacent properties.
- C. The development complies with the intent of City development policies and regulations, in that it is infill development that is consistent in size and scale of the subject property.
- D. The development will be operated in a manner determined to be acceptable and compatible with surrounding development in that building code requirements will be met and the use of the residence will be as a single-family residence.
- E. The project is exempt from environmental review (Sec. 15332) in that it is an in-fill development project in an urban area.

SITE PLAN REVIEW APPLICATION NO, 00-130-13
FRIENDS OF HAYWARD (APPLICANT)
JORGE & MARTHA GUTIERREZ (OWNER)
CONDITIONS OF APPROVAL
September 5, 2000

1. The proposed improvements shall be constructed and installed according to the plans labeled Exhibit "A", except as required to be modified by these conditions of approval. This approval is void one year after the effective date of approval unless prior to that time the subject structure ("Harder House") has been relocated to the subject property. Any modifications to the approved plans or conditions shall require prior review and approval from the Planning Director.
2. All improvements indicated on the approved site plan, labeled Exhibit A, must be installed and completed before gas or electric meter service is provided to, and before occupancy of, the "Harder House. " Completion shall be determined when the alterations and reconstruction of the structure have been fully performed. Prior to final inspection of the homes or occupancy (whichever occurs first), all improvements and conditions of approval shall be completed to the satisfaction of the Planning Director and the Building Official.
3. Applicant shall apply for all necessary building permits from the Building Division. All structures and building improvements must be in accordance with the Uniform Building Code, Uniform Mechanical and Plumbing Code, National Electrical Code, and the Uniform Fire Code as adopted by the City of Hayward, except as modified by the State Historic Building Code.
4. The owner shall grant a facade easement to *Friends of Hayward* for the purpose of architectural control of the exterior of the residence. The historic architectural character of the residence shall be maintained.
5. The "Harder House" and its proposed uses shall comply in all respects with the provisions of the Zoning Ordinance.
6. Prior to occupancy of the "Harder House," a two-car garage, or equivalent, shall be provided on the subject property for use by the subject residence.
7. All interested parties, and future purchasers, of the property shall be apprised of these conditions of approval.
8. The residence is subject to annual review by the City to determine progress made toward renovation and occupancy and to determine whether the structure constitutes a nuisance. The property owner shall provide access to the City within 72 hours of a request for inspection.

9. Violation of these conditions, or the determination that the subject structure creates a nuisance, is cause for revocation of the permit before the duly authorized review body. Revocation of the permit may include removal of the “Harder House,” by demolition or other means, from the subject property.

DRAFT

9/1/00
ma

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

RESOLUTION DENYING APPEAL FROM THE PLANNING DIRECTOR'S APPROVAL OF SITE PLAN REVIEW NO. 00-130-13 - FRANK GOULART FOR *FRIENDS OF HAYWARD* (APPLICANT); JORGE & MARTHA GUTIERREZ (OWNERS) - TO RELOCATE A RESIDENCE (THE "HARDER HOUSE") FROM 735 A STREET TO 297 EASTMAN STREET IN THE SINGLE-FAMILY RESIDENTIAL (RS) DISTRICT

WHEREAS, on June 22, 2000, the Planning Director approved Site Plan Review No. 00-130-13, which consists of a site plan for the relocation of a residence (the "Harder House") from 753 A Street to 297 Eastman Street in the Single-Family Residential (RS) District; and

WHEREAS, an appeal to the Planning Commission of the Planning Director's approval by Terry LeBaron was received, later supplemented by a petition signed by 40 neighborhood residents (32 households) on Eastman Street and Jane Avenue; and

WHEREAS, on July 27, 2000, the Planning Commission held a public hearing and on a motion to deny the appeal and approve the application, failed to take action, with a 3-3 vote, leaving the Planning Director's approval intact; and

WHEREAS, on July 28, 2000, Terry LeBaron sent a letter to City Council appealing the Planning Director's approval of Site Plan Review No. 00-130-13, and supplemented the appeal with a petition signed by 52 neighborhood residents (40 households) on Eastman Street and Jane Avenue; and

WHEREAS, the City Council has reviewed and considered all material presented, including the record of the proceedings before the Planning Commission (which is on file in the office of the City Clerk); and

WHEREAS, the City Council hereby finds and determines that:

1. The development is compatible with on-site and surrounding structures and uses and preserves a residence once occupied by one of the City's historic families.
2. The development takes into consideration physical and environmental constraints, in that the residence will be constructed with 20-foot yards along adjacent properties.

3. The development complies with the intent of City development policies and regulations, in that it is infill development that is consistent in size and scale off the subject property.
4. The development will be operated in a manner determined to be acceptable and compatible with surrounding development in that building code requirements will be met and the use of the residence will he as a single-family residence.
5. The project is exempt from environmental review (CEQA section 15332) in that it is an in-fill development project in an urban area.

NOW THEREFORE BE IT RESOLVED, upon the basis of the aforementioned findings, the City Council hereby sustains the Planning Director's approval of Site Plan Review 00-130-13 and rejects the appeal filed by Terry LeBaron from such approval.

BE IT FURTHER RESOLVED that the project is categorically exempt from CEQA, pursuant to section 15332, in that it is an infill development project in an urban area.

BE IT FURTHER RESOLVED that the project is approved subject to the attached findings and conditions of approval.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2000

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward