



**CITY OF HAYWARD**  
**AGENDA REPORT**

AGENDA DATE 05/24/05  
AGENDA ITEM 7  
WORK SESSION ITEM \_\_\_\_\_

**TO:** Redevelopment Agency Board  
**FROM:** Director of Community and Economic Development  
**SUBJECT:** Adoption of Resolution of Necessity to Initiate Eminent Domain Proceedings to Acquire 913 B Street (APN 428-0066-002)

**RECOMMENDATION:**

It is recommended that the Redevelopment Agency adopt the attached Resolution of Necessity to acquire 913 B Street by eminent domain.

**BACKGROUND:**

The parcel at 913 B Street is owned by Gelso Investments V, LLC, Alfred Antonini, principal. The property is improved with an unreinforced masonry building that was constructed in 1920. In 1990 the Hayward Unreinforced Masonry Building Ordinance was adopted which mandated the seismic retrofitting of such structures. The owner of 913 B Street was first notified by the Building Official in 1991 that the building was substandard, and numerous subsequent notifications were sent. The property owner did not follow through to comply with the ordinance. In 1996, the Building Official ordered the building to be vacated, and it has remained vacant since then.

On October 24, 1996, a hearing was conducted by the Building Abatement Appeals Board, and the property owner was ordered to submit plans for compliance with the City's URM Ordinance, with rehabilitation of the property to be completed no later than March 31, 1997. In the alternative, the Board authorized the property owner to obtain a demolition permit no later than January 15, 1997. The property owner failed to comply with the Board's order. During the interim, the building's physical condition and structural integrity have deteriorated substantially due to deferred maintenance and neglect. The continuance of the building in its present condition is a safety hazard and significantly detracts from the overall effort to revitalize the downtown. The URM Ordinance provides that an order of the Appeals Board is enforceable as set forth in the City's Building Abatement Ordinance. Under the City's Building Abatement Ordinance, the City may declare the property a nuisance and order it sold.

The property is located in the Downtown Redevelopment Project Area on the south side of B Street between Mission Boulevard and Main Street as shown on the attached Exhibit A. The Redevelopment Agency's interest in acquiring subject property is to mitigate a blighted building in accordance with the objectives of the Redevelopment Plan. Additionally, the property is

located within the boundaries of the Hayward fault special studies zone. According to the Alquist-Priolo Special Studies Act, if the building were to be demolished, then the property may have to remain as open space, and this could result in an unsightly gap in the row of buildings along B Street.

Over the past decade the City and Redevelopment Agency have made substantial efforts and investment toward revitalizing the downtown area with a special emphasis on the B Street commercial corridor, including the new City Hall, the new Albertson's shopping center, new sidewalks and street furniture. The property owner did not avail themselves of the opportunity to participate in the City-sponsored seismic retrofit loan program when it was available, and has done nothing since to secure compliance with the URM Ordinance.

Therefore, in an effort to retain the building and maintain the continuity of building facades along B Street, the Redevelopment Agency is seeking to acquire the property. Subsequently, the Agency proposes to issue a Request for Proposals for sale to a private party with the condition that it be retrofitted and rehabilitated. To that end, the Agency has obtained an appraisal of the property and has offered to acquire the property for fair market value preliminarily established at \$430,000. The appraiser was not granted access to the property; hence, the preliminary valuation is subject to revision contingent upon inspection of the interior of the building by the appraiser and engineers to evaluate the condition of the building and to better estimate the cost to retrofit it and bring it back into a rentable condition.

A two-thirds vote of the Agency Board is required to approve this action, pursuant to the Code of Civil Procedure. While public testimony is not restricted at the hearing, only the following items are required to be considered:

1. the public interest and necessity require the proposed project;
2. the proposed project is planned or located in a manner that will be most compatible with the greatest public good and least private injury;
3. the real property identified on Exhibit is necessary for the proposed project; and
4. the offer required by the Government Code has been made to the owner of record.

Staff recommends that upon the conclusion of the public hearing, the Agency Board adopt the attached Resolution of Necessity to authorize commencement of an eminent domain proceeding to acquire the subject property. Although this action is being recommended at this time, it may be possible to settle this matter outside of court, and staff will continue to make themselves available to carry on further dialogue with the owner. A notice of the hearing was sent by first class mail to the property owner.

Prepared by:

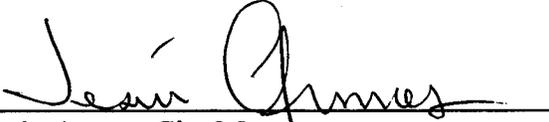
  
Maret Bartlett, Redevelopment Director

Recommended by:



Sylvia Ehrenthal, Director of Community  
and Economic Development

Approved by:



Jesús Armas, City Manager

Exhibits:      Exhibit A – Site Map  
                    Resolution



# DRAFT

## REDEVELOPMENT AGENCY OF THE CITY OF HAYWARD

RESOLUTION NO. RA \_\_\_\_\_

Introduced by Agency Member \_\_\_\_\_

*me*  
*5/16/05*

**RESOLUTION OF NECESSITY DECLARING A PUBLIC  
NEED FOR AND AUTHORIZING THE ACQUISITION AND  
IMMEDIATE POSSESSION BY EMINENT DOMAIN  
PROCEEDINGS OR OTHERWISE OF REAL PROPERTY  
LOCATED AT 913 B STREET TO MITIGATE A BLIGHTED  
BUILDING IN ACCORDANCE WITH THE OBJECTIVES OF  
THE DOWNTOWN HAYWARD REDEVELOPMENT PLAN**

WHEREAS, the Redevelopment Agency of the City of Hayward is interested in acquiring the property located at 913 B Street (APN 428—66-002) which is a commercially developed parcel owned by Gelso Investments V, LLC, Alfred Antonini, principal; and

WHEREAS, the property is located in the Downtown Redevelopment Project Area on the south side of B Street between Mission Boulevard and Main Street and the Redevelopment Agency's interest in acquiring the property is for the purpose of mitigating a blighted building in accordance with the objectives of the Downtown Hayward Redevelopment Plan; and

WHEREAS, the City Council of the City of Hayward adopted the Hayward Unreinforced Masonry Building Ordinance in 1990, and, in 1991, the Building Official notified the property owner that the building was substandard, followed by numerous notices to abate with which the owner never complied; and

WHEREAS, the City's Building Abatement Appeals Board conducted a hearing on October 24, 1996, in which it ordered the property owner to either rehabilitate or demolish the building within specified time frames, and the property owner failed to comply with this order, rendering the building a nuisance under the Hayward Municipal Code; and

WHEREAS, as a result of continued deferred maintenance and neglect, the building has deteriorated substantially and has become a safety hazard that significantly detracts from the revitalization of the downtown; and

WHEREAS, the Redevelopment Agency has complied with the provisions of section 1245.235 of the Code of Civil Procedure of the State of California, including, but not limited to, a public hearing held on May 24, 2005, on the matters referred to in section 1240.230 of said code, prior notice of which was provided to Alfred Antonini, the owner of the subject property; and

WHEREAS, the Redevelopment Agency is authorized to acquire real property by eminent domain by the Downtown Hayward Redevelopment Plan and the Constitution and statutes of the State of California, including, but not limited to, Health and Safety Code sections 33342 and 33367.

NOW, THEREFORE, BE IT RESOLVED by the Board of the Redevelopment Agency of the City of Hayward that the property is hereby declared a nuisance pursuant to Sections 9-3.205, 9-3.702 and 1-3.03 of the Hayward Municipal Code, and the Agency's General Counsel is authorized and directed to take any and all lawful actions which are convenient or necessary to acquire immediate possession of and title to the Property by eminent domain proceedings or otherwise and to abate the nuisance and bring the property into compliance with the Hayward Municipal Code.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2005

ADOPTED BY THE FOLLOWING VOTE:

AYES: AGENCY MEMBERS:

MAYOR:

NOES: AGENCY MEMBERS:

ABSTAIN: AGENCY MEMBERS:

ABSENT: AGENCY MEMBERS:

ATTEST: \_\_\_\_\_

Secretary of the Redevelopment Agency of the  
City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_  
General Counsel