

Aman Pohyar
900 Calhoun Street
Hayward, Ca 94544

October 25, 2015

City Of Hayward
Planning Division
Att: Carl T. Emura Associate Planner
777 B, Street, Hayward, Ca 94541

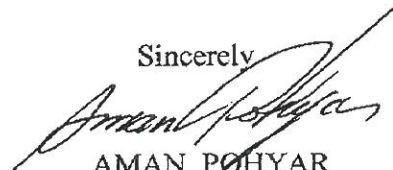
Re: Request for Appealing the planning Commissions
Decisions for zone change from (A to RS- B 10)
The lot located at 900 Calhoun Street, Hayward.

Dear Carl ,

The Decisions of Planning Commissions on October 15, 2015, based on putting all weigh into a baseless opposition's petitions, their decision was unfair and injustice, especially in according to the city " General Land Use Map " printed September 25, 2006, shows that this lot was recognized as a " Residential by the city their own motion under (Low Density 4.3 to 8.7 units net acre) .

Therefore , by this letter I would like to request to appeal the Commission's decision.

Sincerely



AMAN POHYAR

Aman Pohyar
900 Calhoun Street
Hayward , Ca 94544

October 28, 2015

City of Hayward,
City Council / City officials.
777 B Street, Hayward, Ca 94541

Re: Zoning of only 900 Calhoun Street to comply with
inconsistency of General Plan Land Use Map

Dear City Councils :

On about October 15,2015, the planing Commissions denied my application for Zone changing from (A to RS B10) which is the largest size sub-dividing based on the following reason:

1: The planing Commissions denied because of opposition's petition which Commissions put a lot of weigh without finding what was behind that petition.

2: Planing Commissions did not address or making any question from the applicant regard to the opposition's petitions that I could explain .

3: Neither the plaining Commission taken consideration for the consistency with General Land Use Map which the applicant's lot was designated to be residential for low Density from (4.3 to 8.7 unit / per net acre) and General Land Use Map was established and printed on September 25, 2006, that was one of the reason the applicant was purchased for family use only .

Under Government Code Section 65860 States that (Zoning ordinance are required to be consistent with the General Plan of the city or County.)

The person was behind such a large opposition, his name is " Jack Wilding " who is resident of Union City at 31965 Olean Street , and he uses a vacant lot owned by CalTrans under Penny lease located on East side of my property and doing business under (Mellow Mule Company).

On about February 2005, during purchase and Close of Escrow , Jack Wilding somehow got my phone number while I was living in Solano County called , as a "sweet talker " congratulated me for the purchase and welcoming me to Hayward, then he said " I have a property next to your lot, allow me to us your lot for my horses and I promise to cut all the bushes , weeds and trim all the trees to keep your property clean until you start your construction."

At that time I was not aware that I could rent the lot up to \$700, per month, so I thought he is honest and trusted him, which Mr. Wilding used my property from 2005 to 2009, rent free, but he never cut or cleaned any weeds or trimming the trees, at this time I informed him to vacant my lot due to starting my construction, but he was ignoring my request until I forced him to vacate my property.

During course of construction I discovered that there is a water meter on the front of my drive way was covered with heavy duty rubber matt and heavy gravels, Jack denied of ownership, in according to his water application he manipulated the water installer to place the meter in wrong location.

(1)

At rainy season I discovered the flow of water with strong small of odor comes from his leased property toward my side and down to Calhoun street, I noticed that the storm water comes from steep hill side goes down washing the horses **urine and manure** without any filtration causing to (Contaminated the water) ended down to the city storm drain, Jack Wilding does not have any access for storm drain run off. As will as his old fence was placed (13) inches inside of my property . See attached the Summit Engineering Statement as an Exhibit (A).

Since Jack wilding failed to fix the problem as a result I filed a law suite and now is pending in the Court of Appeal, because his attorney was committed a fraud on the case, Sea Court of Appeal Notice as an Exhibit (B).

Jack Wilding after noticed about my application for zone changing to comply with General Land Use plan **he is the one to made a petition against me** by the help of couple ladies known as a Gina & Marcila one lives at 1827 Tulip ave, and another near Calhoun Street where is some Caltrans property to be used for (Section 8), Jack keeping their horse for grazing on his lot , they are together taken signatures of unknown and unidentified people from even out site of Hayward and sent to the planing Division against me . But noticed that there is inaccuracy of the description on the petition as stated as follows :

1 : Petition includes people who do not live in the neighborhood.

2 : Others did not provide an address .

3 : Application was requested for two properties and to be rezone (RS B-10 , not B-6 But people was misinformed as (RS - B6).

4 : Jack Wilding in order to take signatures on the petition he manipulated by wrongly telling people that “ someone building number of apartment in our area ” .as Art the owner of 1251 Calhoun street , good friend , he said Jack told him someone is building few Apartment here that is why I was convinced to sign. So there was misinterpretations.

5 : About lot on 890, the city forcing to change the zone from (A to B-10)Mr. Survando Zepeda do not want to change the zoning, because he has got over the limit dogs and chicken ,horses, but some neighbors are unhappy and made numerous complaint to Hayward Police Department for loud music and noise from dogs barking. But few who came for protest in the planning meeting they were supporting Mr.Zepeda to remain in Agricultural . For information some exhibits attached .

- a . Site Plan for new proposed building very small home .See attached exhibit (C)
- b . Jack Wilding's Water meter in front of my Driveway, See photos exhibit (D)
- c . Jack Wilding's Horses in large and unsafe . See photos exhibit (E)
- d . The horses manure left next to property line for more than 2 weeks creates flies, incests & odor.

See photos attached Exhibit (F).

- e . Intrusion or flow of water from Jake Wildiding's property. See Photos exhibit (G)
- f . Violation of health & safety mosquitoes plus unsafe (barbed wire fence) See exhibit (H)

When horses walk and run next to property line No safety. See photo exhibit (I)

I wonder if there is any safety rule and regulation to be enforced, the 300 feet radius of my property There will be only about (7) homes.

Submitted with Respect

AMAN POHYAR

(2)

SUMMIT ENGINEERING

- House and Vacant Lot Inspection
- Soils Reports
- Surveying, Parcel Maps, Subdivisions
- Storm Drain Design
- Hazardous Waste Studies

Exhibit A

5855 Castle Drive
Oakland, CA 94611
Tel: (510) 531-6655
Fax: (510) 482-5848

Aman Pohyar, Owner
900 Calhoun Street
Hayward CA

November 2nd, 2014

Re : Survey Work at 900 Calhoun Street, Hayward

Dear Mr. Pohyar :

Per your request, our office has conducted land survey work on your property. We set the southwestern property corner. We also found a 3/4-inch pipe at the southeastern property corner as well as a nail and shiner. As you claimed, these points were set by Cal Trans land surveyors several years ago.

Subsequently and in order to show your front property line, you attached a string between our point and the 3/4-inch pipe. Our observations regarding the survey results are as follows :

1)

A portion of the water meter in front of your driveway is located across your front property line, and it's a few inches in your property.

2)

The water line out of the water meter is buried, but it appears to run across the front property line and inside your property.

3)

The 8 x 10 post near the southeast property corner appears to be approximately 13 inches inside your property and 20 inches inside the Public Right of Way.

Sincerely,

AG Masso
Al G. Masso
RCE-30442



REFERENCES

1. Parcel Map No. 5537, City of Hayward, Alameda County, California, filed in Map Book 189, Page 18, Alameda County Records.

COURT OF APPEAL, FIRST APPELLATE DISTRICT
350 MCALLISTER STREET
SAN FRANCISCO, CA 94102
DIVISION 3

October 6, 2015

Ronald George Peck
Schenone & Peck
1260 "B" Street - Suite 350
Hayward, CA 94541

RE: AMAN POHYAR,
Plaintiff and Appellant,
v.
DEPARTMENT OF TRANSPORTATION et al.,
Defendants and Respondents.

A144333
Alameda County No. HG12643417

Dear Counsel:

If Jack Wilding's respondent's brief is not filed within 15 days after the date of this notice, this cause may be submitted for decision based on the record and appellant's opening brief, unless respondent shows good cause for an extension of time (Cal. Rules of Court, rule 8.220(a)(2)).

Very truly yours,
Diana Herbert
Clerk of the Court

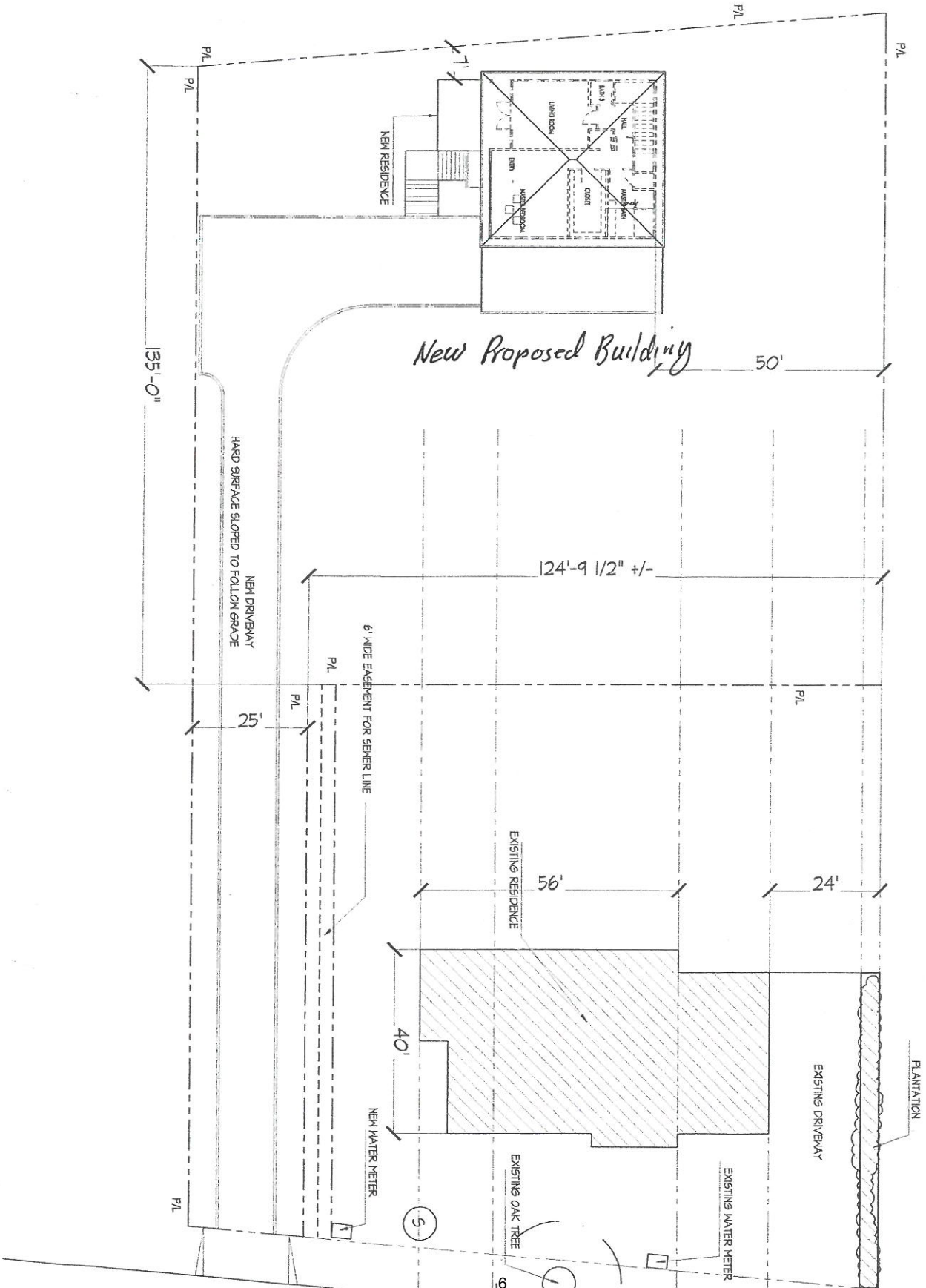
M. Cheng

Deputy Clerk

cc: Aman Pohyar
Sammy Taher Obaid

Exhibit "C"

SITE PLAN



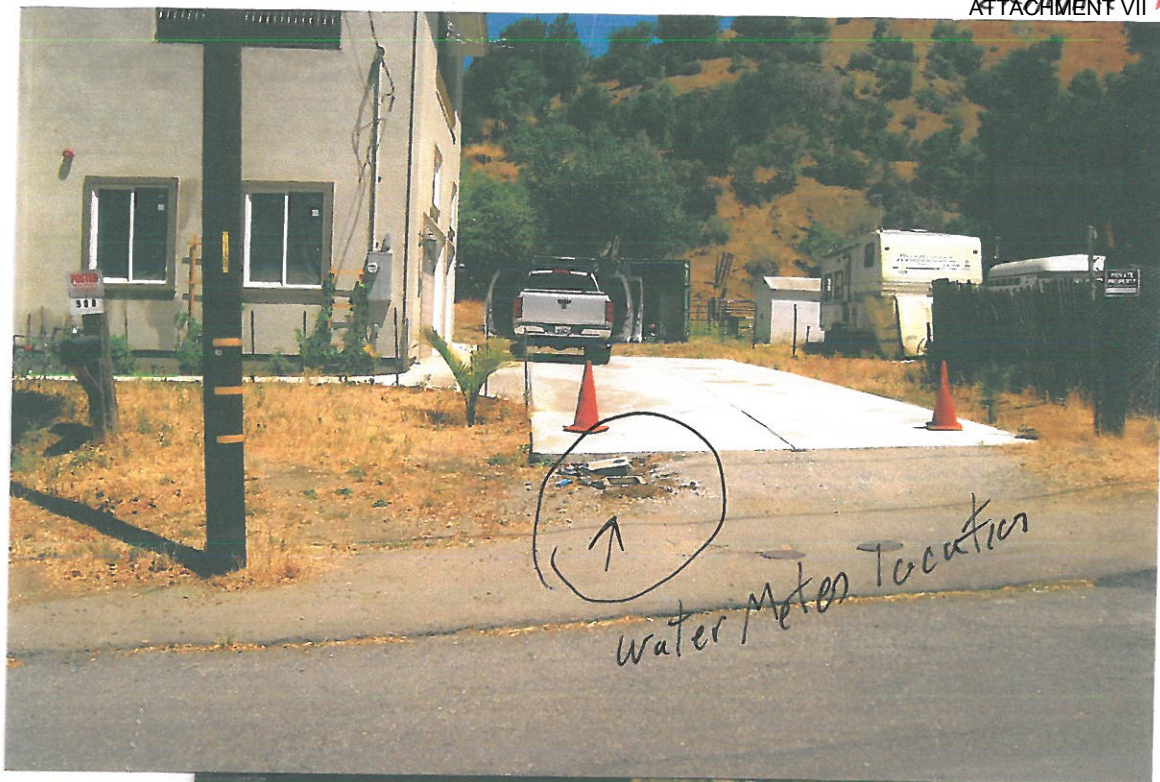
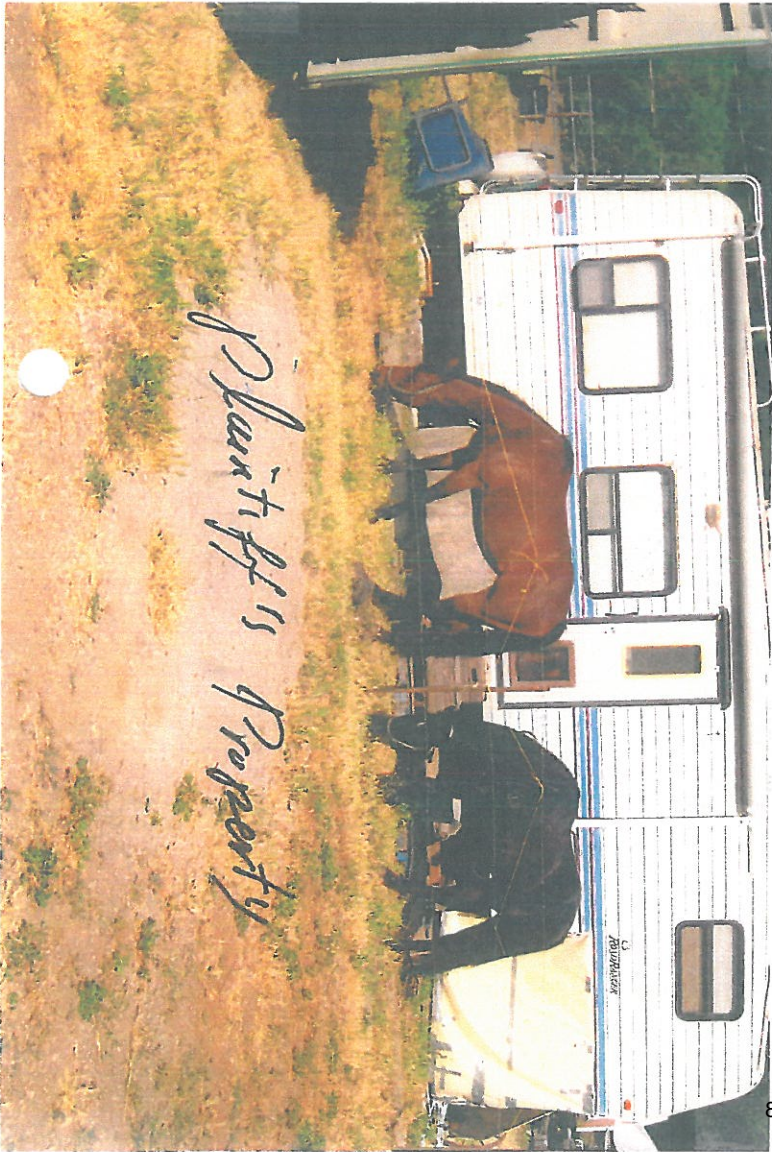


Exhibit "E"



NO- →



Plautt's Property

Exhibit "F"



No: 14



No: 12



No: 13

Water comes From
Next to Jack Trailer
Toward Pohyar's
Property

Broken line is The
Property Line



NO-21 Caltrans Survey Property line
mark. Water come from next to 10
white storage.

NO-20 This photo was taking From the
Rear of Property Ex G

No-



No:

