

**PLANNING COMMISSION MEETING  
THURSDAY, APRIL 25, 2019**

**DOCUMENTS RECEIVED AFTER PUBLISHED AGENDA**

**PUBLIC COMMENTS  
ITEM #1 PUBLIC HEARING  
19-026**

**INDUSTRIAL DISTRICT  
REGULATIONS UPDATE**

## Leigha Schmidt

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**From:** Consotherapy <consotherapy@gmail.com>  
**Sent:** Wednesday, April 24, 2019 6:03 PM  
**To:** Leigha Schmidt  
**Subject:** Industrial district Regulations Project Planning Suggestion

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Dear Project Planner Mr. Leigha Schmidt,

As an owner on the Industrial PKWY West, I am very excited to hear about the upgrade plan of the Industrial PKWY. I do think your department and the city hall are doing a great job to promote the development of the city.

It is a pity that I missed the Phase 1 and 2. Do I still have chance to give suggestions?

if so, I hope that you can add the businesses of vocational school and medical clinic on the Industrial PKWY. The reasons are:

1. the vocational school was on previous code. I have been running one as University of Herbal Medicine since 2016. According my experience, it can attract more and more people to come for studying from the city and also surrounding cities. It makes chance to the city development.
2. Medical clinic was not on the previous list. I do think it is really good to add it because there are more and more residents and employees nearby the industrial PKWY west.

I appreciate that you concern the suggestions.

Have a nice day

Jeffrey Mah

Tel/Text: 650 918 9968

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### **University of Herbal Medicine**

#### **Office and Clinic**

**2304 S. El Camino Real, San Mateo, CA 94403**

**Tel: (650) 350 1863 Fax: (650) 286 1965**

**Campus on East Bay**

**2497-2499 Industrial PKWY West, Hayward, CA 94545**

## Leigha Schmidt

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**From:** Sara Buizer  
**Sent:** Thursday, April 25, 2019 3:29 PM  
**To:** Leigha Schmidt; Jeremy Lochirco; Robert Goldassio  
**Subject:** Fwd: From a Concerned Property Owner Regarding Proposed Industrial Districts and Usage Regulations

FYI

Sara Buizer, AICP, Planning Manager  
City of Hayward  
777 B Street  
Hayward CA 94546  
510.583.4191  
[sara.buizer@hayward-ca.gov](mailto:sara.buizer@hayward-ca.gov)

Begin forwarded message:

**From:** Marc Fontana <[marc@florenceartcompany.com](mailto:marc@florenceartcompany.com)>  
**Date:** April 25, 2019 at 3:26:13 PM PDT  
**To:** <[Sara.Buizer@hayward-ca.gov](mailto:Sara.Buizer@hayward-ca.gov)>  
**Subject:** From a Concerned Property Owner Regarding Proposed Industrial Districts and Usage Regulations

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4/25/19

Planning Commission  
City of Hayward

Member of the Planning Commission,

We are writing this letter to voice our concern and opposition to the proposal to create new industrial subdistricts and to also create new usage regulations for these. Collectively we own several parcels along Industrial Blvd that would be rezoned to Light Industrial (IG). These parcels are: 456-54-19-4, 456-54-18-2, 456-57-5-2, 456-57-7-1, 456-57-8, 456-57-10-3, and 456-63-74-3. We feel that the limited amounts of uses permitted under the proposed new regulations would drastically affect the value of our properties in a negative way. These properties were developed specifically for the types of uses that would not be permitted under the new IG regulations. It's not possible to tear down and rebuild them so that they are usable only by businesses with uses that are permitted. What would a drafting service or dental office do with a 10,000 sq ft metal building and 30,000 sq ft yard designed to be an auto body shop or a contractor's yard?

We'd like to share a specific example of how the proposed changes have already harmed us. We are currently under contract to sell one of the properties referenced above. We have been self employed all of our lives and are counting on the proceeds to carry us through our retirement years. However, the buyer is now going to back out of the deal because they just found out that their usage (automotive repair) will not be permitted. We are concerned that the new usage regulations will severely limit the pool of potential buyers which will in turn, decrease the value of our property. We don't think this is fair to us. We have paid property taxes, business taxes, usage taxes, etc for years only to have the value of our properties diminished with the stroke of a pen.

We are also concerned that many of the property owners that will be affected by the proposed redistricting and usage changes do not even know about them. We only found out when our real estate agent for the property sale mentioned above notified us about it today. We phoned the owners of some of our neighboring properties and they too were unaware of the proposed changes and upset about them. Obviously, they were upset because they knew these changes would negatively affect the value of their properties.

We feel that the proposed redistricting and usage regulations amount to **Regulatory Taking** by the City of Hayward. As we understand it, regulatory taking is a situation in which a government regulation limits the uses of private property to such a degree that the regulation effectively deprives the property owners of economically reasonable use or value of their property. We feel that the City of Hayward would be subject to substantial litigation if the industrial redistricting proposal were to pass.

We urge the Planning Commission to consider the negative effect that the proposed redistricting and usage regulations will have on property owners such as ourselves. We have worked extremely hard over the years and invested in these properties in order to provide for our retirement years since we do not have the benefit of generous public pensions. We do not feel it is fair for the City of Hayward to "change the rules" in a matter that will decrease the value of our properties. Please vote to NOT recommend the proposed redistricting and usage regulations to the City Council.

Sincerely,

Marc Fontana, Gerard Fontana, Mariano Fontana, Monique Fontana