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Hayward wins court order to clean-up, secure downtown site posing health and safety risk

HAYWARD, Calif., Dec. 19, 2019—The City of Hayward won an important legal victory Wednesday in a long-running effort to clean up and secure a privately-owned downtown redevelopment site that had become a worsening source of blight, nuisance complaints and health and safety risk.

The 3.4-acre property, which is bound by A and Main streets, McKeever Avenue and Maple Court, is the former home of Bryman College and Levin Hospital. It was approved by the City Council in February 2017 for construction of 192 market-rate apartments, 48 apartments priced affordably to very low-income households, 48,000 square feet of rehabilitated medical offices and 5,500 square feet of retail.

Ever since, however, the property owner, Bay Area Property Developers, LLC, has made no visible progress on the project, called Maple & Main, and failed to maintain the site free of trespassing, vandalism, other criminal activity, and illegal occupation by people using its vacant structures for shelter.

On Wednesday, an Alameda County Superior Court Judge Patrick R. McKinney II granted a City request to appoint a receiver to take control of the property, agreeing with Hayward that the property's condition presents a substantial danger to public safety.

The ruling caps a two-year effort to prod corrective action on the part of the property owners, which included multiple inspections, multiple notices of violations of building and health and safety codes, and the leveling of more than \$200,000 in fines and penalties.

Instead, things just kept getting worse. Since August 2019 alone, Hayward police responded to more than 75 calls for service at or related to the Maple & Main project site.

On Nov. 22 and 23, Hayward Fire Department responded to two nighttime fires at the property, requiring firefighters to enter partially boarded up buildings filled with smoke and other hazards to evacuate inhabitants and extinguish flames. Approximately 20 people appeared to be living there at the time.

Under Judge McKinney's ruling on Wednesday, the receiver has the authority and an initial \$175,000 budget to take whatever steps necessary in the short-term to clear, clean up and secure the site until a long-term plan is approved.

Long-term, it is anticipated that the property will be sold and a new developer or development partnership will seek approval of an amended redevelopment plan for the site.

On Jan. 21, the judge is scheduled to hold a follow-up hearing to review the receiver's progress.