

**HAYWARD
GEOLOGIC HAZARD ABATEMENT DISTRICT**

BOARD MEETING DATE: October 25, 2016

TO: Hayward GHAD Board of Directors

FROM: GHAD Manager and GHAD Attorney

SUBJECT:

Consideration of Resolution to Approve Hayward GHAD Plan of Control for the La Vista Development (No. 16-03).

Declare the GHAD's Intent to Order AN Assessment for the La Vista Development and Set a Public Hearing FOR December 13, 2016 to Consider the Proposed Assessment and any Protests thereto (No. 16-04).

RECOMMENDATION(S):

1. ADOPT Resolution No. 16-03 approving the Plan of Control for the La Vista development and direct the GHAD Manager to prepare a final version of the Plan of Control, consistent with the GHAD Board's approval. Thereafter, the revised Plan of Control is to be filed with the GHAD Clerk.
2. ADOPT Resolution No. 16-04 declaring the GHAD's intent to order the assessment set forth in the attached Engineer's Report and set a public hearing for December 13, 2016 to consider the proposed assessment and any objections thereto.
3. DIRECT the GHAD Clerk to mail, by first class mail, the "Notice of Adoption of Resolution" to each owner of real property (as shown on the last equalized property tax roll of the County) that is within the GHAD (Attached as Attachment C to Resolution No. 16-04). The sealable Ballot (attached as Attachment D to Resolution No. 16-04) and the Engineer's Report (attached as Attachment B to Resolution No. 16-04) shall be attached to the Notice of Adoption of Resolution.

BACKGROUND:

The La Vista development includes 179 single-family residential lots served by Mountain View Drive, Cantera Drive, and Vista Grande Drive. Additional improvements include a park, trails, a water quality pond, a dual use detention basin and a water quality/detention basin. Due to the potential for geologic hazards and related ongoing maintenance, the conditions of approval for the La Vista development required that it be included within a GHAD. To satisfy this requirement, the developer of the La Vista development petitioned the City Council to form the GHAD. On March 1, 2016, the City Council adopted Resolution No. 16-030 approving the GHAD and appointed itself to serve as the GHAD Board of Directors.

In order to implement the GHAD, on May 17, 2016 pursuant to Resolution No. 16-01, the GHAD Board appointed a GHAD Manager, Attorney and Clerk, and Treasurer (“GHAD Officers”). On September 13, 2016, pursuant to Resolution No. 16-002, the GHAD Board approved scope of services for the GHAD Officers.

The next step for the GHAD Board is to approve a Plan of Control and secure a funding source for the GHAD. The Plan of Control for the GHAD is equivalent to a General Plan for the City. The proposed funding source is through a real property assessment to be imposed on the 179 homes.

PLAN OF CONTROL

The draft La Vista Plan of Control is attached as Attachment A to Resolution No. 16-03. The Plan of Control describes the work to be performed by the GHAD contemplated for the La Vista development. Specifically, the GHAD will assume monitoring and maintenance responsibilities for the following site facilities and activities (“GHAD Activities”):

- General maintenance of the surface drainage improvements within the GHAD boundary and two parcels outside the GHAD boundary (Parcels “M” and “TBD”). The GHAD would also be responsible for general maintenance of storm drain inlets and outlet, subdrain outlets, and risers and would inspect and maintain concrete-lined drainage ditches.
- Monitoring and maintenance of measurement devices, such as piezometers, inclinometers, and tiltmeters, if any.
- Maintenance of existing property line/boundary fencing.
- Inspection and maintenance of surface water quality treatment, water quality pond, and detention basins within the GHAD boundary.
- Maintenance of the retaining wall east of Alquire Parkway at the northwest corner of the Moita property.
- Maintenance of two CDS water quality treatment units along Tennyson Road.
- Maintenance roads associated with the water quality pond and the detention basins.
- Maintenance roads/trails over public water mains on the GHAD parcels.
- Debris benches and walls.
- Storm drain inlets, outfalls and pipelines within the GHAD owned parcels and a portion of the public park area as shown on Appendix A, Figure 1.
- Maintenance including trails (other than City-owned public trails) within the GHAD parcels.
- Slopes including Hayward Concentrated Fault Zone.
- Vegetation control for fire suppression.

As listed above, the GHAD will monitor and maintain slopes and drainage facilities within Parcels “M” and “TBD”. Although these Parcels are outside the GHAD boundary, the maintenance of these slopes (including vegetation management for erosion control) is necessary to reduce the potential for uncontrolled stormwater infiltration, erosion, and other potential geologic hazards that could affect properties and site improvements within the GHAD boundary and, therefore, will be protective of facilities within the GHAD boundary.

The GHAD will become responsible for the monitoring and maintenance responsibilities set forth in the Plan of Control once the Developer transfers such responsibility. The Developer is eligible to transfer these responsibilities one year after the first residential building permit is issued by the City. Before the GHAD can accept these responsibilities the Developer must meet certain criteria set forth in Section 6.4 of the Plan of Control. The Developer will remain responsible for all improvements and land until the GHAD accepts responsibility.

ASSESSMENT AND ENGINEER'S REPORT

Funding for the GHAD will be based on an assessment that will be imposed on each single family lot after a building permit is issued for that lot. The proposed assessment is supported by the attached draft Engineer's Report prepared by a registered professional engineer certified by the State of California, in accordance with Proposition 218 (attached as Attachment B to Resolution No. 16-04).

The draft Engineer's Report recommends an assessment limit of \$1,502 per single family residential unit (fiscal year 2016/2017 dollars). The annual assessment limit would be adjusted annually based on the San Francisco-Oakland-San Jose Consumer Price Index (CPI).

It is recommended that the GHAD Board adopt the Resolution of Intention to Order an Assessment for the Hayward GHAD and Set a Hearing Date for December 13, 2016 to Consider the Proposed Assessment and Protests thereto. (Note: This Resolution directs the GHAD Clerk to mail notice of the public hearing and to mail the assessment ballots.)

FISCAL IMPACT:

The developer of the La Vista development is responsible for funding all activities undertaken by the GHAD up and until the GHAD Improvements, as defined in the Plan of Control, are accepted by the GHAD. Thereafter, the GHAD is funded 100% through assessments levied on properties within the GHAD.

ENVIRONMENTAL REVIEW:

Under State law, GHAD formation is exempt from review under the California Environmental Quality Act (CEQA) (Pub. Res. Code § 26559). Also, improvements caused to be undertaken under the GHAD Law and all activities in furtherance or in connection therewith are exempt from review under CEQA (Pub. Res. Code § 26601).

PUBLIC CONTACT:

The property owner of the La Vista development, the Hayward Area Recreation and Park District (HARD), and the owners of all properties adjacent to the La Vista Development shall be notified in writing of the October 25, 2016 Public Hearing.

ATTACHED RESOLUTIONS:

1. Resolution No. 16-03 approving the Plan of Control for the La Vista GHAD.
2. Resolution No. 16-04 declaring the GHAD's intent to order an assessment for the Hayward GHAD and set a date for a public hearing for December 13, 2016 to consider the proposed revised assessment and any protests thereto.