

**THE BOARD OF DIRECTORS OF HAYWARD  
GEOLOGIC HAZARD ABATEMENT DISTRICT**

**RESOLUTION NO. 25-04**

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**RESOLUTION DECLARING THE HAYWARD GEOLOGIC HAZARD ABATEMENT  
DISTRICT'S INTENT TO ORDER THE ASSESSMENT FOR THE PARCEL GROUP 3  
DEVELOPMENT AND SET A PUBLIC HEARING AT LEAST 45 DAYS AFTER  
WRITTEN NOTICE IS PROVIDED TO CONSIDER THE PROPOSED ASSESSMENT  
AND ANY PROTESTS THERETO.**

**WHEREAS**, on March 1, 2016, the Hayward City Council approved Resolution No. 16-030 ordering the formation of the Hayward Geologic Hazard Abatement District (GHAD) and appointed itself to serve as the Hayward Geologic Hazard Abatement District Board of Directors; and

**WHEREAS**, on October 28, 2025, the GHAD Board accepted a petition from Parcel Group 3, requesting annexation of Parcel Group 3 development into the GHAD; and

**WHEREAS**, on December 2, 2025, the GHAD Board held a public hearing on the proposed annexation and Parcel Group 3 development Plan of Control (Plan of Control) and thereafter adopted Resolution 25-03 approving the annexation and adopting the Plan of Control; and

**WHEREAS**, in order to pay for costs and expenses of maintaining and operating the GHAD improvements as set forth in the Plan of Control, a funding source must be established; and

**WHEREAS**, an Engineer's Report has been prepared to support a real property assessment against the multifamily residential building and the educational facility at a Fiscal Year 2025/26 level of \$0.25472 per square foot of habitable space for GHAD services and is attached as Attachment 1; and

**WHEREAS**, Public Resources Code sections 26650 *et seq.* authorize, after a noticed public hearing, the levy and collection of an assessment upon specially benefited property within the GHAD to pay for the maintenance and operation of GHAD improvements. Article XIII(D) of the California Constitution imposes additional requirements for the levy and collection of said assessment; and

**WHEREAS**, the Engineer's Report was prepared by the GHAD Manager to reflect the Plan of Control adopted by the GHAD Board on December 2, 2025, the GHAD Manager being a registered professional engineer, certified in the State of California, in compliance with Public Resources Code section 26651(a) and section 4(b) of Article XIII (D) of the California Constitution; the Engineer's Report attached hereto as

Attachment 1 sets forth the purpose of the Parcel Group 3 development portion of the GHAD, the estimated budget, the total assessment that will be chargeable to the Parcel Group 3 Development portion of the GHAD, the proposed estimated assessment to be levied against each parcel of property within the Parcel Group 3 development portion of the GHAD, and a description of the method used in formulating the estimated assessments; and

**WHEREAS**, the property within the Parcel Group 3 development portion of the GHAD is identified on the map attached as Attachment 2 and each parcel is proposed to be assessed.

**The Board of Directors of the GHAD HEREBY RESOLVES THAT:**

1. The GHAD Board declares its intention, consistent with the requirements of Article XIII (D) of the California Constitution, Public Resources Code sections 26650 *et seq.*, Government Code section 53750, and Elections Code section 4000, to order that the cost and expense of maintaining and operating any GHAD improvements in the Parcel Group 3 development acquired or constructed pursuant to Public Resources Code sections 26500 *et seq.* shall be assessed against the property within the Parcel Group 3 development portion of the GHAD, which is benefited by the properties in this portion of the GHAD.
2. The GHAD Board shall not order this assessment if a majority protest exists within the Parcel Group 3 development portion of the GHAD as defined in Section 4(e) of Article XIII(D) of the California Constitution.
3. Each of the parcels identified in Attachment 2 will receive a particular and distinct special benefit in the form of GHAD facilities and services that are over and above the general benefits received by the general public. Specifically, the GHAD's maintenance responsibilities include prevention and abatement of geologic hazards such as landslides and slope erosion within the Parcel Group 3 development portion of the GHAD. The GHAD will have responsibilities that include (a) maintenance of slopes, retaining walls, drainage ditches, subdrains, and storm drain systems, (b) functional aspects of water quality flow control basins and stormwater facilities, and (c) establishment of a reserve to fund, prevent, mitigate, abate or control geologic hazards within this area. These special benefits are described in detail in the Plan of Control.
4. Whenever a building permit is issued for any of the residential structures, or educational facilities identified in Attachment 2, that lot will be assessed based on the habitable square footage within the development described in the attached Engineer's Report. The annual assessment amount for each product type was calculated by dividing the annual Parcel Group 3 development portion of the GHAD budget by the number of habitable square feet within each product type provided in the Engineer's Report.
5. The GHAD Board has reviewed and considered the attached Engineer's Report for the Parcel Group 3 development. The special benefit derived from the GHAD

by each parcel is proportionate to the entire cost of the Parcel Group 3 development portion of the GHAD, and the amount of the assessment is proportional to, and no greater than, the benefits conferred on each parcel. The assessment does not exceed the reasonable cost of the proportional special benefit conferred on each parcel.

6. The GHAD Board directs the GHAD Manager to mail or cause to be mailed, no later than three (3) days after adoption of this Resolution, the "Notice of Adoption of Resolution and Notice of Assessment" of the Public Hearing, in substantially the same form as in Attachment 3 ("Notice") to the record owners of each parcel upon which the assessment will be imposed. The sealable Ballot, attached hereto as Attachment 4, and the GHAD Engineer's Report, shall be attached to the Notice.

7. The GHAD Board will conduct a public hearing on January 27, 2026, at the chambers of the Hayward City Council at 777 B Street, Hayward, CA 94541 at 7 p.m. or thereafter. The GHAD Manager shall deliver all sealed ballots received from record owners of parcels within the Parcel Group 3 development portion of the GHAD to the GHAD Clerk at the public hearing. The ballots shall remain sealed until they are tabulated. The GHAD Board shall permit a change, withdrawal, or submittal of a ballot at any time prior to the conclusion of the public testimony on the proposed assessment at the public hearing. The GHAD Board shall consider all protests against the proposed assessment. At the GHAD Board hearing, the GHAD Clerk, or some other impartial person not having a vested interest in the outcome of the proposed assessment, shall tabulate the ballots, and shall weight the ballots according to the proportional financial obligation of the affected property. The GHAD Board shall not impose the assessment if there is a majority protest as that term is defined by Section 4(e) of Article XIII (D) of the California Constitution. If there is no majority protest, the GHAD Board shall authorize the assessment. Following the public hearing, the GHAD Board shall consider the adoption of the canvas of votes for the GHAD.

8. Upon authorization of the assessment, the GHAD Board shall levy the authorized assessment on the multifamily residential building and the educational facility on the first fiscal year following the certificate of occupancy for each of those parcels on which the units and facility are located.

This Resolution shall become effective immediately upon its passage and adoption.

**HAYWARD, CALIFORNIA, December 2, 2025**

**PASSED BY THE FOLLOWING VOTE:**

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

**Exhibit A:**

**Attachment 1 – Engineer’s Report**

**Attachment 2 – Legal Description and Plat**

**Attachment 3 – Notice of Adoption of Resolution and Notice of Assessment**

**Attachment 4 – Ballot**