PETITION FOR ANNEXATION OF TERRITORY TO THE HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT PURSUANT TO DIVISION 17 (commencing with section 26500) OF THE PUBLIC RESOURCES CODE OF THE STATE OF CALIFORNIA

TO: The Clerk of the Hayward Geologic Hazard Abatement District ("GHAD")

The undersigned owner of land within the boundaries of the territory proposed to be annexed to the GHAD hereby requests that the Board of Directors of the GHAD ("GHAD Board") initiate proceedings to annex the territory described in Exhibit A ("Legal Description") and Exhibit B ("Plat to Accompany Legal Description"), attached hereto, to the GHAD pursuant to Article 3 (commencing with Public Resources Code § 26550) and Article 4 (commencing with Public Resources Code § 26561) of Chapter 2 of Division 17 of the Public Resources Code (§ 26500 *et seq*.). Said owner is the owner of all the territory proposed to be annexed.

(a) This petition is made pursuant to Division 17 of the Public Resources Code with particular reference to Article 3 (commencing with Section 26550) and Article 4 (commencing with Section 26561).

(b) Opposite the signature of the petitioner is an indication of the lot, tract and map number or other legal description sufficient to identify the signature of the petitioner as that of an owner of land within the territory proposed to be annexed to the GHAD.

(c) Opposite the signature of the petitioner is an indication of the date on which said petitioner's signature was affixed to this petition.

(d) The following documents are attached to this petition and are incorporated herein by this reference as if set forth in full in the petition:

1. A legal description of the boundaries of the territory proposed to be annexed to the GHAD (Exhibit "A");

2. A plat of the boundaries of the territory proposed to be annexed to the GHAD (Exhibit "B"); and

3. A Plan of Control prepared by an Engineering Geologist certified pursuant to Section 7822 of the California Business and Professions Code, which describes in detail geologic hazards, their location and the areas affected thereby, and a plan for their prevention, mitigation, abatement, and control thereof (Exhibit C).

Exhibits: A - Legal Description
B – Plat to Accompany Legal Description
C – Plan of Control for Mirza Development, Tract 8502

Hayward Somi, LLC

By: _____

Name: Scott Menard

Title: Secretary

Date: September 9, 2021

Assessor's Parcel Number(s): 078C-0461-10, -11, -12, -13, 078C-0461-001-14, and 078C-0455-001-04

EXHIBITS A and B

Legal Description and Plat to Accompany Legal Description

17479.000.000
August 12, 2021

AUGUST 12, 2021
JOB NO.: 2775-010

EXHIBIT A
LEGAL DESCRIPTION
HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT(GHAD)
MIRZA DEVELOPMENT ANNEXATION
HAYWARD, CALIFORNIA

Real property in the City of Hayward , County of Alameda, State of California, described as follows:

PARCEL ONE:

BEGINNING AT THE INTERSECTION OF THE NORTHEASTERN LINE OF THE STATE HIGHWAY(100 FEET WIDE) FROM HAYWARD TO NILES WITH THE SOUTHEASTERN LINE OF THE 22.82 ACRE PARCEL OF LAND DESCRIBED IN THE DEED BY JOSE DE JESUS VALLEJO AND WIFE TO WILLIAM MORRIS LISTON RECORDED IN BOOK "M" OF DEEDS PAGE 219 ALAMEDA COUNTY RECORDS RUNNING THENCE ALONG SAID LINE OF STATE HIGHWAY SOUTH 42 DEGREES 48 MINUTES 53 SECONDS EAST 202.44 FEET THENCE PARALLEL WITH THE SOUTHEASTERN LINE OF THE PARCEL OF LAND FIRSTLY DESCRIBED IN THE DEED BY MARY E. ALLEN TO ANTONE FARIA RECORDED NOVEMBER 9, 1920 IN BOOK 2996 OF DEEDS PAGE 341 ALAMEDA COUNTY RECORDS NORTH 47 DEGREES 17 MINUTES 31 SECONDS EAST 190 FEET THENCE PARALLEL WITH SAID LINE OF STATE HIGHWAY SOUTH 42 DEGREES 48 MINUTES 53 SECONDS EAST 72 FEET THENCE PARALLEL WITH SAID SOUTHEASTERN LINE OF THE FARIA PARCEL NORTH 47 DEGREES 17 MINUTES 31 SECONDS EAST 630.85 FEET TO THE NORTHEASTERN LINE OF THE PARCEL OF LAND FIRSTLY DESCRIBED IN THE DEED BY MARY E. ALLEN RECORDED MAY 29, 1916 IN BOOK 2442 OF DEEDS PAGE 366 ALAMEDA COUNTY RECORDS THENCE ALONG THE LAST MENTIONED LINE NORTH 42 DEGREES 45 MINUTES WEST 253.99 FEET TO THE NORTHWESTERN LINE OF SAID FARIA PARCEL OF LAND LASTLY REFERRED TO THENCE ALONG THE LAST MENTIONED LINE SOUTH 48 DEGREES 43 MINUTES 08 SECONDS WEST 821.43 FEET TO THE POINT OF BEGINNING.

PARCEL TWO:

BEING PORTIONS OF PARCEL 1 AND PARCEL 3 AND ALL OF PARCEL 2 AND PARCEL 4 AS SAID PARCELS ARE DESCRIBED IN THAT DIRECTOR'S DEED FROM THE STATE OF CALIFORNIA TO THE CITY OF HAYWARD RECORDED NOVEMBER 3, 2017 AS DOCUMENT NUMBER 2017243815 OF OFFICIAL RECORDS OF ALAMEDA COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHERN LINE OF TENNYSON ROAD (60 FEET WIDE), AS SHOWN ON THE MAP OF TRACT 7620, RECORDED MAY 3, 2016 AND FILED IN BOOK 339 OF MAPS, AT PAGE 46, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, WITH THE EASTERN LINE OF SAID PARCEL 1;

THENCE, FROM SAID POINT OF BEGINNING, ALONG THE EASTERN LINE OF SAID PARCELS 1, 2, AND 3, SOUTH 21°07'48" EAST, 851.67 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 2;

THENCE, ALONG THE SOUTHEAST LINE OF SAID PARCEL 2, SOUTH 50°13'05" WEST, 393.23 FEET TO THE SOUTHERNMOST CORNER OF SAID PARCEL 2;

THENCE, ALONG THE SOUTHWEST LINE OF SAID PARCEL 2, NORTH 41°22'25" WEST, 148.60 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 2;

THENCE, ALONG THE WESTERN LINE OF SAID PARCEL 2 THE FOLLOWING THREE (3) COURSES:
1) NORTH 03°11'39" WEST, 238.58 FEET,

2) NORTH 09°10'37" WEST, 323.21 FEET,

3) NORTH 18°28'47" WEST, 36.85 FEET TO THE SOUTHERNMOST CORNER OF SAID PARCEL 4;

THENCE, ALONG THE EXTERIOR BOUNDARY OF SAID PARCEL 4 THE FOLLOWING NINE (9) COURSES:

1) NORTH 39°50'35" WEST, 59.11 FEET,

2) SOUTH 74°01'02" WEST, 33.35 FEET,

3) ALONG THE ARC OF A TANGENT 240.02 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 08°34'27", AN ARC DISTANCE OF 35.92 FEET,

4) NORTH 18°00'55" WEST, 29.35 FEET,

5) NORTH 71°59'05" EAST, 9.36 FEET,

6) NORTHEASTERLY ALONG THE ARC OF A NON-TANGENT 35.00 FOOT RADIUS CURVE TO THE RIGHT, FROM WHICH THE CENTER OF SAID CURVE BEARS SOUTH 70°13'32" EAST, THROUGH A CENTRAL ANGLE OF 101°06'25", AN ARC DISTANCE OF 61.77 FEET,

7) NORTH 16°34'48" WEST, 160.59 FEET,

8) NORTH 70°37'19" WEST, 226.37 FEET,

9) NORTH 22°10'03" WEST, 22.75 FEET TO SAID SOUTHERN LINE OF TENNYSON ROAD;

THENCE, ALONG SAID SOUTHERN LINE OF TENNYSON ROAD, BEING THE NORTHERN LINES OF SAID PARCELS 4 AND 3, THE FOLLOWING THREE (3) COURSES:

1) SOUTH 84°28'58" EAST, 151.56 FEET,

2) ALONG THE ARC OF A TANGENT 630.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 14°40'53", AN ARC DISTANCE OF 161.43 FEET,

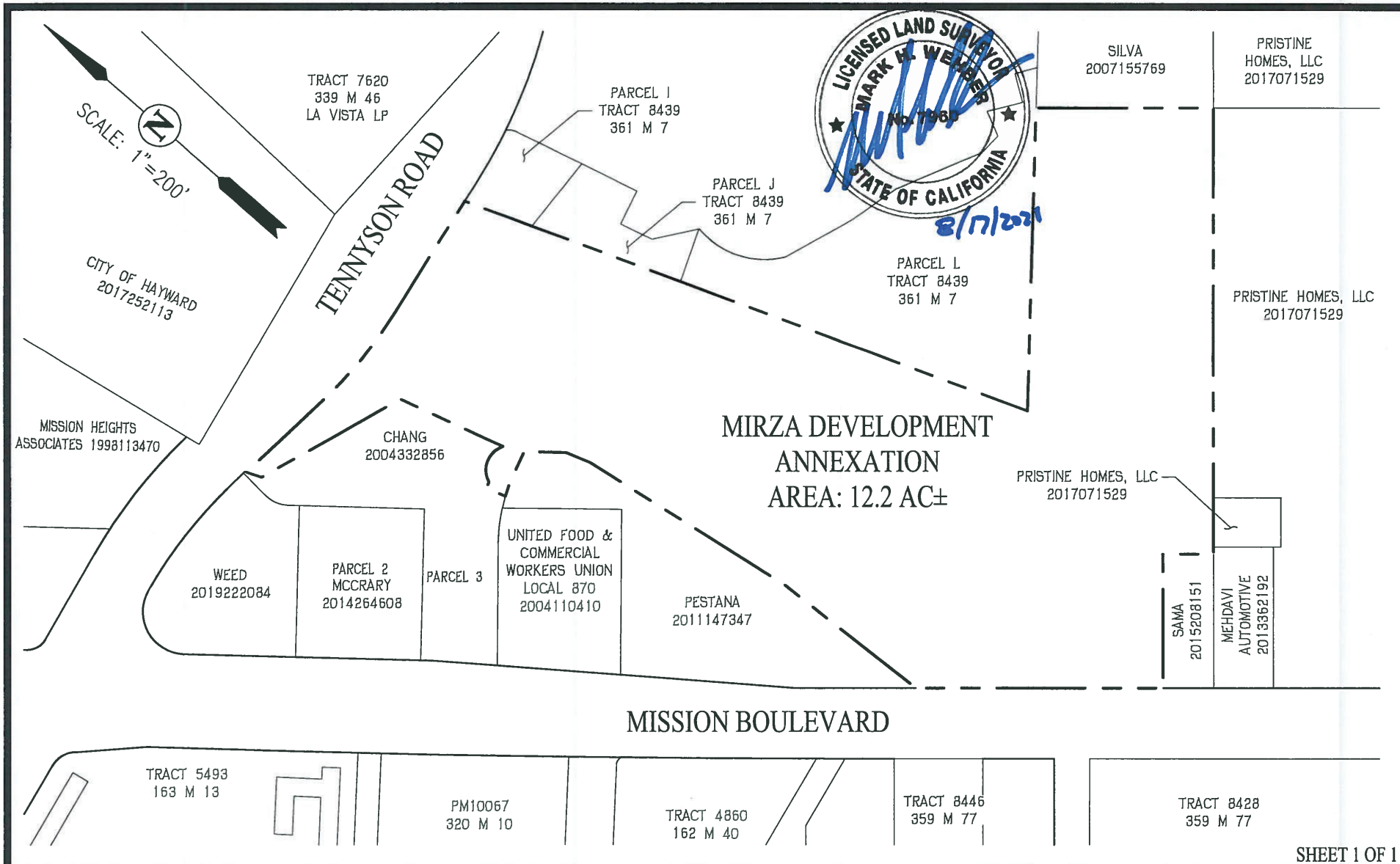
3) NORTH 80°50'09" EAST, 181.29 FEET TO THE POINT OF BEGINNING.

APN: 078C-0455-001-04 (Parcel One); and
078C-0461-011, 078C-0461-013, 078C-0461-010 (Portion) and 078C-0461-012 (Portion), all as to Parcel Two

END OF DESCRIPTION

10/17/2021

MARK H. WEHBER, P.L.S.
L.S. NO. 7960



SHEET 1 OF 1

PLAT TO ACCOMPANY LEGAL DESCRIPTION

HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD)
MIRZA DEVELOPMENT ANNEXATION
CITY OF HAYWAYRD, CALIFORNIA
AUGUST 12, 2021

cbg
SAN RAMON (925) 866-0322
ROSEVILLE (916)788-4456
WWW.CBANDG.COM
CIVIL ENGINEERS ▪ SURVEYORS ▪ PLANNERS

JOB NO. 2775-010

F:\2775-010\ACAD\SURVEY\PLATS\PLAT 01 - GHAD.DWG

EXHIBIT C

Plan of Control for Mirza Development, Tract 8502

17479.000.000
August 12, 2021

HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD)
HAYWARD, CALIFORNIA

PLAN OF CONTROL
HAYWARD SOMI DEVELOPMENT, TRACTS 8502 and 8614

SUBMITTED TO
Hayward SoMi, LLC
12647 Alcosta Boulevard, Suite 470
San Ramon, CA 94583

PREPARED BY
ENGEO Incorporated

November 4, 2021

PROJECT NO.
17479.000.000

ENGEO
Expect Excellence

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1.0 AUTHORITY AND SCOPE

As approved under Hayward City Council Resolution 19-202, Infill Checklist Item No. 48 for the Hayward SoMi Development, Tract 8502, which includes Tract 8614, the City of Hayward has required that Tract 8502 be annexed into the existing Hayward Geologic Hazard Abatement District ("Hayward GHAD" or "GHAD"). To satisfy this requirement, the current owner of Tract 8502 has petitioned the Hayward GHAD Board of Directors for annexation into the Hayward GHAD

State law allows GHADs to be formed to undertake emergency actions necessary or incidental to the prevention, mitigation, abatement, or control of a geologic hazard (*Pub. Res. Code § 26500, "GHAD Law")*. GHAD Law gives local agencies the authority to form districts that can speedily address "an actual or threatened landslide, land subsidence, soil erosion, earthquake, or any other natural or unnatural movement of land or earth." (*Pub. Res. Code § 26507*). Consistent with GHAD Law, on March 1, 2016, the Hayward City Council adopted Resolution No. 16-030 approving and forming the Hayward GHAD and thereby putting into place a mechanism to respond to emergencies in preventing and/or responding to geologic hazards. The Hayward City Council members serve as the Board of Directors of the Hayward GHAD. The Reserve, formerly known as La Vista, and The Hideaway, formerly known as the Ersted development, are also included within the Hayward GHAD; however, each development has its own Plan of Control.

GHAD "improvements" (as defined in GHAD Law) and all GHAD activities undertaken in furtherance of, or in connection therewith, are deemed to be specific actions necessary to prevent or mitigate an emergency within Public Resources Code Section 21080(b)(4) (see *Pub. Res. Code Sections 26601 and 26505*). Consistent therewith, all GHAD Activities (as defined in Section 7 below) are exempt from review under the California Environmental Quality Act and are not subject to local permitting requirements.

Section 26509 of the Public Resources Code requires a Plan of Control, prepared by a State-Certified Engineering Geologist, as a prerequisite to formation of a GHAD or annexation into an existing GHAD. Pursuant to Section 26509, this Plan of Control was prepared by an Engineering Geologist certified pursuant to Section 7822 of the Business and Professions Code and describes, in detail, the geologic hazards, their location, and the area affected by them. It also provides a plan for the prevention, mitigation, abatement, or control thereof.

As used in this Plan of Control, and as provided in Section 26507, "geologic hazard" means an actual or threatened landslide, land subsidence, soil erosion, earthquake, fault movement, or any other natural or unnatural movement of land or earth.

1.1 PROPERTY IDENTIFICATION

The land to be annexed into the Hayward GHAD ("Annexation Area") is shown on the GHAD Boundary Plat (Appendix B, Exhibit B). The Annexation Area includes all areas within Tracts 8502 and 8614. The legal description of the Annexation Area is included in Appendix B, Exhibit A. Current Assessor's Parcel Numbers (APN) within the Annexation Area include 078C-0461-10, 078C-0461-11, 078C-0461-12, 078C-0461-13, 078C-0461-001-14, and 078C-0455-001-04.

2.0 BACKGROUND

2.1 HAYWARD SOMI DEVELOPMENT

The Annexation Area includes 23 multi-family buildings with 189 condominium and townhome units, and approximately 10,000 square feet of commercial space. Additional improvements and parcels include private streets, common area parcels, a dog park, parcels proposed to be deeded to the GHAD, landscape parcels, and three bioretention basins. The Annexation Area covers an approximate 12.2 acres. Site access to the Annexation Area will be via Tennyson Road along the northern portion of the Annexation Area and via Mission Boulevard along the southern portion of the Annexation Area.

Parcel designations used in this Plan of Control are those listed on the Hayward SoMi DRE Phasing Plan for Tracts 8502 and 8614 dated July 2021 (Reference 1). As described in this Plan of Control, the Hayward GHAD will have responsibilities throughout the entire Annexation Area including the parcels proposed to be deeded to the GHAD which are Parcel B (8502) and Parcels C and E in Tract 8614 ("GHAD-owned Parcels") as described in Section 2.2.

2.2 SUMMARY OF PROPOSED GHAD RESPONSIBILITIES WITHIN ANNEXATION AREA

The GHAD is expected to assume maintenance responsibilities for all properties within the Annexation Area as discussed in Section 7.0 and Table 10.0. In addition, the Developer is proposing that the GHAD take ownership of Parcels B, C, and E that are within the Annexation Area as shown in Appendix A, Figure 1. If the GHAD takes ownership of a parcel of land, it would also assume ownership and all maintenance responsibilities as a property owner.

As shown on the Vesting Tentative Map – Existing Conditions (Sheet 3.0), a wetlands area is identified on a portion of Parcel C within Tract 8614. As mapped, the wetland area is located along the south edge of Parcel C and extends onto the adjacent parcel outside of the GHAD boundary. With the exception of geologic hazard abatement within the limits of the GHAD, the GHAD does not have additional responsibilities related to the mapped wetlands area.

The GHAD is charged with responsibilities that relate to the prevention, mitigation, abatement, or control of geologic hazards, which includes the maintenance of drainage facilities and associated improvements on future GHAD-owned parcels. This will include the monitoring and maintenance of drainage facilities that, if subject to improper care, could result in decreased slope stability, a primary concern of the GHAD. The drainage facilities include concrete-lined drainage ditches and storm drain improvements on GHAD-owned Parcels.

The GHAD will mitigate or abate landslide or erosion hazards that could directly affect improved, developed, and accepted properties (as defined in Section 6) within the Annexation Area in accordance with Section 5. The GHAD will also perform maintenance of water control and conveyance facilities and assume other peripherally related responsibilities, such as vegetation management for fire suppression, trail maintenance, and selected other maintenance activities associated with the GHAD-owned Parcels. Additionally, the GHAD shall have the right to approve any construction, maintenance, or repair in the GHAD-owned Parcels that the GHAD determines has the potential to impact geologic stability.

3.0 SITE GEOLOGY

3.1 GEOLOGIC SETTING

The Annexation Area is located within the Bay Plains, west of the Front Hills in the Coast Ranges in central California, a series of northwest-trending ridges and valleys. Bedrock in the province has been folded and faulted during regional uplift beginning around the Pliocene-Pleistocene period, roughly 3 to 5 million years before present. Geologic maps of the area prepared by Graymer and others (1995) indicate the Hayward SoMi Development is underlain by a combination of undifferentiated Quaternary deposits and Knoxville Formation bedrock in contact with the off-site Franciscan Complex (Earth Systems, 2017 and 2018).

3.1.1 Artificial Fill

Areas of pre-existing fill have been mapped along the northwestern portion of the Annexation Area (Earth System, 2017 and 2018). As recommended in the geotechnical engineering investigation report, soil within areas where development is proposed will be properly prepared during site grading.

3.1.2 Landslide Deposits

Dormant landslide deposits within the hillside portions of the Annexation Area were identified by Earth Systems during the referenced geotechnical investigation (Earth Systems, 2017, 2018, and 2020). The landslides are located in the area of proposed building footprints along the northern and eastern portions of the Annexation Area (Figure 1).

3.1.3 Knoxville Formation

As shown on cross sections prepared by Earth Systems (2020), the Annexation Area is reportedly underlain by interbedded brown to black shale and brown to greenish-gray greywacke sandstone identified as Knoxville formation. Exposures of the Knoxville formation are reported to be generally weak to moderately strong, highly fractured to crushed, and thinly bedded (Earth Systems, 2017 and 2018).

3.2 GROUNDWATER

Groundwater or evidence of groundwater was not encountered in exploration borings performed by Earth Systems (2017 and 2018). California Geological Survey (2003) and California Department of Water Resources (2015) report groundwater levels approximately 20 to 27 feet below ground surface at the Annexation Area, respectively. It should be noted that fluctuations in groundwater levels occur seasonally and over a period of years because of variations in precipitation, temperature, irrigation, and other factors.

3.3 SEISMIC SOURCES

An earthquake of moderate to high magnitude generated within the San Francisco Bay Region, similar to those that have occurred in the past, could cause considerable ground shaking at the Annexation Area. The Hayward Fault (approximately 0.2 mile to the east) is considered capable of generating an earthquake with a maximum moment magnitude of 7.33. Other seismic sources

near the Annexation Area include the Calaveras Fault (approximately 7.7 miles to the east) and the San Andreas Fault (approximately 29.9 miles to the west). The Calaveras Fault is considered capable of generating an earthquake with a maximum moment magnitude of 7.0, and the San Andreas Fault is considered capable of generating an earthquake with a maximum moment magnitude of 8.05 (Earth Systems, 2017 and 2018).

4.0 GEOLOGIC HAZARDS

The following geologic hazards were identified for the Annexation Area in the referenced geotechnical investigation and are expected to remain to some extent after site grading has been completed.

- Slope instability
- Fault rupture
- Seismically induced ground shaking
- Soil expansion potential
- Existing undocumented fill

4.1 SLOPE INSTABILITY

Earth stability is the GHAD's primary geotechnical concern within the Annexation Area. This is not unique to this Annexation Area, but is of importance for hillside projects in the San Francisco Bay Area. This section describes several types of slope instability that are within the GHAD's responsibility, subject to the provisions of Sections 6 and 7.

In the referenced geotechnical investigation, the Annexation Area lies at the toe of dormant landslides. As recommended in the geotechnical investigation report, the landslide material should be removed and graded under stable static conditions as part of the corrective grading work.

Landslides are a common geologic phenomenon and are part of the process of mass wasting. Weathered or fractured bedrock and soil are transported downslope over geologic time as a result of gravitational and hydrostatic forces. A landslide is a deposit of soil and/or bedrock moving downward from its original position under the influence of gravity. Landslides include a variety of morphologies and are further defined by type of materials, wetness, and mode of movement. They can consist of mass movements of earth materials that are primarily intact and occur along discrete shear surfaces. These surfaces (shear or slip planes) can be rotational (conchoidal or concave), such as for earth slumps, or planar, as for translational earth slide or bedrock block slides. Most landslides are truly "complex landslides," sliding, falling, and flowing with more than one type of movement and/or material.

Falls are an abrupt free-fall of earth materials off cliffs, steep cuts, or steep stream banks, while earthflows are mass movements of earth materials in which the type of movement is one of flowing. When composed of soil finer than gravel size, the flowing material is commonly called a mudflow. A debris flow/debris avalanche is composed of natural earth materials, artificial fill, and/or organic debris, which flow downslope with speed. Most of the material is transported away from the area of initial ground failure.

Slope failures are also often triggered by increased pore water pressure due to the infiltration of rainwater. The resulting decrease of shear resistance (internal resistance to deformation by shearing) can cause the slope to move. The level of groundwater table varies with the amount of rainfall for the area. If rainfall is higher than average during the winter season, the water table will become higher than average on a hillslope and groundwater pressures may become sufficiently high to initiate slope movement.

Landslides located within Open Space areas are natural landforms that do not require mitigation except where they affect man-made improvements. Debris catchment areas are the principal mitigation method used within the GHAD for areas between potentially unstable slopes and improvements. The debris catchment structures include debris benches, debris berms, and runout areas. GHAD maintenance of the areas will be critical to maintain adequate protection for the Site Improvements (as defined in Section 11.0). Maintenance and monitoring of these areas is described in Section 9. Potential mitigation and repair measures for areas within the GHAD near development are discussed in Section 7.

Soil creep is the slow, often imperceptible, deformation of slope materials under low stress levels, which normally affects the shallow portion of the slopes, but can be deep seated where a weak zone of soil or bedrock exists. It results from gravitational and seepage forces, and may be indicative of conditions favorable for landsliding. Creep can be caused by wetting and drying of clay, by solution and crystallization of salts, by the growth of roots, by burrowing animals and by downslope movement of saturated ground. Colluvium refers to the mantle of loose soil and weathered bedrock debris that progresses down hillsides by creep.

The GHAD will also monitor erosion and sedimentation in Open Space or affecting developed lots or improvements. Erosion is defined as the process by which earth materials are loosened and removed by running water on the ground surface or in the subsurface. Sedimentation is the depositing or settling of soil or rock particles from a state of suspension in a liquid.

Hilly terrain Open Space, either in a natural condition or particularly on excavated slopes, can be subject to erosion. Landslide deposits, which are sometimes in a loosened condition, are particularly prone to erosion. Earth-flow-, debris-flow- and mud-flow-type landslides typically have an area of deposition or accumulation (sedimentation area) at their base. Graded slopes in the GHAD, particularly those in excess of 20 feet in vertical height or those not sufficiently vegetated, can be subject to erosion and therefore a source of transported sediment.

4.1.1 Fault Rupture

Earth Systems (2017) mapped a possible fault trace in the northeastern portion of the GHAD Annexation Area (Figure 1). Although Earth Systems did not identify strong evidence suggestive of active faulting and suggested the identified feature may represent the toe of an ancient landslide deposit, they elected to maintain a 25-foot-wide structural setback. As identified in the geotechnical investigation (Earth Systems, 2017 and 2018), with the designated setbacks, the potential for ground rupture within the development area is low.

4.1.2 Seismically Induced Ground Shaking

As identified in the geotechnical investigation reports, an earthquake of moderate to high magnitude generated within the San Francisco Bay Region could cause considerable ground shaking at the Hayward SoMi Development, similar to that which has occurred in the past. To

mitigate the shaking effects, all structures should be designed using sound engineering judgment and the latest building code requirements, as a minimum.

Seismic slope stability analysis was incorporated for use in the corrective grading plans for the graded portions of the Annexation Area; however, seismically generated slope failures could occur in Open Space areas outside of the development limits.

4.1.3 Soil Expansion Potential

Fine-grained near-surface soil at the site could exhibit a moderate to high potential for expansion. This potentially expansive soil could impact the planned site development. Expansive soil shrinks and swells as a result of moisture changes. This can cause heaving and cracking of slabs-on-grade, pavements, and structures founded on shallow foundations. The potential for expansive soil has been identified in the geotechnical reports for the Annexation Area. As identified by Earth Systems (2021) recommended mitigation may include one or the following methods.

- Increase depth of footings
- Pre-expand clay
- Add a layer of non-expansive fill
- Keep soil moist until covered
- Manage surface water runoff and irrigation water

Shrinking and swelling of expansive soil on slopes are a portion of the mechanism of creep movement, which can result in shallow slope instability. As recommended, engineering measures will be used when mitigating the effects of expansive near-surface soil (Earth Systems, 2021). Within the Open Space area, slope instability caused by expansive soil creep will be addressed by the GHAD subject to the exceptions in Section 5.0.

4.1.4 Existing Undocumented Fill

As identified in the referenced geotechnical investigation reports, undocumented fill exists from past exploratory excavations and from past on-site grading activities. As recommended, undocumented fill materials in the northwestern area and within the development area are proposed to be removed during corrective grading (Earth Systems, 2021).

5.0 CRITERIA FOR GHAD RESPONSIBILITY

In establishing the assessment levels and budgets for the Annexation Area, it is important to clearly define the limits of the GHAD's responsibilities. The GHAD will accept responsibility for property as described in Section 6 of this Plan of Control; however, the intent of this Plan of Control is not to extend the GHAD's responsibilities to every potential situation of instability; rather, the following are exclusions from GHAD responsibility.

5.1 ISOLATED OR REMOTE FEATURE REQUIRING MITIGATION

The GHAD shall not have responsibility to monitor, abate, mitigate, or control slope instability that does not involve damage to or pose a significant threat to damage Site Improvements. As used herein, the term "Site Improvements" means buildings, public and private roads, sidewalks,

utilities, improved trails, swimming pools, tennis courts, gazebos, cabanas, geologic stabilization features, or similar improvements.

5.2 SINGLE PROPERTY

The GHAD will not prevent, mitigate, abate, or control geologic hazards which are limited in area to a single parcel of property unless the geologic hazard has damaged, or poses a significant threat of damage to Site Improvements located on other property within the GHAD Annexation Area. This exclusion does not apply to geologic hazards existing on (i) Open Space property owned by any homeowner's associations or (ii) the GHAD-owned parcels.

5.3 GEOLOGIC HAZARDS RESULTING FROM NEGLIGENCE OF PROPERTY OWNER

The GHAD may, in the GHAD Manager's sole discretion, decline to prevent, mitigate, abate or control geologic hazards which occurred or resulted from any negligence of the homeowner and/or the homeowner's contractors, agents or employees in developing, investigating, grading, constructing, maintaining or performing or not performing any post-development work on the subject property as long as the geologic hazard is limited to a single lot, pursuant to the single-property exclusion noted above. If the GHAD bears expense as the result of negligence described in this section, the GHAD may pursue reimbursement from the negligent parties.

5.4 PROPERTY NOT ACCEPTED

The GHAD shall not have responsibility to repair damage, which is situated on a parcel of real property, which the GHAD has not accepted in accordance with Section 6 below. The GHAD, however, may monitor, abate, mitigate or control geologic or hydrogeologic hazards on a parcel of real property which the GHAD has not accepted in accordance with Section 6 and is not excluded from GHAD responsibility by Sections 5.1, 5.2, and 5.3, provided, however, that GHAD responsibility on such parcel shall be limited to the extent necessary to address damage to, or a significant threat of damage to Site Improvements which are within a parcel of real property which the GHAD has accepted in accordance with Section 6. Should the GHAD be required to respond to a geologic hazard outside the Annexation Area, the GHAD may take such actions as may be appropriate to recover costs incurred as a result of preventing, mitigating, abating, or controlling such geologic hazard from the responsible party, if any.

5.5 GEOLOGIC HAZARD WHICH REQUIRES EXPENDITURE IN AMOUNT EXCEEDING THE VALUE OF THE THREATENED OR DAMAGED IMPROVEMENT

The GHAD may elect not to prevent, mitigate, abate, or control a geologic hazard where, in the GHAD Manager's sole discretion, the anticipated expenditure required to be funded by the GHAD to prevent, mitigate, abate or control the geologic hazard will exceed the value of the structure(s) and Site Improvement(s) threatened with damage or loss.

5.6 GHAD FUNDING OR REIMBURSEMENT FOR DAMAGED OR DESTROYED STRUCTURES OR SITE IMPROVEMENTS

In the event a residence or any other structure, Site Improvement, or landscaping is damaged or destroyed due to, or as a result of, a geologic hazard, the GHAD may fund or reimburse the

property owner for the expenses necessary to repair or replace the damaged or destroyed structure, Site Improvement, or landscaping. Unless authorized by the Board of Directors, the dollar amount of the GHAD funding or reimbursement may not exceed ten percent (10%) of the costs incurred by the GHAD in preventing, mitigating, abating, or controlling the geologic hazard responsible for the damage[1]. In the event the geologic hazard damaged or destroyed a structure, Site Improvement, or landscaping which violated any provisions of the City Building Code or City Ordinance Code at the time of its installation or improvement, the GHAD may decline to provide any funding, or reimbursement to the property owner, for repair or replacement of the damaged structure, Site Improvement or landscaping.

5.7 NO REIMBURSEMENT OF EXPENSES INCURRED BY PROPERTY OWNERS

The GHAD will not be obligated to reimburse a property owner for expenses incurred for the prevention, mitigation, abatement, or control of a geologic hazard absent a written agreement between the property owner and the GHAD to that effect, which agreement has been executed prior to the property owner incurring said expenses, and following an investigation conducted by the GHAD.

5.8 RECONSIDERATION AND APPEAL POLICY

If a property owner directly affected by an operational action as set forth in this Plan of Control does not agree with the decision of the GHAD Manager, the property owner may request reconsideration of that decision ("GHAD Manager Decision"). The property owner shall, within thirty (30) days from the date of a written GHAD Manager Decision, file with the GHAD Manager the grounds for reconsideration, and the requested relief, including the owner's special interest and injury. Within fifteen (15) days of receipt of the property owner's written request for reconsideration, the GHAD Manager shall issue a written decision on the request based on the evidence presented ("GHAD Manager Reconsideration Decision"). The property owner may appeal the General Manager Reconsideration Decision to the GHAD Board of Directors. This appeal must be filed with the GHAD Manager within fifteen (15) days from the date of the GHAD Manager Reconsideration Decision. The appeal must include the grounds for the appeal and the property owner's requested relief. The GHAD Board will make the final decision on the appeal. The GHAD Manager will proceed based on the decision of the GHAD Board of Directors.

6.0 ACCEPTANCE

6.1 ACTIVATION OF ASSESSMENT

An annual assessment should be promptly authorized on all residential parcels and habitable nonresidential space within the Annexation Area as shown on Appendix B, Exhibit B which will generate funding for the GHAD Activities. The assessment shall be levied by the GHAD on each individual parcel beginning the first fiscal year following issuance of a building permit for that parcel.

[1] For example, if a landslide causes $10,000 in structural damage to each one of four neighboring homes for a total of $40,000 in structural damage and it costs the GHAD $100,000 to design and install a new retaining wall to abate the slide, the District may only reimburse each property owner $2,500 of their $10,000 in structural damage.

6.2 RESPONSIBILITY FOR GHAD ACTIVITIES

Hayward SoMi, LLC currently owns all the parcels shown on the Vesting Tentative Subdivision Map and shall have the responsibility to perform all the activities of the GHAD on the property within Annexation Area. Such responsibility shall be eligible for transfer to the GHAD at 9:00 a.m. on the day exactly three years after the first residential building permit is issued by the City of Hayward ("Transfer Eligibility Date"). The period between the levying of the GHAD assessment and the GHAD accepting maintenance responsibility of the GHAD Activities as defined in Section 7 below will allow the GHAD to accumulate reserve funds without incurring significant expenses.

6.3 OWNERSHIP OF THE OPEN SPACE

Ownership of Parcel "B" in Tract 8502 and Parcels "C" and "E" in Tract 8614 shown on Appendix B - Exhibit B are proposed to be conveyed by the Developer to the GHAD at the end of the transfer process described in Section 6.4, which shall be the date the GHAD becomes responsible for oversight of the actual physical maintenance of the Annexation Area as provided in this Section. The Developer shall prepare and record a grant deed transferring unencumbered fee title to the GHAD for these parcels. The grant deed(s) must first be reviewed and approved by the GHAD Manager and GHAD Attorney.

6.4 PROCESS FOR TRANSFERRING RESPONSIBILITY FOR GHAD ACTIVITIES

After the Transfer Eligibility Date for the Annexation Area, the process for transferring responsibility for performing GHAD Activities on such Parcel(s) shall be as follows.

1. Up to one year in advance of the Transfer Eligibility Date or in any subsequent year, at its discretion, the Developer may apply to the GHAD ("Transfer Application") to transfer the responsibility for performing GHAD Activities (as such term is defined in Section 7.0 herein below) for such Parcel(s) to the GHAD.
2. Within 30 days of receiving such Transfer Application, the GHAD Manager shall verify that all the facilities for which the GHAD will have maintenance responsibility have been approved, constructed, and maintained according to the City of Hayward approved plans and specifications for the individual improvements, and that such improvements are operational and in good working order.
3. Within 15 days of such inspection, the GHAD will send the Developer a list ("Punch list") of all of the items that need to be constructed, repaired, or otherwise modified in order to comply with the city-approved plans and specifications.
4. The Developer shall notify the GHAD Manager when it has completed the items identified on the Punch list. Within 30 days of receipt of such notice, the GHAD Manager shall verify that all Punch list items have been completed and notify the Developer that the GHAD accepts responsibility for performing all future GHAD activities on such Parcel(s).
5. The GHAD Manager shall confirm that the reserve requirement defined in the Engineer's Report approved by the GHAD Board has been met. The Engineer's Report is the document that establishes the individual property owners' GHAD assessment limit based on the projected expenses (budget) of the GHAD.

6. Prior to the GHAD accepting any responsibility for GHAD Activities, the Developer shall record a Declaration of Restrictive Covenants, Right of Entry and Disclosures Regarding Geologic Hazard Abatement District ("Declaration") as approved by the GHAD Manager and GHAD Attorney and as discussed in Section 12.
7. Any monies owed to the GHAD by the Developer have been paid.

As part of the transfer, the Developer of the Annexation Area to be transferred will provide the GHAD, for its use, copies of the applicable geotechnical exploration reports, as-built grading plans, as-built corrective grading plans, as-built improvement plans, as-built subdrain plans, or other pertinent documents as requested by the GHAD.

The GHAD is not responsible for maintaining parcels within the Annexation Area or any GHAD Activities as defined in Section 7.0 until it accepts such responsibilities pursuant to this section. Hayward SoMi, LLC will remain responsible for all GHAD activities until the GHAD accepts responsibility pursuant to this section.

7.0 HAYWARD GHAD MONITORING, MAINTENANCE AND REPAIR RESPONSIBILITIES

Several entities shall have ownership and maintenance duties of common space within the Annexation Area. The GHAD will assume monitoring and maintenance responsibilities for the site facilities and activities ("GHAD Activities") noted below and as described in Table 10.0.

- The GHAD is responsible for general monitoring, maintenance, and repair of the concrete-lined drainage ditches, subdrain outlets, and risers within the Annexation Area.
- Monitoring and maintenance of measurement devices, such as piezometers, inclinometers, and tiltmeters, if any within the Annexation Area.
- Maintenance of existing property line/boundary fencing on Parcel "B" in Tract 8502 and Parcels "C" and "E" in Tract 8614.
- Debris benches and or catchment structures within the Annexation Area.
- Storm drain inlets, outfalls, and pipelines within Parcel "B" in Tract 8502 and Parcels "C" and "E" in Tract 8614.
- Slopes within the Annexation Area.
- Vegetation control for fire suppression on Parcel "B" in Tract 8502 and Parcels "C" and "E" in Tract 8614.

7.1 GEOTECHNICAL TECHNIQUES FOR MITIGATION OF LANDSLIDE AND EROSION HAZARDS

The techniques that may be employed by the GHAD to prevent, mitigate, abate, or control geologic hazards include, but are not limited to, the following.

- Removal of the unstable earth mass.
- Stabilization (either partial or total) of the landslide by removal and replacement with compacted, drained fill.

- Construction of structures to retain or divert landslide material or sediment.
- Construction of erosion control devices such as gabions, riprap, geotextiles, or lined ditches.
- Placement of drained engineered buttress fill.
- Placement of subsurface drainage devices (e.g. underdrains or horizontal drilled drains).
- Slope correction (e.g. gradient change, biotechnical stabilization, slope trimming or contouring).
- Construction of additional surface ditches and/or detention basins, silt fences, sediment traps, or backfill or erosion channels.

Potential landslide and erosion hazards can often best be mitigated by controlling soil saturation and water runoff and by maintaining the surface and subsurface drainage system.

8.0 PRIORITY OF GHAD EXPENDITURES

Emergency response and scheduled repair expenditures by the GHAD are to be prioritized by the GHAD Manager, utilizing his or her discretion, based upon available funds and the approved operating budget. When available funds are not sufficient to undertake all of the identified remedial and preventive stabilization measures, the expenditures are to be prioritized as follows in descending order of priority.

(A) Prevention, mitigation, abatement or control of geologic hazards that have either damaged or pose a significant threat of damage to residences, critical underground utilities, or paved streets.

(B) Prevention, mitigation, abatement or control of geologic hazards which have either damaged or pose a significant threat of damage to ancillary structures, including but not limited to water quality facilities, pools, cabanas or restroom buildings.

(C) Prevention, mitigation, abatement or control of geologic hazards, which have either damaged or pose a significant threat of damage to Open Space amenities.

(D) Prevention, mitigation, abatement or control of geologic hazards which have either damaged or pose a significant threat of damage limited to loss of landscaping or other similar non-essential amenities.

(E) Prevention, mitigation, abatement or control of geologic hazards existing entirely on Open-Space property and which have neither damaged nor pose a significant threat of damage to any Site Improvements.

In performing its duties as described above, the GHAD may seek funding or reimbursements from public and private entities including, but not limited to, FEMA, City and County agencies, insurance companies, etc.

9.0 MAINTENANCE AND MONITORING SCHEDULE

Geologic features and GHAD-maintained improvements defined in Section 7.0 shall be inspected by GHAD staff or GHAD-assigned consultants as presented below. The site inspections shall be undertaken at appropriate intervals as determined by the GHAD Manager using supporting

documents prepared for the Annexation Area and the Site Improvements. The GHAD budget should provide for three or more inspections in years of heavy rainfall. Generally, the inspections should take place in October, prior to the first significant rainfall; mid-winter as necessary during heavy rainfall years; and in early April at the end of the rainy season. The frequency of the inspections should increase, depending upon the intensity and recurrence of rainfall.

The Developer shall provide to the GHAD copies of geologic or geotechnical exploration reports related to site development and the GHAD shall retain these reports in the records of the GHAD. In addition, copies of any earthwork-related testing and observation reports that will be finalized at the completion of grading, when as-built drawings are available, shall be provided to the GHAD by the Developer and maintained as part of the GHAD records.

Following are guidelines for a monitoring plan. The actual timing, scope, frequency and other details regarding such maintenance, inspection, and similar activities shall be at the discretion of the GHAD Manager.

- A State-licensed Professional Engineer and/or Professional Geologist should carry out a geologic reconnaissance of the slopes for indications of erosion or slope failures.
- A State-licensed Professional Engineer and/or Professional Geologist should carry out an inspection of lined surface ditches. Repairs and maintenance, as needed, should be undertaken including removal of excess silt or sediment in ditches and patching or replacement of cracked or broken ditches, prior to the beginning of the next rainy season.
- Subsurface drain outlets and horizontal drilled drain outlets, if any, should be checked. Water flowing from these outlets should be measured and recorded during each inspection.
- Piezometers to measure groundwater levels, or instruments such as inclinometers or tiltmeters measuring potential slope instability should be monitored as recommended, if installed.
- Settlement monitoring devices, if any, should be measured periodically and tracked. In the event of anomalous readings or excessive settlement, the monitoring frequency should be increased.
- Bioretention basins shall be monitored and well maintained. The GHAD will maintain the bioretention basins in accordance with an approved Operation and Maintenance Plan if developed.
- Inlets, outfalls, or trash racks, if used, must be kept free of debris and spillways maintained. Additionally, water detention facilities and water quality facilities should be inspected and maintained. It is anticipated that initially, at least once every 2 years, cleanup of vegetation and removal of silt would be in order.
- Developer-constructed retaining walls should be inspected for evidence of distress, such as tilting and/or structural failure. Repairs and maintenance would be undertaken only in the event that the structural integrity of the wall has been compromised or if the wall distress poses a threat to the integrity of adjacent structures.
- An annual inspection shall be made by a State-licensed Professional Engineer and/or Certified Engineering Geologist to assess the effectiveness of the preventive maintenance program and to make recommendations as to which landslide or erosion measures should be undertaken in the next fiscal year. Any appropriate site-specific study of landslide or erosion

conditions shall be determined at that time. Consultants, if necessary, will be retained to undertake the needed studies. An annual inspection report to the GHAD shall be prepared by the Professional Engineer and/or Certified Engineering Geologist.

10.0 OWNERSHIP AND MANAGEMENT

Ownership, funding sources and maintenance responsibilities shall be as shown on the following table. Parcel designations are derived from the final map (Reference 6).

TABLE 10.0: HAYWARD SOMI DEVELOPMENT
Long-Term Ownership and Management Matrix

FACILITY/FUNCTION	ROUTINE/ GENERAL MAINTENANCE ENTITY	FUNDING	MINIMUM TRANSFER OF PLAN OF CONTROL RESPONSIBILITIES FROM DEVELOPER TO THE GHAD	OWNERSHIP
1. Annexation Area Excluding Parcels GHAD-Owned Parcels B (8502), C (8614), and E (8614)				
a. Multi-Family Residential Parcels (189 units)	Private	Private	3 Years	Private
b. Common Area Parcels "F" (8614), "G" (8502), and "G" (8614))	Homeowner's Association (HOA)	HOA Dues	3 Years	HOA
c. Private Roads (Parcels "A" (8502), "D" (8502), "E" (8502), "F" (8502), "H" (8502), "I" (8502), "J" (8502), "L" (8502), "M" (8502), "A" (8614), "B" (8614))	HOA	HOA Dues	3 Years	HOA
d. Dog Park (Parcel "D" (8614))	HOA	HOA Dues	3 Years	HOA
e. Bioretention Basins (Parcels "C" (8502) and "K" (8502))				
i. Ornamental Landscape Maintenance and Replacement	HOA	HOA Dues	Not Applicable	HOA
ii. Functional Maintenance, Repair, and Replacement	GHAD	GHAD Assessment	3 Years	GHAD
f. Trail to Dog Park	HOA	HOA Dues	3 Years	HOA
g. General Maintenance including Graffiti and Litter Removal	HOA	HOA Dues	Not Applicable	
h. Storm Drain Improvements	HOA	HOA Dues	3 Years	HOA
i. Subdrains	GHAD	GHAD Assessment	3 Years	GHAD
2. GHAD-Owned Parcels B (8502), C (8614) and E (8614) – Landowner Responsibilities				
Pretransfer Period				
a. Parcel "B" (8502), Parcel "C" (8614) and Parcel "E" (8614)				
i Gates, Fencing, and Signage	Developer	Private Funding	3 Years	Developer
ii General Maintenance including Graffiti and Litter Removal	Developer	Private Funding	3 Years	Developer

FACILITY/FUNCTION	ROUTINE/ GENERAL MAINTENANCE ENTITY	FUNDING	MINIMUM TRANSFER OF PLAN OF CONTROL RESPONSIBILITIES FROM DEVELOPER TO THE GHAD	OWNERSHIP
iii Vegetation Management for Fire Suppression	Developer	Private Funding	3 Years	Developer
iv Concrete-lined Drainage Ditches	Developer	Private Funding	3 Years	Developer
iv Storm Drain Improvements	Developer	Private Funding	3 Years	Developer
v Subdrains	Developer	Private Funding	3 Years	Developer
vi Retaining Walls	Developer	Private Funding	3 Years	Developer
b. Bioretention Basin (Parcel "C" (8614))				
i Ornamental Landscape Maintenance and Replacement	Developer	Private Funding	3 Years	Developer
ii Functional Maintenance, Repair, and Replacement	Developer	Private Funding	3 Years	Developer
Post Transfer Period				
a. Parcel "B" (8502), Parcel "C" (8614) and Parcel "E" (8614)				
i Gates, Fencing, and Signage	GHAD	GHAD Assessment	Perpetual	GHAD
ii General Maintenance including Graffiti and Litter Removal	GHAD	GHAD Assessment	Perpetual	GHAD
iii Vegetation Management for Fire Suppression	GHAD	GHAD Assessment	Perpetual	GHAD
iv Concrete-lined Drainage Ditches	GHAD	GHAD Assessment	Perpetual	GHAD
iv Storm Drain Improvements	GHAD	GHAD Assessment	Perpetual	GHAD
v Subdrains	GHAD	GHAD Assessment	Perpetual	GHAD
vi Retaining Walls	GHAD	GHAD Assessment	Perpetual	GHAD
b. Bioretention Basin (Parcel "C" (8614))				
i Ornamental Landscape Maintenance and Replacement	HOA	HOA Dues	Perpetual	GHAD
ii Functional Maintenance, Repair, and Replacement	GHAD	GHAD Assessment	Perpetual	GHAD

11.0 RIGHT-OF-ACCESS

The GHAD Board of Directors, officers, employees, consultants, contractors, agents, and representatives shall have the right to enter upon all lands within the Annexation Area as shown on Appendix C for the purpose of performing the GHAD Activities defined in this Plan of Control. Such GHAD Activities include, but are not limited to the inspection, maintenance and monitoring

of those improvements listed in Section 7.0. Should the GHAD need to access private residential lots to fulfill its duties under the Plan of Control, the GHAD shall provide the affected landowner and/or resident with 72 hours advanced notice unless, in the reasonable judgment of the GHAD, an emergency situation exists which makes immediate access necessary to protect the public health and safety, in which case no advanced notice is required, but the GHAD shall inform the landowner and/or resident as soon as reasonably possible.

The foregoing right-of-entry provision shall be recorded in the chain of title for all Annexation Area residential parcels and common area lots, and it shall be included in all Covenants, Conditions and Restrictions (CC&Rs) and homebuyer disclosure statements prepared for parcels within the GHAD Annexation Area.

12.0 GLOSSARY

Accepted Parcel – An assessor's parcel within the Annexation Area that has been accepted for the transfer of GHAD responsibilities as provided in Section 6.4 of this Plan of Control.

Annexation Area – The land to be annexed into the Hayward GHAD as shown on the GHAD Boundary Plat (Appendix B, Exhibit B) in this Plan of Control. The Annexation Area includes all areas within Tracts 8502 and 8614.

GHAD Activities – Responsibilities that the GHAD will assume monitoring and maintenance responsibilities noted in Section 7.0 and described in Table 10.0 in this Plan of Control.

GHAD Board of Directors – The members of the Hayward City Council.

Engineer's Report – The document that establishes the individual property owners' GHAD assessment limit based on the projected expenses (budget) of the GHAD.

Geologic Hazard – An actual or threatened landslide, land subsidence, soil erosion, earthquake, fault movement, or any other natural or unnatural movement of land or earth (Public Resources Code *§* 26507).

Geologic Hazard Abatement District or GHAD – A district formed under Public Resources Code *§ 26500* to undertake emergency actions necessary or incidental to the prevention, mitigation, abatement, or control of a geologic hazard.

GHAD Law – Public Resources Code § 26500 through 26654.

GHAD Manager – An entity employing a licensed Geotechnical Engineer who will oversee the operations of the GHAD, including preparation of GHAD budgets. The GHAD Manager is hired by and reports to the GHAD Board of Directors.

GHAD Manager Decision – An operational action as set forth in this Plan of Control.

GHAD Manager Reconsideration Decision – A written decision prepared by the GHAD Manager in response to a written request from a property owner within the Annexation Area on the evidence presented.

GHAD-owned Parcels – The lands with Parcel B in Tract 8502 and Parcels C and E in Tract 8614 shown on Figure 1 in Appendix A.

Hayward GHAD – A district formed by the Hayward City Council on March 1, 2016, with the adoption of Resolution No. 16-030.

Plan of Control – Report prepared by a Certified Engineering Geologist which describes in detail, the geologic hazards, their location, and the area affected by them. It also provides a plan for the prevention, mitigation, abatement, or control thereof.

Punch List – A document provided by the GHAD of all of the items, if any, that need to be constructed, repaired, or otherwise modified in order to comply with the city-approved plans and specifications prior to the transfer of Plan of Control responsibilities to the GHAD.

Site Improvements – Buildings, public and private roads, sidewalks, utilities, improved trails, gazebos, cabanas, geologic stabilization features, or similar improvements.

Transfer Application Form – A document provided by the applicant to initiate transfer of Plan of Control responsibilities as outlined in this Plan of Control to the GHAD. A sample transfer application form is provided in Appendix E in this Plan of Control.

Transfer Eligibility Date – The earliest date a parcel within the Annexation Area is eligible for the transfer of Plan of Control responsibilities to the GHAD. For parcels with the Annexation Area, this period starts at 9:00 a.m. on the day exactly three years after the first residential building permit is issued by the City of Hayward.

SELECTED REFERENCES

1. Carlson Barbee and Gibson, DRE Phasing Plan, Tracts 8502 and 8614, City of Hayward, Alameda County, California, July 2021, Project No. 2775-010.

2. Carlson Barbee and Gibson, Draft Final Map, Tract 8502, City of Hayward, County of Alameda, State of California, May 2021, Project No. 2775-010.

3. Earth Systems Pacific, Design-Level Geotechnical Engineering Investigation, Mirza Residential Development, 29212 Mission Boulevard, Hayward, California, October 8, 2020, Revised March 19, 2021, File No. 302068-001.

4. Earth Systems Pacific, Geologic Hazards Evaluation and Geotechnical Feasibility Study, Proposed Multifamily Residential Development, Northwest of 29212 Mission Boulevard, Hayward, California, September 27, 2018, File No. 302068-001.

5. Earth Systems Pacific, Addendum to Geologic Hazards Evaluation and Geotechnical Feasibility Study, Proposed Multifamily Residential Development, 29212 Mission Boulevard, Hayward, California, December 15, 2017, File No. SH-13387-SA.

6. Earth Systems Pacific, Geologic Hazards Evaluation and Geotechnical Feasibility Study Proposed Multifamily Residential Development, 29212 Mission Boulevard, Hayward, California, September 26, 2017, File No. SH-13387-SA.

7. Hayward, City of, Resolution No. 16-030 – Ordering Formation of the Hayward Geologic Hazard Abatement District (GHAD) and Appointing the Members of the Hayward City Council to Act as the GHAD Board of Directors, March 1, 2016.

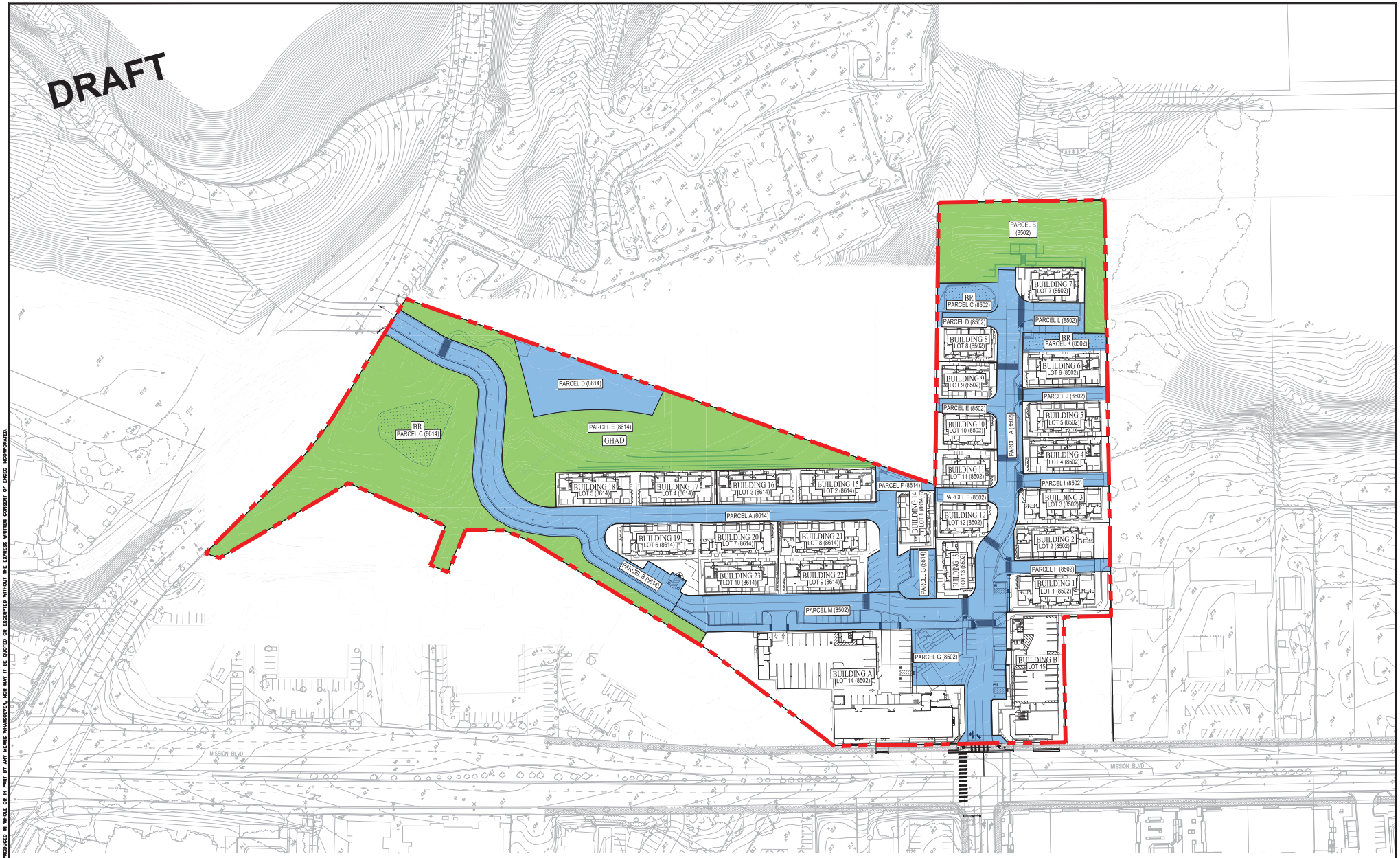
8. Hayward, City of, Resolution No. 19-202 – Resolution Approving Zone Change and Vesting Tentative Map (Tract 8502) for the True Life Companies Mixed Use Development; and Approving the Related Infill Checklist; The True Life Companies/TTLC Mirza LLC and City of Hayward (Applicant/Owners), October 29, 2019.

9. SDG Architects, Inc., Development Plans, 29212 Mission Boulevard, Hayward, California, July 22, 2019.

APPENDIX A

FIGURE 1: GHAD OWNERSHIP AND MAINTENANCE EXHIBIT

DRAFT



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EXPLANATION

ALL LOCATIONS ARE APPROXIMATE

- GHAD BOUNDARY
- GHAD-OWNED AND MAINTAINED PARCELS
- HOA-OWNED AND MAINTAINED PARCELS
- PRIVATE RESIDENTIAL LOTS

BASE MAP SOURCE: CBG, 2021

ENGEO Expect Excellence

GHAD OWNERSHIP AND MAINTENANCE EXHIBIT
HAYWARD SOMI DEVELOPMENT
HAYWARD, CALIFORNIA

PROJECT NO.:	17479.000.000
SCALE:	AS SHOWN
DRAWN BY:	LL
CHECKED BY:	EH

FIGURE NO. 1

ORIGINAL FIGURE PRINTED IN COLOR

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APPENDIX B

EXHIBIT A
LEGAL DESCRIPTION
Geologic Hazard Abatement District, Hayward SoMi Development – Tracts 8502 and 8614

EXHIBIT B
Plat to Accompany Legal Description

AUGUST 12, 2021
JOB NO.: 2775-010

EXHIBIT A
LEGAL DESCRIPTION
HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT(GHAD)
MIRZA DEVELOPMENT ANNEXATION
HAYWARD, CALIFORNIA

Real property in the City of Hayward , County of Alameda, State of California, described as follows:

PARCEL ONE:

BEGINNING AT THE INTERSECTION OF THE NORTHEASTERN LINE OF THE STATE HIGHWAY(100 FEET WIDE) FROM HAYWARD TO NILES WITH THE SOUTHEASTERN LINE OF THE 22.82 ACRE PARCEL OF LAND DESCRIBED IN THE DEED BY JOSE DE JESUS VALLEJO AND WIFE TO WILLIAM MORRIS LISTON RECORDED IN BOOK "M" OF DEEDS PAGE 219 ALAMEDA COUNTY RECORDS RUNNING THENCE ALONG SAID LINE OF STATE HIGHWAY SOUTH 42 DEGREES 48 MINUTES 53 SECONDS EAST 202.44 FEET THENCE PARALLEL WITH THE SOUTHEASTERN LINE OF THE PARCEL OF LAND FIRSTLY DESCRIBED IN THE DEED BY MARY E. ALLEN TO ANTONE FARIA RECORDED NOVEMBER 9, 1920 IN BOOK 2996 OF DEEDS PAGE 341 ALAMEDA COUNTY RECORDS NORTH 47 DEGREES 17 MINUTES 31 SECONDS EAST 190 FEET THENCE PARALLEL WITH SAID LINE OF STATE HIGHWAY SOUTH 42 DEGREES 48 MINUTES 53 SECONDS EAST 72 FEET THENCE PARALLEL WITH SAID SOUTHEASTERN LINE OF THE FARIA PARCEL NORTH 47 DEGREES 17 MINUTES 31 SECONDS EAST 630.85 FEET TO THE NORTHEASTERN LINE OF THE PARCEL OF LAND FIRSTLY DESCRIBED IN THE DEED BY MARY E. ALLEN RECORDED MAY 29, 1916 IN BOOK 2442 OF DEEDS PAGE 366 ALAMEDA COUNTY RECORDS THENCE ALONG THE LAST MENTIONED LINE NORTH 42 DEGREES 45 MINUTES WEST 253.99 FEET TO THE NORTHWESTERN LINE OF SAID FARIA PARCEL OF LAND LASTLY REFERRED TO THENCE ALONG THE LAST MENTIONED LINE SOUTH 48 DEGREES 43 MINUTES 08 SECONDS WEST 821.43 FEET TO THE POINT OF BEGINNING.

PARCEL TWO:

BEING PORTIONS OF PARCEL 1 AND PARCEL 3 AND ALL OF PARCEL 2 AND PARCEL 4 AS SAID PARCELS ARE DESCRIBED IN THAT DIRECTOR'S DEED FROM THE STATE OF CALIFORNIA TO THE CITY OF HAYWARD RECORDED NOVEMBER 3, 2017 AS DOCUMENT NUMBER 2017243815 OF OFFICIAL RECORDS OF ALAMEDA COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTHERN LINE OF TENNYSON ROAD (60 FEET WIDE), AS SHOWN ON THE MAP OF TRACT 7620, RECORDED MAY 3, 2016 AND FILED IN BOOK 339 OF MAPS, AT PAGE 46, IN THE OFFICE OF THE COUNTY RECORDER OF ALAMEDA COUNTY, WITH THE EASTERN LINE OF SAID PARCEL 1;

THENCE, FROM SAID POINT OF BEGINNING, ALONG THE EASTERN LINE OF SAID PARCELS 1, 2, AND 3, SOUTH 21°07'48" EAST, 851.67 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL 2;

THENCE, ALONG THE SOUTHEAST LINE OF SAID PARCEL 2, SOUTH 50°13'05" WEST, 393.23 FEET TO THE SOUTHERNMOST CORNER OF SAID PARCEL 2;

THENCE, ALONG THE SOUTHWEST LINE OF SAID PARCEL 2, NORTH 41°22'25" WEST, 148.60 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 2;

THENCE, ALONG THE WESTERN LINE OF SAID PARCEL 2 THE FOLLOWING THREE (3) COURSES:
1) NORTH 03°11'39" WEST, 238.58 FEET,

2) NORTH 09°10'37" WEST, 323.21 FEET,

3) NORTH 18°28'47" WEST, 36.85 FEET TO THE SOUTHERNMOST CORNER OF SAID PARCEL 4;

THENCE, ALONG THE EXTERIOR BOUNDARY OF SAID PARCEL 4 THE FOLLOWING NINE (9) COURSES:

1) NORTH 39°50'35" WEST, 59.11 FEET,

2) SOUTH 74°01'02" WEST, 33.35 FEET,

3) ALONG THE ARC OF A TANGENT 240.02 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 08°34'27", AN ARC DISTANCE OF 35.92 FEET,

4) NORTH 18°00'55" WEST, 29.35 FEET,

5) NORTH 71°59'05" EAST, 9.36 FEET,

6) NORTHEASTERLY ALONG THE ARC OF A NON-TANGENT 35.00 FOOT RADIUS CURVE TO THE RIGHT, FROM WHICH THE CENTER OF SAID CURVE BEARS SOUTH 70°13'32" EAST, THROUGH A CENTRAL ANGLE OF 101°06'25", AN ARC DISTANCE OF 61.77 FEET,

7) NORTH 16°34'48" WEST, 160.59 FEET,

8) NORTH 70°37'19" WEST, 226.37 FEET,

9) NORTH 22°10'03" WEST, 22.75 FEET TO SAID SOUTHERN LINE OF TENNYSON ROAD;

THENCE, ALONG SAID SOUTHERN LINE OF TENNYSON ROAD, BEING THE NORTHERN LINES OF SAID PARCELS 4 AND 3, THE FOLLOWING THREE (3) COURSES:

1) SOUTH 84°28'58" EAST, 151.56 FEET,

2) ALONG THE ARC OF A TANGENT 630.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 14°40'53", AN ARC DISTANCE OF 161.43 FEET,

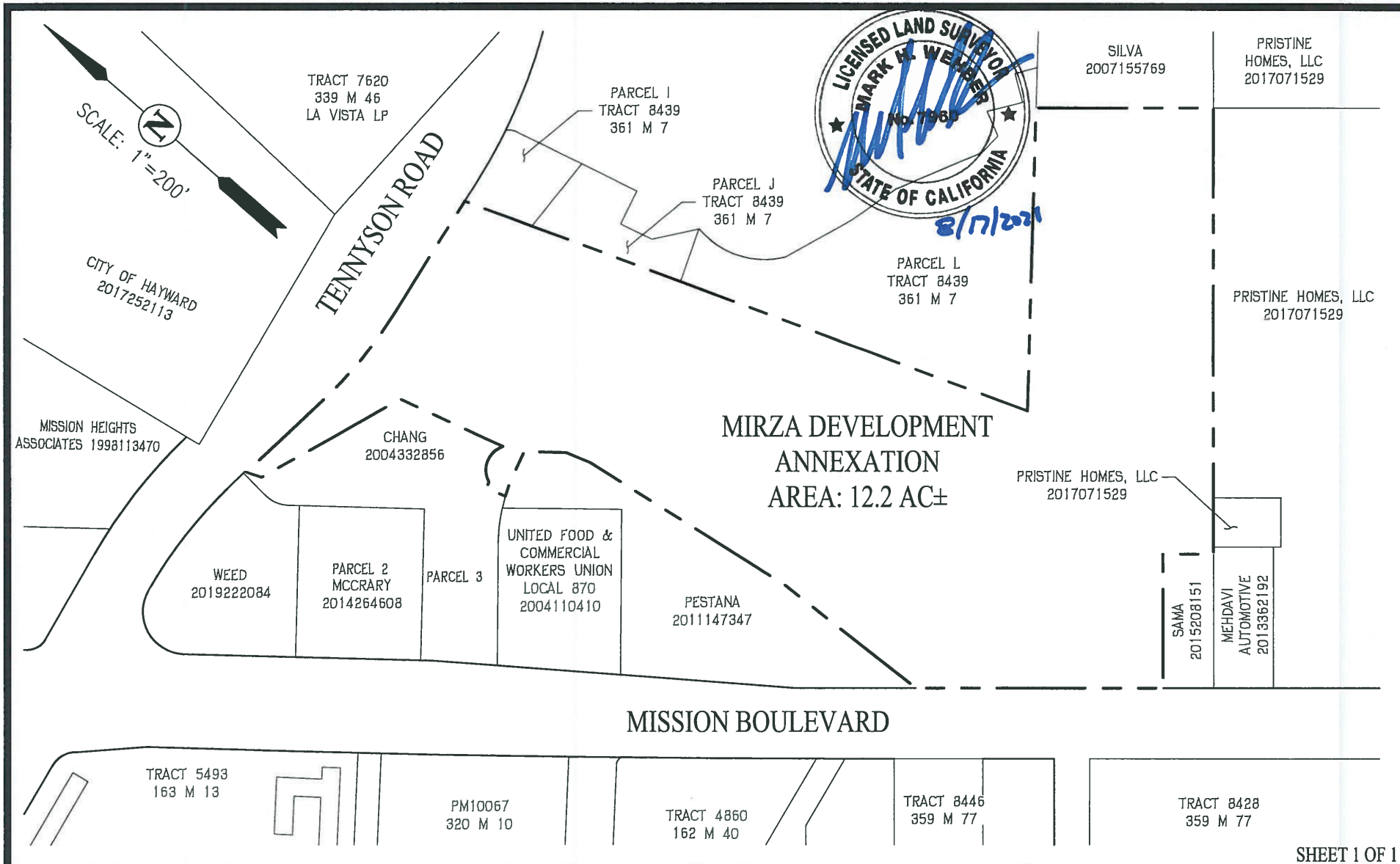
3) NORTH 80°50'09" EAST, 181.29 FEET TO THE POINT OF BEGINNING.

APN: 078C-0455-001-04 (Parcel One); and
078C-0461-011, 078C-0461-013, 078C-0461-010 (Portion) and 078C-0461-012 (Portion), all as to Parcel Two

END OF DESCRIPTION

10/17/2021

MARK H. WEHBER, P.L.S.
L.S. NO. 7960



SHEET 1 OF 1

PLAT TO ACCOMPANY LEGAL DESCRIPTION

HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD)
MIRZA DEVELOPMENT ANNEXATION
CITY OF HAYWAYRD, CALIFORNIA
AUGUST 12, 2021

cbg
SAN RAMON (925) 866-0322
ROSEVILLE (916)788-4456
WWW.CBANDG.COM
CIVIL ENGINEERS ▪ SURVEYORS ▪ PLANNERS

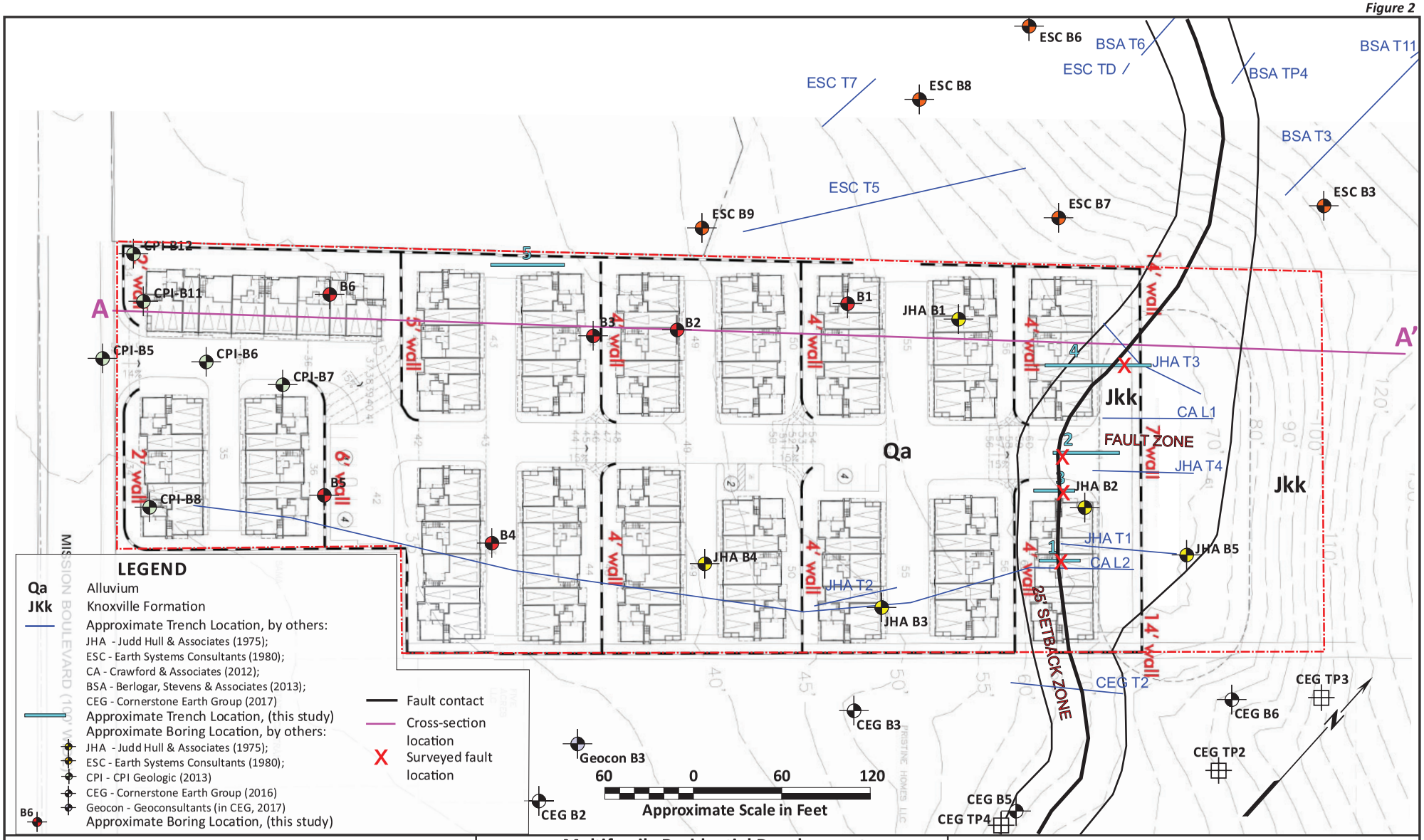
JOB NO. 2775-010

F:\2775-010\ACAD\SURVEY\PLATS\PLAT 01 - GHAD.DWG

APPENDIX C

SITE PLAN AND GEOLOGIC MAP FOR TRACTS 8502 AND 8614

Figure 2



LEGEND

- Qa — Alluvium
- JKk — Knoxville Formation
- Approximate Trench Location, by others:
  - JHA - Judd Hull & Associates (1975);
  - ESC - Earth Systems Consultants (1980);
  - CA - Crawford & Associates (2012);
  - BSA - Berlogar, Stevens & Associates (2013);
  - CEG - Cornerstone Earth Group (2017)
- Approximate Trench Location, (this study)
- Approximate Boring Location, by others:
  - JHA - Judd Hull & Associates (1975);
  - ESC - Earth Systems Consultants (1980);
  - CPI - CPI Geologic (2013)
  - CEG - Cornerstone Earth Group (2016)
  - Geocon - Geoconsultants (in CEG, 2017)
- Approximate Boring Location, (this study) — B6
- Fault contact
- Cross-section location
- X — Surveyed fault location

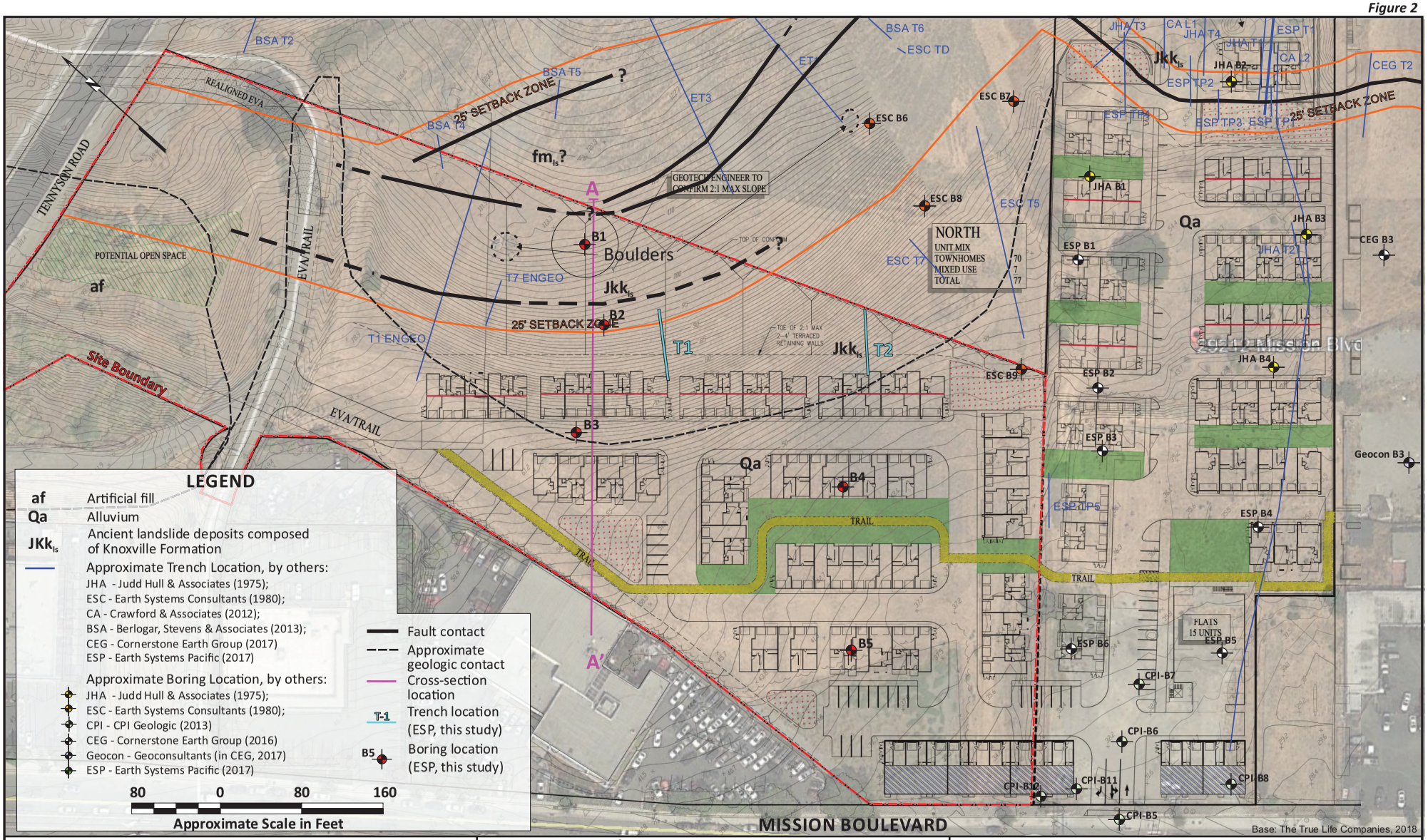
Earth Systems Pacific

Multifamily Residential Development
29212 Mission Boulevard
Hayward, California

Site Plan and Geologic Map

SH-13387-SA

Figure 2



Earth Systems Pacific	CalTrans Property - Tennyson Mission Boulevard Hayward, California	Site Plan and Geologic Map 302068-001

APPENDIX D

DECLARATION OF DISCLOSURES, RIGHT OF ENTRY AND RESTRICTIVE COVENANTS REGARDING HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:
Hayward Geologic Hazard Abatement District
777 B Street
Hayward, CA 94541
Attn: Miriam Lens

DECLARATION OF DISCLOSURES, RIGHT OF ENTRY AND RESTRICTIVE COVENANTS REGARDING HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT

This Declaration of Disclosures, Right of Entry and Restrictive Covenants Regarding Hayward Geologic Hazard Abatement District (the "Declaration") is made this _____ day of _____, 20__ (the "Effective Date"), by, Hayward SoMi, LLC, a California limited liability company ("Declarant").

RECITALS

A. Declarant is the owner of that certain real property located in the City of Hayward, County of Alameda, State of California, more particularly described as Tracts 8502 and 8614, filed on _ _____, 20__ in Book _ of Parcel Maps, at pages __, all in the Official Records of Alameda County, California (the "Property").

B. The City of Hayward approved a 189-lot residential subdivision on the Property. A condition of approval for Tracts 8502 and 8614 was that the Property be annexed into the Hayward Geologic Hazard Abatement District ("Hayward GHAD").

C. Under the authority of California Public Resources Code section 26500, et seq., the Hayward City Council on March 1, 2016 adopted Resolution No. 16-030 forming and establishing the Hayward GHAD to prevent, mitigate, abate or control potential geologic hazards within the boundaries of the GHAD. On ____, 2021, the Hayward GHAD adopted Resolution No. 21-___, approving annexation of the Property into the Hayward GHAD.

NOW, THEREFORE, Declarant, as the owner of the Property, for itself, its successors and assigns does hereby declare as follows:

1. Notification and Disclosure of Hayward GHAD: The Declarant hereby gives notice and discloses that the Property is a part of the Hayward GHAD. The Board of Directors of the Hayward GHAD are the members of the Hayward City Council. Pursuant to the Plan of Control for Annexation of the Property to Hayward GHAD as it may be amended from time to time (the "Plan of Control"), the Declarant and the Hayward GHAD are afforded certain responsibilities and rights relating to the prevention, mitigation, abatement and control of potential geologic hazards on the Property. The powers of the Hayward GHAD include the power to assess lot owners within the Property for the purposes set out in the Plan of Control. An assessment was authorized by the Hayward GHAD to be imposed on the Property pursuant to adopted Resolution 21-__.

2. Right of Entry: The Declarant by executing and recording this Declaration hereby contractually affords Hayward GHAD, its officials, employees, contractors and agents an irrevocable right of entry with continuing and perpetual access to and across the Property for the purposes and responsibilities set out in the Plan of Control ("Access Rights"). Should the Hayward GHAD need to access private residential lots to fulfill its duties under the Plan of Control, the Hayward

GHAD shall provide the affected landowner and/or resident with 72 hours advanced notice unless, in the reasonable judgment of the GHAD Manager, an emergency situation exists which makes immediate access necessary to protect the public health and safety, in which case no advanced notice is required, but the Hayward GHAD shall inform the landowner and/or resident as soon as reasonably possible. The Declarant hereby gives notice that the GHAD will acquire Access Rights immediately upon the execution of this Declaration. The GHAD, in its sole discretion, may elect not to exercise Access Rights until it accepts its maintenance responsibilities consistent with the Plan of Control.

3. GHAD Easement: The Declarant hereby grants the Hayward GHAD a perpetual easement for the purposes and responsibilities set out in the Plan of Control and for maintaining certain site improvements as depicted in Exhibit A, and legally described in Exhibit B attached hereto, (the "GHAD Easement"). Such activities include, but are not limited to: (a) the inspection, maintenance, monitoring and replacement of site improvements including, drainage ditches, storm drains, outfalls and pipelines; (b) the monitoring, maintenance and repair of slopes, including repaired or partially repaired landslides; and (c) the management of erosion and geologic hazards within the open space areas shown in the Plan of Control. The GHAD Easement shall become effective upon acceptance by the Hayward GHAD of its responsibilities and rights, the process by which is articulated in the Plan of Control. The Hayward GHAD has no maintenance responsibilities whatsoever to the Declarant or Property until and unless the Hayward GHAD accepts such responsibilities consistent with the Plan of Control.

4. Covenants Running with the Land: The Property shall be held, conveyed, hypothecated, encumbered, sold, leased, used, improved and maintained subject to the limitations, covenants, conditions, restrictions, easements, rights of entry and equitable servitude set forth in this Declaration, all of which are in furtherance of Declarant's plan for the uniform improvement and operation of the Property. All of the limitations, covenants, conditions, restrictions, easements, rights of entry and equitable servitudes set out in this Declaration shall both benefit and burden the Property and shall run with and be binding upon and inure to the benefit of the Property and each parcel therein, and shall be binding upon and inure to the benefit of each owner, and every person having or acquiring any right, title or interest in and to all or any portion of the Property and their successors and assigns. Upon Declarant's conveyance of fee title to the Property, or any portion thereof, Declarant shall be released from any further liability or obligation hereunder related to the portion of the Property so conveyed, and the grantee of such conveyance shall be deemed to be the "Declarant," with all rights and obligations related thereto, with respect to that portion of the Property conveyed.

5. Hold Harmless: Declarant, or its successors and assigns, shall hold harmless, protect and indemnify Hayward GHAD and its directors, officers, employees, agents, contractors, and representatives and the heirs, personal representatives, successors and assigns of each of them (collectively, "Hayward GHAD Indemnified Parties") from and against any and all liabilities, penalties, costs, losses, damages, expenses (including, without limitation, reasonable attorneys' fees and experts' fees), causes of action, claims, demands, orders, liens or judgments (each a "Claim" and, collectively, "Claims"): (1) for injury to or the death of any person, or physical damage to any property, related to or occurring on or about the GHAD Easement to the extent arising from the negligence or intentional misconduct of Declarant, its employees, agents or contractors; or (2) related the existence of the GHAD Easement, exclusive of any Claims brought by Declarant.

6. Enforcement: The Hayward GHAD shall have the right but not the obligation to enforce the provisions of this Declaration.

7. Modification or Termination: This Declaration shall not be modified, amended or terminated without the written consent of the Hayward GHAD.

Executed as of the Effective Date.

Declarant: Hayward SoMi, LLC, a California limited liability company

By: _____

Its: _____

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed to the Hayward Geologic Hazard Abatement District by the foregoing document titled "Declaration of Disclosures, Right of Entry and Restrictive Covenants", which is dated _____, 20__ and executed by _____, is hereby accepted by the undersigned pursuant to authority conferred by Resolution No. __-__, dated _____, 20__. The City of Hayward, as grantee, consents to recordation of said "Declaration of Disclosures, Right of Entry and Restrictive Covenants".

_____
Eric Harrell
Hayward GHAD Manager

Date:

Attest:

_____
Patricia E. Curtin
Hayward GHAD Clerk

Approved as to form:

_____
Amara Morrison
Hayward GHAD Attorney

APPENDIX E

SAMPLE TRANSFER APPLICATION FORM

HAYWARD GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD)
HAYWARD SoMi DEVELOPMENT

Hayward Geologic Hazard Abatement District Board of Directors
c/o Hayward GHAD Manager
ENGEO Incorporated
2010 Crow Canyon Place, Suite 250
San Ramon, CA 94583

As of _____, 20__, _____ is submitting an application for transfer of GHAD activities as provided in Section 6.0 of the Magee Preserve Plan of Control dated October 12, 2021. As specified in Section 6.0,_____ is submitting this Transfer Application to transfer the responsibility for performing GHAD activities for the listed parcels to the District. Within 30 days of the submittal of the Transmittal Application, the GHAD will monitor the listed parcels and verify that the facilities that the GHAD will have maintenance responsibility have been constructed and maintained in accordance with the conditions of Section 6.4 of the Plan of Control. Within 15 days of inspection, the GHAD will send _____ a punch list of all items that need to be constructed, repaired, or otherwise modified in compliance with the Town of Danville approved plans and specifications. _____ will notify the GHAD upon completion of the punch list items. Within 30 days of receipt of such notice, the GHAD shall verify that all punch list items have been completed and notify _____. GHAD staff will then bring a resolution before the Hayward GHAD Board of Directors for their consideration approving GHAD responsibility for performing all future GHAD activities on the parcel(s).

We submit the following parcels for the transfer of GHAD activities as provided in the Magee Preserve Plan of Control to the Hayward GHAD:

Lot Number/Tract	Address	Assessor's Parcel Number

Each party is to submit a copy of this application to the other party upon completion of the steps listed below.

GHAD receipt of Transfer Application: Initial of GHAD representative: _____ Date: _____

_____ receipt of punch list from GHAD: Initial of _____ representative: _____ Date: _____

GHAD receipt of notice of completion of punch list items: Initial of GHAD representative: _____ Date: _____