

**HAYWARD
GEOLOGIC HAZARD ABATEMENT DISTRICT**

TO: Hayward GHAD Board of Directors

FROM: GHAD Manager
GHAD Attorney

BOARD MEETING DATE: February 26, 2019

SUBJECT: Hearing to adopt Resolution 2019-02 approving the Annexation of the Ersted Property into the Hayward GHAD and approving the Ersted Property Plan of Control.

RECOMMENDATION(S):

1. ADOPT the attached Resolution No. 19-02 to do the following:
 - (a) APPROVE the annexation of the Ersted Property to the Hayward GHAD.
 - (b) APPROVE the Ersted Property Plan of Control.

SUMMARY:

In approving the 59-unit townhome project referred to as Ersted Property (Tract 8439) ("Ersted Project"), the City of Hayward imposed Condition of Approval No. 46 requiring the Ersted Project to be annexed into the existing Hayward Geologic Hazard Abatement District ("GHAD"). Consistent with GHAD law, the owner of the Ersted Project, Grupe Investment Company, LLC, filed a Petition for Annexation ("Petition") with the GHAD Clerk on December 27, 2018. On February 5, 2019, with the approval of Resolution 19-01, the GHAD Board of Directors ("GHAD Board") accepted the Petition and set a public hearing to take place on February 26, 2019, to consider the annexation request and hear any objections to the request. In addition, the GHAD Board is being asked to consider approval the draft Plan of Control.

BACKGROUND AND DISCUSSION:

On March 1, 2016, the Hayward City Council adopted Resolution No. 16-030 approving the formation of the Hayward GHAD and appointed itself to serve as the GHAD Board.

Currently, The Reserve development (Tract 7620) is the only property within the GHAD. As allowed by GHAD Law, Grupe Investment as the owner of the Ersted Project, submitted a Petition for Annexation into the Hayward GHAD (attached to Resolution No. 19-01). In approving the Ersted Project, the City of Hayward imposed Condition of Approval No. 46 requiring that the Ersted Project be annexed into the GHAD prior to recordation of the final map for the Ersted Project. To satisfy this requirement, the owner of the Ersted Project has petitioned the GHAD Board for annexation into the GHAD. The territory to be annexed into the GHAD and the boundaries of the Ersted Project are the same.

In connection with the proposed annexation, a draft Plan of Control has been prepared. The Plan of Control is separate from the La Vista (The Reserve) Plan of Control and describes the work contemplated for the Ersted Project, including maintenance and monitoring activities, including slopes, retaining walls, subdrains, storm drain facilities, and concrete-lined drainage ditches. The draft Plan of Control has been reviewed by the GHAD Manager and GHAD Attorney.

On February 5, 2019, the GHAD Board of Directors accepted the Petition for Annexation of the Ersted Property to the Hayward GHAD and adopted Resolution 19-01 to schedule a public hearing for February 26, 2019, to consider the annexation of the Ersted Property into the Hayward GHAD. At the February 5, 2019, meeting, Boardmember Lamnin requested that an appeal's procedure be added to the Plan of Control. The draft Plan of Control being considered by the GHAD Board contains a procedure for a property owner to appeal a GHAD Manager's decision (Section 13) and their comments in this draft dated February 19, 2019.

NEXT STEPS:

If the Hayward GHAD Board approves annexation of the Ersted Property into the Hayward GHAD and approves the Plan of Control, the Board will be asked to conduct a Public Hearing to consider approval of the Engineer's Report for the Ersted Project and issue a Notice of Intent to Order an Assessment.

FISCAL IMPACT:

The Petitioner of the Petition for Annexation 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 Hayward GHAD. Therefore, there is no impact on the City's General Fund.

If annexation is approved, funding for the GHAD activities on the proposed annexed area to prevent, mitigate, abate, and control geologic hazards will be based on an assessment, and such funds will be collected and used in connection with the Ersted Plan of Control. The proposed assessment will be supported by a detailed Engineer's Report prepared by a registered professional engineer certified by the State of California, and will be considered at a subsequent date in accordance with Proposition 218. The proposed assessment does not impact or change the existing assessments for The Reserve (La Vista) property owners in the GHAD.

Prepared by: The GHAD Manager and GHAD Attorney

Recommended by: GHAD Manager

ATTACHMENTS:

A. Resolution No. 19-02