

**HAYWARD  
GEOLOGIC HAZARD ABATEMENT DISTRICT**

**TO:** Hayward GHAD Board of Directors

**FROM:** GHAD Manager  
GHAD Attorney

**BOARD MEETING DATE:** November 16, 2021

**Hearing to adopt Resolution 21-03 approving the Annexation of the Hayward SoMi Development into the Hayward GHAD and approving the draft Hayward SoMi Development Plan of Control**

**RECOMMENDATION(S):**

1. ADOPT the attached Resolution No. 21-03 to do the following:
  - (a) APPROVE the annexation of the Hayward SoMi Development to the Hayward GHAD.
  - (b) APPROVE the draft Hayward SoMi Development Plan of Control.

**SUMMARY:**

In approving Tracts 8502 and 8614 for the Hayward SoMi Development (“Hayward SoMi Development”), which includes 23 multi-family buildings with 189 condominium and townhome units and approximately 10,000 square feet of commercial space, the City of Hayward approved Resolution 19-202, in which Infill Checklist Item No. 48 requires the Hayward SoMi Development to be annexed into the existing Hayward Geologic Hazard Abatement District (“GHAD”). Consistent with GHAD law, the owner of the Hayward SoMi Development, Hayward SoMi, LLC, filed a Petition for Annexation (“Petition”) with the GHAD Clerk on September 9, 2021. On October 26, 2021, with the approval of Resolution 21-02, the GHAD Board of Directors (“GHAD Board”) accepted the Petition and set a public hearing to take place on November 16, 2021, 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 (formerly La Vista) development (Tract 7620) and Hideaway (formerly Ersted Property) development (Tract 8439) are the only developments within the GHAD. As allowed by GHAD Law, Hayward SoMi, LLC as the owner of the Hayward SoMi Development, submitted a Petition for Annexation into the Hayward GHAD (attached to Resolution No. 21-02). In approving the Hayward SoMi Development, the City of Hayward imposed Infill Checklist Item No. 48 requiring that the Hayward SoMi Development be annexed into the GHAD prior to recordation of the final map for the Hayward SoMi Development. To satisfy this requirement, the owner of the Hayward SoMi Development has petitioned the GHAD Board for annexation into the GHAD. The territory to be annexed into the GHAD and the boundaries of the Hayward SoMi Development are the same.

In connection with the proposed annexation, a draft Plan of Control dated October 14, 2021 has

been prepared for the Hayward SoMi Development and attached to the Petition for Annexation. The draft Plan of Control being considered by the Board is dated November 4, 2021 and has the following revisions from the previous draft dated October 14, 2021.

- Section 2.2 (Page 2) – Additional details were provided about the mapped wetlands area located on Parcel C in Tract 8614 and the GHAD’s responsibilities for the mapped wetlands area.
- Section 2.2 (Page 2) – Clarification was provided about the GHAD’s responsibilities for stormdrain improvements on future GHAD-owned parcels.

The draft Plan of Control is separate from The Reserve (formerly La Vista) and Hideaway (formerly Ersted Property) Plans of Control and describes the work contemplated for the Hayward SoMi Development, 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. The draft Plan of Control will be finalized following incorporation of comments, if any, received from the GHAD Board during the annexation hearing.

On October 26, 2021, the GHAD Board of Directors accepted the Petition for Annexation of the Hayward SoMi Development to the Hayward GHAD and adopted Resolution 21-02 to schedule a public hearing for November 16, 2021, to consider the annexation of the Hayward SoMi Development into the Hayward GHAD.

**NEXT STEPS:**

If the Hayward GHAD Board approves annexation of the Hayward SoMi Development into the Hayward GHAD and approves the draft Plan of Control, the Board will be asked to set a date to conduct a Public Hearing to consider approval of the Engineer’s Report for the Hayward SoMi Development and issue a Notice of Intent to Order an Assessment.

**FISCAL IMPACT:**

Hayward SoMi, LLC, is responsible for funding all activities undertaken by the GHAD up and until the GHAD Improvements, as defined in the draft 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 fiscal 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 Hayward SoMi Development draft 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) and Hideaway (formerly Ersted) property owners in the GHAD.

*Prepared by:* The GHAD Manager and GHAD Attorney

*Recommended by:* GHAD Manager

**ATTACHMENTS:**

- A. Resolution No. 21-03  
17479.000.000  
November 16, 2021