



DATE: January 18, 2022

TO: Mayor and City Council

FROM: GHAD Manager
GHAD Attorney

SUBJECT: Adopt a Resolution Approving Annexation of the Hayward SoMi (Tracts 8502 and 8614) into the Hayward Geologic Hazard Abatement District

RECOMMENDATION

That the Council adopts a resolution (Attachment II) approving the annexation of the Hayward SoMi development (Tracts 8502 and 8614) into the existing Hayward Geologic Hazard Abatement District (GHAD) as requested by the GHAD Manager.

SUMMARY

In approving the 189 residential-unit project referred to as Hayward SoMi Development (Tracts 8502 and 8614) (Hayward SoMi Development), the City of Hayward adopted Resolution 19-202, Infill Checklist Item No. 48 requiring the Hayward SoMi Development to be annexed into the existing Hayward GHAD. On November 16, 2021, with the approval of Resolution 21-03, the GHAD Board of Directors (GHAD Board) approved annexation of the Hayward SoMi Development into the Hayward GHAD. Public Resources Code Section 26581 states that a proposed annexation is subject to the approval of the legislative body that approved formation of the GHAD; therefore, the Council is requested to approve a resolution approving annexation of the Hayward SoMi Development into the Hayward GHAD.

BACKGROUND AND DISCUSSION

On March 1, 2016, the Council adopted Resolution No. 16-030 approving the formation of the Hayward Geologic Hazard Abatement District (GHAD) and appointed itself to serve as the GHAD Board of Directors.

Currently, The Reserve development (Tract 7620) and The Hideaway development (Tract 8439) are the only developments within the GHAD. As allowed by GHAD Law, the owner of property within the Hayward SoMi Development submitted a Petition for Annexation of Hayward SoMi Development into the Hayward GHAD. In approving the Hayward SoMi Development, the City of Hayward adopted Resolution 19-202, Infill Checklist Item No. 48

requiring that the Hayward SoMi Development be annexed into the existing Hayward GHAD prior to recordation of the final map for the Hayward SoMi Development. To satisfy this requirement, the current owner of the Hayward SoMi Development petitioned the Hayward GHAD Board of Directors for annexation into the existing Hayward GHAD. On November 16, 2021, with the approval of Resolution 21-03, the GHAD Board approved annexation of the Hayward SoMi Development into the Hayward GHAD.

A Plan of Control has been prepared in connection with the proposed annexation. The Plan of Control for the Hayward SoMi Development is separate from The Reserve (formerly La Vista) and The 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. As adopted by the Hayward GHAD Board on November 16, 2021, with the approval of Resolution 21-03, the Hayward SoMi Development Plan of Control will address geologic hazards within Tracts 8502 and 8614.

If annexation is approved by the Council, the funding for the GHAD activities within the area proposed to be annexed 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 Plan of Control. The Engineer's Report recommends a proposed assessment limit of \$567.00 per each townhome residential unit and \$454.00 per each condominium residential unit (Fiscal Year 2021/22 dollars). The proposed assessment is supported by an Engineer's Report prepared by a registered professional engineer certified by the State of California, in accordance with Proposition 218. The annual assessment limit would be adjusted annually based on the San Francisco-Oakland-San Jose Consumer Price Index (CPI). The proposed assessment does not impact or change the existing assessments for The Reserve and The Hideaway landowners in the GHAD.

Public Resources Code section 26581 states that a proposed annexation is subject to the approval of the legislative body that approved formation of the GHAD. Given that the Council approved formation of the Hayward GHAD, Council approval is necessary for the proposed annexation. Therefore, the Council is requested to approve the attached resolution approving annexation of the Hayward SoMi Development into the Hayward GHAD.

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 SoMi Development portion of the GHAD. Therefore, there is no impact on the City's General Fund.

STRATEGIC ROADMAP

This agenda item is a routine operational item and does not relate to any of the projects outlined in the Council's Strategic Roadmap.

NEXT STEPS

If the resolution is approved, there are no additional steps for the Council related to annexation of the Hayward SoMi Development. The Hayward GHAD Board will conduct a Public Hearing to consider approval of the Engineer's Report and issue a Notice of Intent to Order an Assessment for the Hayward SoMi Development.

Prepared and Recommended by: Eric Harrell, GHAD Manager
Amara Morrison, GHAD Attorney

Approved by:



Kelly McAdoo, City Manager