

**HAYWARD
GEOLOGIC HAZARD ABATEMENT DISTRICT**

TO: Hayward GHAD Board of Directors

FROM: GHAD Manager
GHAD Attorney

BOARD MEETING DATE: January 18, 2022

SUBJECT: Resolution to Declare the GHAD's Intent to Order an Assessment for the Hayward SoMi Development and Set a Public Hearing 45 days after Written Notice is Provided to Consider the Proposed Assessment and any Protests thereto.

RECOMMENDATION(S):

1. ADOPT the attached Resolution No. 22-01 to do the following:
 - (a) APPROVE Hayward SoMi Development Engineer's Report;
 - (b) DECLARE the GHAD's intent to order an assessment for the Hayward SoMi Development; and
 - (c) SET a public hearing date 45 days after notice is provided to consider the proposed assessment and any protests thereto.

SUMMARY:

In approving the 189 residential unit development that includes 123 townhomes and 66 condominiums 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 be annexed into the existing Hayward Geologic Hazard Abatement District ("GHAD"). With the approval of Resolution No. 21-03, the GHAD Board of Directors ("GHAD Board") approved annexation of the Hayward SoMi Development into the Hayward GHAD and approved the Plan of Control. To secure a funding source for the Hayward SoMi Development, an Engineer's Report has been prepared to identify the funding of the GHAD-maintained improvements identified in the Plan of Control. The Engineer's Report recommends an assessment limit of \$567.00 per each townhome residential unit and \$454.00 per each condominium residential unit (Fiscal Year 2021/22 dollars).

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 of Directors.

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On November 16, 2021, the GHAD Board of Directors held a public hearing on the proposed annexation of the Hayward SoMi Development into the Hayward GHAD, and adopted Resolution 21-03 approving the annexation of the Hayward SoMi Development into the Hayward GHAD and accepting the Hayward SoMi Development Plan of Control.

A funding source has been secured for The Reserve (formerly La Vista) and The Hideaway (formerly Ersted Property) developments within the Hayward GHAD and it is now appropriate to secure a funding source for the Hayward SoMi Development annexation. Like The Reserve and The Hideaway developments, the funding source is a real property assessment on the residential properties within the Hayward SoMi Development. This assessment for the 189 townhome and condominium residential units within the Hayward SoMi Development is proposed to be imposed at the time building permits are issued for the residential units. The assessment is proposed to maintain the improvements in the Hayward SoMi Development Plan of Control previously approved by the GHAD Board on November 16, 2021 (Resolution No. 21-03).

The proposed assessment is supported by the attached Engineer's Report prepared by a registered professional engineer certified by the State of California, in accordance with Proposition 218 (attached as Attachment 1 to Resolution No. 22-01). The Engineer's Report recommends an assessment limit of \$567.00 per each townhome residential unit and \$454.00 per each condominium residential unit (Fiscal Year 2021/22 dollars). The annual assessment limit would be adjusted annually based on the San Francisco-Oakland-Hayward Consumer Price Index (CPI). The proposed assessment does not impact or change the existing assessments for The Reserve (formerly La Vista) and The Hideaway (formerly Ersted Property) landowners in the GHAD.

To allow the GHAD Board to consider approval of the proposed assessment, the property owner of the Hayward SoMi Development will be provided with a copy of the Engineer's Report, a Notice of Intent to Order an Assessment, and a ballot (Resolution 22-01) following this meeting.

FISCAL IMPACT:

The developer 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.

NEXT STEPS:

1. On March 15, 2022, the GHAD Board shall consider all protests against the proposed assessment. At the GHAD Board hearing, the GHAD Board shall not impose the assessment if there is a majority protest. If there is no majority protest, the GHAD Board shall authorize the assessment.

Prepared by: The GHAD Manager and GHAD Attorney

Recommended by: GHAD Manager

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ATTACHMENTS:

A. Resolution No. 22-01