

**HAYWARD
GEOLOGIC HAZARD ABATEMENT DISTRICT**

TO: Hayward GHAD Board of Directors

FROM: GHAD Manager
GHAD Attorney

BOARD MEETING DATE: February 5, 2019

SUBJECT: Accept Petition for Annexation of the
Ersted Property (Tract 8439) into the Hayward GHAD

RECOMMENDATION(S):

1. ACCEPT the Petition for Annexation of the Ersted Property (Tract 8439) into the existing Hayward Geologic Hazard Abatement District (“GHAD”) and the draft Ersted Property Plan of Control (December 24, 2018) attached to the Petition;
2. ADOPT the attached Resolution No. 19-01 to do the following:
 - (a) CONDUCT a Public Hearing 20 days after notice is sent to property owners within the territory requesting the annexation to consider the proposed annexation of territory into the existing Hayward GHAD and the draft Plan of Control, and hear any objections thereto; and
 - (b) DIRECT the Hayward GHAD Manager, or their designee, to mail, by first class mail, a written notice of the hearing to consider the proposed annexation and the draft Plan of Control to each owner of real property as required by GHAD law.

SUMMARY:

In approving the 59 unit townhome project referred to as Ersted Property (Tract 8439) (“Ersted Project”), the City imposed a condition of approval (no. 46) requiring the Ersted Project to be annexed into the existing Hayward GHAD. Consistent with GHAD law, the owner of the Ersted Project, Hayward Tennyson, LLC, filed a Petition for Annexation with the GHAD Clerk on December 27, 2018. The GHAD Board is being asked to accept this Petition and set a public hearing to take place 20 days after the hearing notice is sent by the GHAD Manager to the effected property owners. At this upcoming hearing, the GHAD Board will consider the annexation request, including the draft Plan of Control and hear any objections to the request.

BACKGROUND AND DISCUSSION:

On March 1, 2016, the Hayward City 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) is the only property within the GHAD. As allowed by GHAD Law, Hayward Tennyson, LLC 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 of Directors 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 is being reviewed by the GHAD Manager and GHAD Attorney and any revisions will be presented to the GHAD Board at the hearing on the Petition.

GHAD law requires that the Petition for Annexation be placed on the GHAD Board agenda and thereafter, a public hearing be conducted to consider the Petition. Notice of the hearing must be sent to those real property owners within the boundaries of the requested annexation area 20 days before the hearing takes place.

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

If annexation is approved, the funding for the GHAD activity 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) landowners in the GHAD.

Prepared by: The GHAD Manager and GHAD Attorney

Recommended by: GHAD Manager ATTACHMENTS:

A. Resolution No. 19-01, attaching Petition for Annexation

15342.000.000

February 5, 2019

020866.0001\5355773.1