



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

Cover Memo

File #: CONS 15-287, **Version:** 1

DATE: November 17, 2015

TO: Mayor and City Council

FROM: Director of Development Services

SUBJECT

Adoption of a Resolution Declaring that the City of Hayward is Subject to the Geologic Hazard Abatement District Law

RECOMMENDATION

That the City Council adopts the attached Resolution (Attachment I) declaring that the City of Hayward is subject to the Geologic Hazard Abatement District Law.

BACKGROUND

The City of Hayward has conditioned the La Vista development (Tract 7620) to be included within a Geologic Hazard Abatement District (GHAD) to address on-site geologic hazards. State law authorizes GHADs to prevent, mitigate, abate, or control geologic hazards. GHADs are typically financed by assessing property owners within their boundaries (subject to the restrictions of Proposition 218).

DISCUSSION

Prior to the formation of any GHAD, State Law ([Public Resources Code Section 26550 <http://www.leginfo.ca.gov/cgi-bin/displaycode?section=prc&group=26001-27000&file=26550-26560>](http://www.leginfo.ca.gov/cgi-bin/displaycode?section=prc&group=26001-27000&file=26550-26560)) requires a legislative body to:

1. Adopt a resolution declaring that it is subject to the provisions of the GHAD law, and
2. Forward a copy of such resolution to the State Controller.

Once the City has taken these steps, it can initiate the formation of the Hayward GHAD for the proposed La Vista development and any other future developments.

Assuming that the City Council agrees to be subject to the Geologic Hazard Abatement District Law, a separate resolution will be presented to the City Council, at a future meeting, which will propose the actual formation of the Hayward GHAD or any future GHAD. The current resolution recommended by staff is simply a preliminary step that the City must take in order to exercise the powers authorized under the GHAD Law.

ALTERNATIVES

If the City of Hayward does not choose to subject itself to GHAD law, the La Vista development, which is conditioned to be within a GHAD, will have to:

1. Petition for annexation into a GHAD outside of the City of Hayward, or
2. Form another City of Hayward designated entity to prevent, mitigate, abate or control geologic hazards within the developments.

FISCAL IMPACT

The declaration that the City of Hayward is subject to the Geologic Hazard Abatement District Law by itself, will not have a fiscal or economic impact on the City

PUBLIC CONTACT

A public hearing is not required for the City to declare that it wishes to be subject to the Geologic Hazard Abatement District Law. At a later point in the process of creating the GHAD, there will be a Public Hearing where the public may provide comment.

NEXT STEPS

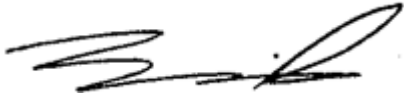
Assuming the City Council approves the declaration to be subject to the Geologic Hazard Abatement District Law, staff plans to hold a work session before Council to provide information related to GHADs and the formation process, etc. Afterwards, staff will return with a resolution for Council to consider formation of the Hayward GHAD along with a request that the City Council schedule a date to hold a Public Hearing to allow the public the opportunity to comment. A notice will be mailed to all property owners who will be affected by GHAD formation informing them of the Public Hearing.

At the Public Hearing, the City Council will be asked to formally approve the formation of the Hayward GHAD along with a Plan of Control which describes in detail the responsibilities of the GHAD.

Prepared by: Peter Rei, P.E., P.L.S., Contract Development Review Services Engineer

Recommended by: David Rizk, AICP, Development Services Director

Approved by:



Fran David, City Manager

Attachments:

Attachment I

Resolution declaring the City of Hayward is subject to the
Geologic Hazard Abatement District Law