

**OAKLAND AREA GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD) BOARD
STAFF REPORT**

TO: Board of Directors of the Oakland Area GHAD
FROM: Oakland Area GHAD Staff
DATE: September 7, 2016

**RE: AGENDA REPORT TO HOLD A HEARING ON THE PROPOSED
REVISED ASSESSMENT, ACCEPT THE CANVASS OF VOTES; AND IF
ALLOWED BY THE VOTES, CONFIRM THE REVISED ASSESSMENT,
AND ORDER THE LEVY AND COLLECTION OF THE ASSESSMENT**

SUMMARY

The Oakland Area GHAD Board (GHAD Board) met on July 19, 2016, and adopted the revised Plan of Control for the Siena Hill development (GHAD Resolution No. 10) and declared its intent to order an assessment based on the revised Plan of Control and set a hearing for September 20, 2016 to consider the proposed assessment (GHAD Resolution No. 11).

At the September 20 hearing, the GHAD Board will hear and consider any protests against the proposed assessment. If a majority of the property owners within the GHAD boundaries protest the assessment, the GHAD Board is precluded by law from ordering the assessment. There are 11 landowners within the GHAD boundaries. As required by law, on July 11, 2016, the ballots on the proposed assessment were mailed to the landowners. The landowners may vote either to approve or to reject the assessment. The ballots will be presented to the GHAD Board at its hearing on September 20.

BACKGROUND

In 2013, the landowners within the GHAD boundaries filed applications with the GHAD requesting amendments to the Plan of Control to allow the GHAD to accept improvements located in that portion of property wherein 10 homes are built and to reduce the responsibilities and improvements to be maintained by the GHAD to support a lower assessment and thus, levy. At its last meeting on July 19, 2016, the GHAD Board adopted the revised Plan of Control reflecting the requested changes (GHAD Resolution No. 10) and declared its intent to order an assessment based on the revised Plan of Control and set a hearing for September 20, 2016 to consider the proposed assessment (GHAD Resolution No. 11).

There are 11 landowners within the GHAD boundaries. As required by law, on July 11, 2016, ballots on the proposed assessment were mailed to the landowners. The landowners may vote either to approve or to reject the assessment. The ballots will be presented to the GHAD Board at its hearing on September 20.

The original Engineer's Report estimated annual expenses of \$97,900 per year. Based on the updated GHAD responsibilities in the revised Plan of Control, the revised Engineer's Report has

reduced the annual expenses to approximately \$41,000 per year (attached as Attachment 1). An annual assessment limit in FY 2016/17 dollars of \$2,500 per residential unit was recommended with an actual levy of \$1,119 per residential unit. The \$1,119 assessment will allow the GHAD to fund estimated administrative, monitoring, maintenance, and repair expenses. The difference between the assessment limit and the actual levy will allow the GHAD to fund unanticipated expenses in the future should they occur. The GHAD Board already adopted Resolution No. 11 declaring its intent to order the revised assessment but is now waiting for landowner approval through the assessment ballots to learn if it can be approved.

The assessment vote is weighed according to the proportionate financial obligations of each affected landowner. If there is a majority protest – which will exist if the weight of the votes submitted in opposition to the assessment exceeds the weight of the votes submitted in its favor- the GHAD Board cannot impose the revised assessment. If a majority of the votes oppose the assessment, then the assessment amount will revert back to that amount in place before the July 19, 2016 hearing of the GHAD Board which was approximately \$3,262.14/unit plus the appropriate CIP increase. At its July 19 hearing, the GHAD Board ordered the reduced levy of the assessment to \$1,119.00/unit pending the outcome of the landowner's vote on the revised assessment amount.

RECOMMENDATIONS


Staff recommends that the GHAD Board take the following actions:

1. Open and hold the public hearing on the proposed assessment;
2. Close the hearing and consider any protests against the assessment;
3. Direct the GHAD Clerk to tabulate the assessment ballots;
4. Adopt the Resolution Accepting the Canvass of Votes; and
5. If the votes allow, adopt the Resolution Confirming the Assessment and Ordering the Levy and Collection of the Assessment. The GHAD Manager shall then cause to be recorded a Notice of Assessment, where upon the assessment shall attach a lien upon the property. If the votes do not allow the new assessment amount, direct GHAD staff to prepare a resolution explaining the lack of sufficient votes to support the revised assessment and reinstating the assessment amount in effect before July 19, 2016 as reflected in GHAD Resolution No. 11.

ACTION REQUESTED BY THE GHAD BOARD

Oakland Area GHAD staff recommends that the GHAD Board accepts the Agenda Report and take the appropriate action as specified herein.

Respectfully submitted,



PATRICIA E. CURTIN
GHAD ATTORNEY

ATTACHMENTS:

1. Engineer's Report dated April 26, 2016
2. Resolution No. 12: Accepting Canvass of Votes for the Oakland Area GHAD.
3. Resolution No. 13: Confirming Assessment for the Oakland Area GHAD and Ordering Levy and Collection Thereof.

ENGINEER'S REPORT

for

OAKLAND AREA GEOLOGIC HAZARD ABATEMENT DISTRICT

CITY OF OAKLAND, CALIFORNIA

AUGUST 31, 2006

Revised April 26, 2016

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ENGINEER'S REPORT

GEOLOGIC HAZARD ABATEMENT DISTRICT-OAKLAND AREA
(Pursuant to the Public Resources Code of the State of California, Section 26500 et seq.)

CERTIFICATION OF FILING

ENGEO Incorporated makes this report as directed by the GHAD Board of Directors. The GHAD is intended to provide geologic hazard improvements for Oakland area projects development and to levy and collect assessments sufficient to pay for those improvements.

The improvements, which are the subject of this report, are defined as any activity necessary or incidental in the prevention, mitigation, abatement, or control of a geologic hazard, construction, maintenance, repair, or operation of any improvement; or the issuance and servicing of bonds issued to finance any of the foregoing (Section 26505).

This report consists of seven parts, as follows:

- I. INTRODUCTION
- II. BACKGROUND
- III. GEOLOGIC HAZARD ABATEMENT DISTRICT BOUNDARIES
- IV. SERVICE LEVELS
- V. DESCRIPTION OF GHAD IMPROVEMENTS
- VI. ASSESSMENT METHOD
- VII. ASSESSMENT LIMIT - BUDGET PROJECTION

The undersigned respectfully submits the enclosed Engineer's Report.

Date: June 30, 2016

By: ENGEO Incorporated

 _____, GE

I HEREBY CERTIFY that the enclosed Engineer's Report was filed on the ____ day of _____.

Clerk of the Board
Oakland Area
Geologic Hazard Abatement District
Oakland, California

I HEREBY CERTIFY that the enclosed Engineer's Report was approved and confirmed by the GHAD Board on the ____ day of _____.

Chair of the Board
Oakland Area
Geologic Hazard Abatement District
Oakland, California

APPROVED _____

ENGINEER'S REPORT

for

OAKLAND AREA
GEOLOGIC HAZARD ABATEMENT DISTRICT

for the

ESTABLISHMENT OF AN ASSESSMENT LIMIT

I. INTRODUCTION

The Oakland Area Geologic Hazard Abatement District (GHAD) was formed under the authority of the California Public Resources Code, Division 17, Section 26500 et seq.

II. BACKGROUND

The Oakland City Council adopted Resolution 80058 C. M. S. on July 18, 2006, approving the formation of the Oakland Area Geologic Hazard Abatement District ("GHAD" or "District").

III. GEOLOGIC HAZARD ABATEMENT DISTRICT BOUNDARIES

The boundaries for the GHAD are shown in the diagram attached hereto as Exhibits A through C.

IV. SERVICE LEVELS

The GHAD provides for activity that is necessary or incidental to the prevention, mitigation, abatement, or control of geologic hazards including construction, maintenance, repair, or operation of any improvement; and the issuance and servicing of bonds issued to finance any of the foregoing.

The GHAD provides for the administration and review of facilities within the budgeted limits, including the following services:

1. Oversight of GHAD activities.
2. In conjunction with the County Assessor's Office, setting the annual levying of assessments on the property tax rolls.

3. Retention of geotechnical professionals to perform the monitoring duties as described in the GHAD Plan of Control.
4. Performance of GHAD maintenance activities in accordance with the GHAD Plan of Control. These maintenance activities include:
 - Lined drainage ditches.
 - Storm drain inlets, outfalls and pipelines.
 - Subdrains.
 - Retaining wall and appurtenant drainage facility maintenance.
 - Erosion management.
5. Slope reconstruction.
6. Preparation of annual GHAD budgets.

V. DESCRIPTION OF THE GHAD IMPROVEMENTS

The GHAD Improvements are described in the Plan of Control prepared for the Oakland Area GHAD, dated May 9, 2006 (latest revision April 26, 2016). In general, improvements include drainage systems (including concrete v-ditches in open space, open-space storm drain inlets and outlets and subdrains in open space), retaining walls with appurtenant drainage systems, and reconstructed slopes.

VI. ASSESSMENT METHOD

With the exception of the retaining walls and appurtenant drainage facilities within the Easement and the Right-of-Way, the improvements and GHAD responsibilities described in Section V are distributed within the GHAD boundary. The improvements described in this document will confer the following special benefits to the assessed parcels:

1. Protection from slope instability.
2. Protection from erosion due to uncontrolled surface water.
3. Protection of water quality.

The GHAD assessment is distributed among all residential property owners within the GHAD. The improvements and responsibilities listed in Section V provide specific benefits to the properties within the GHAD and the improvements are constructed for the benefit of those assessed and not the general public. The District Engineer hereby finds that the properties within the District receive approximately equal special benefit from the work and improvements within the GHAD.

As listed above and in Section 7 of the Plan of Control, the GHAD will monitor and maintain retaining walls and appurtenant drainage facilities within the Easement and the Right-of-Way. Although this area is outside the GHAD boundary, the maintenance of these facilities is necessary for site access and to reduce the potential for uncontrolled stormwater infiltration, erosion, and other potential geologic hazards that could affect properties and improvements within the GHAD.

The total number of residential units within the District is divided into the annual District budget to develop the annual assessment amount. A financial analysis was performed to provide a framework for an operating budget for the on-going abatement, mitigation, prevention and control of geologic hazards within the Oakland Area GHAD. In preparation of the budget, several factors were considered including:

- Site geology.
- Proposed remedial grading.
- Proximity of geologic hazards to proposed residences.
- Site access considerations.
- Elements requiring routine maintenance including:
 1. Surface drainage facilities
 2. Graded slopes
 3. Storm drain inlets, outfalls and pipelines
 4. Retaining wall and appurtenant drainage facility maintenance
 5. Erosion management

VII. ASSESSMENT LIMIT - BUDGET

Based on the updated estimated expenses for on-going operations, and allowing for larger (approximately \$250,000) geologic events at 20-year intervals, a budget was prepared for the purpose of estimating initial assessment levels (Exhibit D).

The District Engineer recommends an annual assessment limit (FY 2016/17 dollars) of \$2,500 per residential unit to be levied in conjunction with the issuance of building permits or at the time of legal parcel formation when the Final Map is adopted, whichever is later, as described in the Plan of Control. The actual levy will be set to \$1,119 per residential unit. The limit will escalate annually based on the San Francisco-Oakland-San Jose Consumer Price Index.

EXHIBITS A through C

GHAD Boundary

EXHIBIT A - I

SIENA HILL PROPERTY

The land referred to is situated in the County of Alameda, City of Oakland, State of California, and is described as follows:

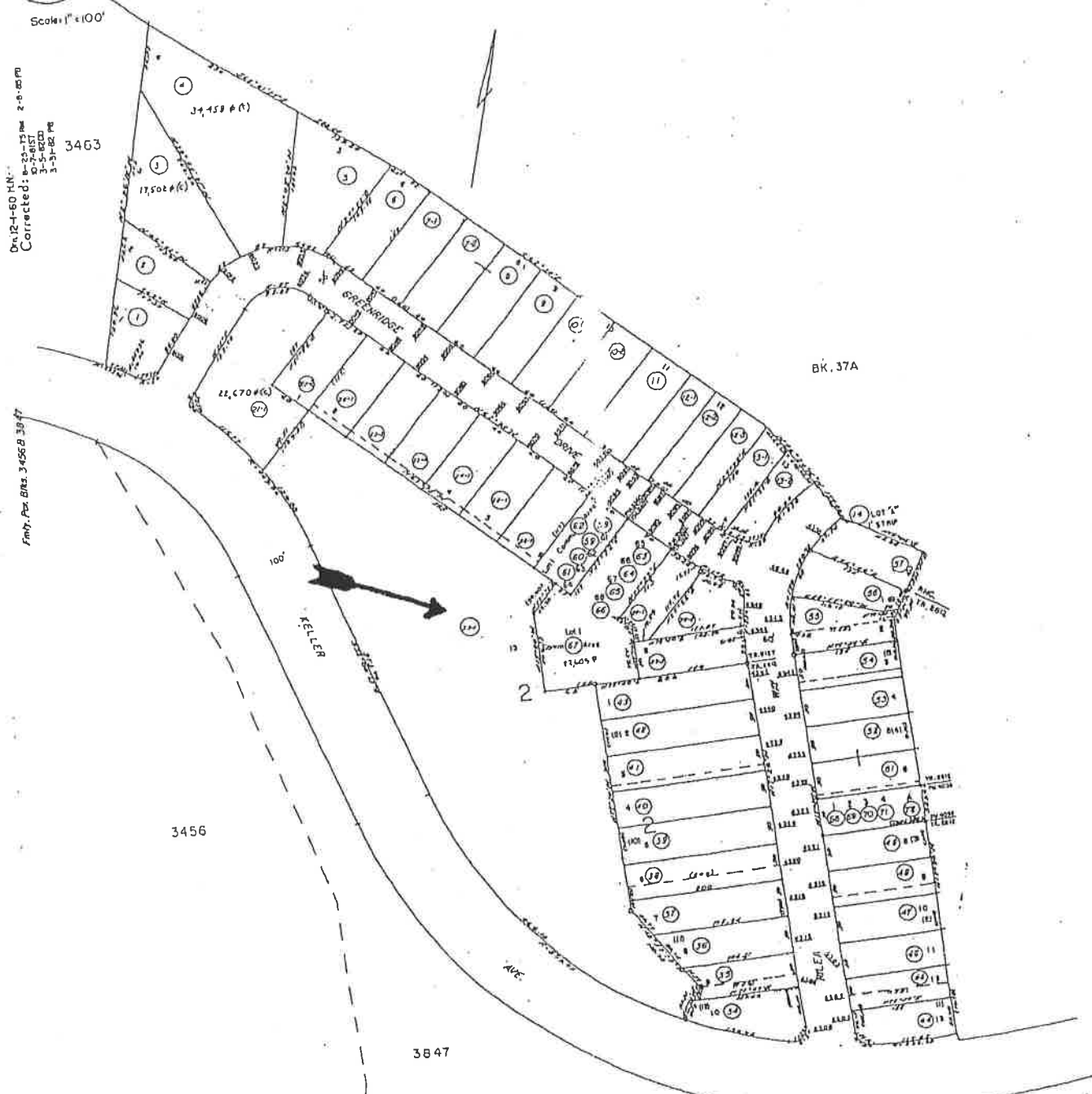
Lot 13 in Block 2, as said lot and block are shown on the Map of "Tract 2127, Oakland, Alameda County, California", filed July 28, 1960, in Book 42 of Maps, Page 27, Alameda County Records.

EXCEPTING THEREFROM: Those portions thereof described in Parcels 2, 3, 4, 5, 6, 7 and 8, as described in the Deed by Sterling Development Company to Oddstead Homes, dated February 12, 1962, recorded February 19, 1962, Reel 518, Image 315, Instrument No. AT/22269, Alameda County Records.

(BEING APN 040A-3457-033-01)

3457

SIENA HILL PROPERTY



Dn. 12-1-60 N.N.
 Corrected: 10-2-75
 3-5-82
 3-31-82 PE

Fmty. Per. Bns. 3456 B 3/8-47

"Notice: This is neither a plat nor a survey. It is furnished merely as a convenience to aid you in locating the land indicated hereon with reference to streets and other Land. No liability is assumed by reason of any reliance hereon."

HFM 72

EXHIBIT B - 1

ROADWAY EASEMENT ON ADJACENT PROPERTY

EASEMENT FOR INGRESS & EGRESS

AN EASEMENT FOR INGRESS & EGRESS AND PUBLIC UTILITIES INCLUDING STORM DRAINAGE IN THE CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 13 IN BLOCK 2 AS SHOWN ON THE MAP OF "TRACT 2127, OAKLAND, ALAMEDA COUNTY, CALIFORNIA", FILED JULY 28, 1960 IN BOOK 42 OF MAPS, PAGE 27, ALAMEDA COUNTY RECORDS, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF KELLER AVENUE; THENCE ALONG THE WESTERLY LINE OF SAID LOT 13, NORTH 27° 22' 00" EAST, 100.16 FEET, MORE OR LESS TO THE SOUTHWEST CORNER OF LOT 1 AS SHOWN ON SAID MAP OF "TRACT 2127"; THENCE ALONG SAID SOUTHERLY LINE OF SAID LOT 1, NORTH 62° 38' 00" WEST, 60 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1; THENCE SOUTH 28° 13' 00" WEST, 4.17 FEET; THENCE NORTH 61° 51' 07" WEST, 44.48 FEET, THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 5 FEET, AN ARC LENGTH OF 5.93 FEET AND A CENTRAL ANGLE OF 67° 57' 10"; THENCE ALONG A LINE TANGENT TO THE CURVE NORTH 06° 04' 38" EAST, 70.36 FEET; THENCE NORTH 66° 45' 47" WEST, 15.52 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF GREENRIDGE DRIVE; THENCE ALONG THE SAID RIGHT-OF-WAY LINE SOUTH 20° 45' 21" WEST, 133.26 FEET; THENCE ALONG A CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 84° 08' 20", AN ARC LENGTH OF 29.37 FEET AND A RADIUS OF 20.00 FEET TO POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF KELLER AVENUE; THENCE ALONG THE SAID NORTHERLY RIGHT-OF-WAY LINE, BEING A CURVE TO THE RIGHT HAVING A RADIUS OF 449.96 FEET, AN ARC LENGTH OF 115.77 FEET AND THROUGH A CENTRAL ANGLE OF 14° 44' 31" TO THE POINT OF BEGINNING.

CONTAINING 13,713 SQUARE FEET.

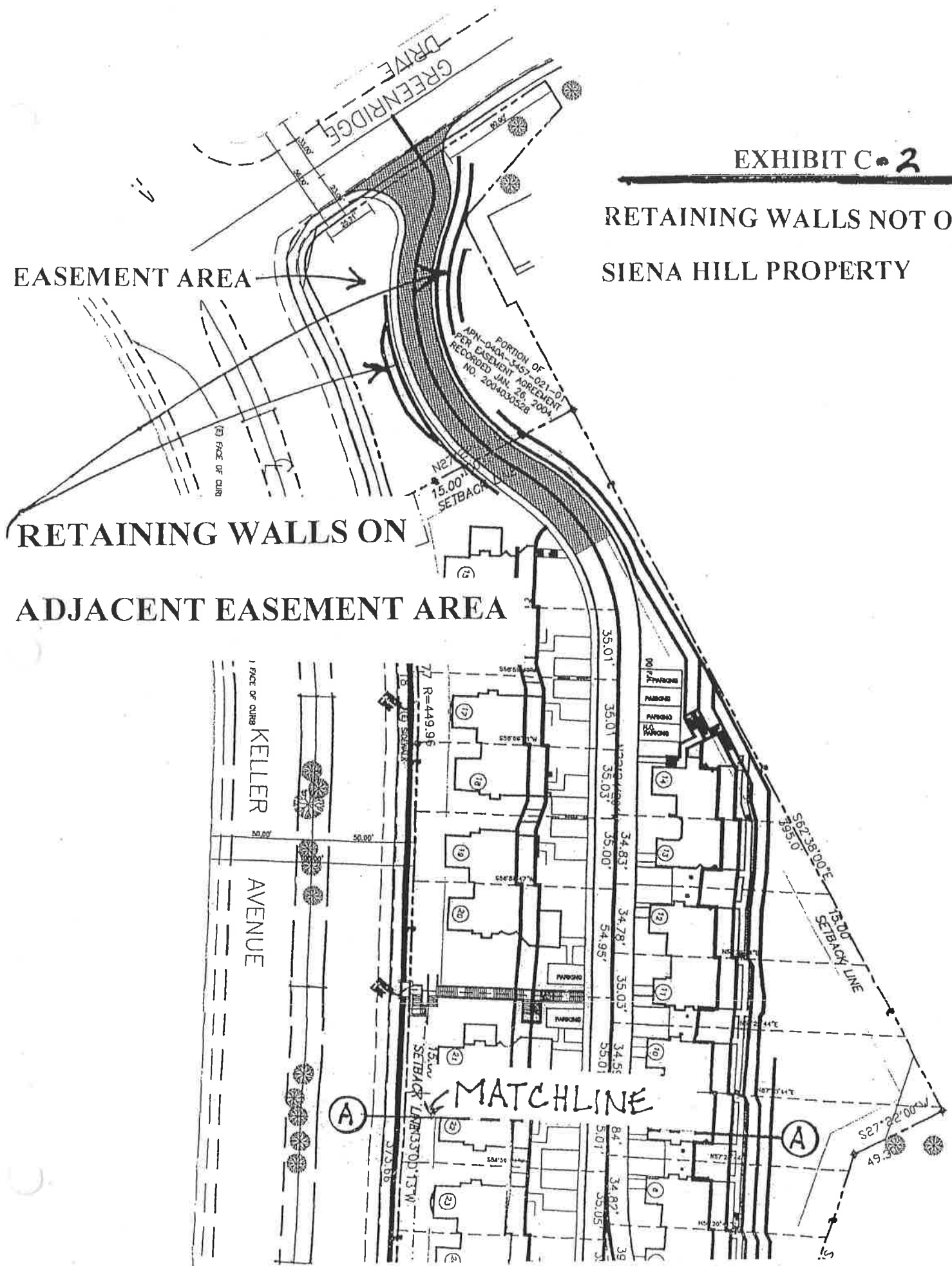


EXHIBIT C-2

**RETAINING WALLS NOT ON
SIENA HILL PROPERTY**

EASEMENT AREA

**RETAINING WALLS ON
ADJACENT EASEMENT AREA**



**BOARD OF DIRECTORS
OAKLAND AREA GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD)**

GHAD Resolution No. 12

**RESOLUTION ACCEPTING CANVASS OF VOTES FOR THE
OAKLAND AREA GHAD**

WHEREAS, on September 20, 2016, the Oakland City Council, acting in the capacity of the Board of Directors for the Oakland Area GHAD (GHAD Board), held a public hearing on a benefit assessment proposed to be levied on real property located within the Oakland Area GHAD. After the close of the public hearing, the GHAD Clerk opened the sealed Ballots that had been submitted and not withdrawn, prior to the close of the hearing and tabulated them in support of or in opposition to the proposed assessment. In tabulating the Ballots, the GHAD Clerk weighted them according to the proportional financial obligation of the affected property.

NOW, THEREFORE, the GHAD Board hereby resolved and orders that:

1. The GHAD Board accepts the Canvass of Votes from the GHAD Clerk showing the benefit assessment passed as follows:

<u>Total Landowner</u>	<u>Voted</u>	<u>Yes</u>	<u>No</u>
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2. This Resolution shall become effective immediately upon its passage and adoption.

OAKLAND, CALIFORNIA, September 20, 2016

PASSED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST: _____
Clerk of the GHAD Board

**THE BOARD OF DIRECTORS OF OAKLAND AREA
GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD)**

GHAD RESOLUTION NO. 13

**RESOLUTION CONFIRMING ASSESSMENT FOR THE OAKLAND AREA GHAD
AND ORDERING LEVY AND COLLECTION THEREOF**

WHEREAS, on July 18, 2006, the Oakland City Council adopted Resolution No. 80058, approving and ordering the formation of the Oakland Area GHAD and appointed itself as the Board of Directors of the Oakland Area GHAD (GHAD Board);

WHEREAS, on December 5, 2006, pursuant to Resolution No. 5, the GHAD Board approved the initial Plan of Control for the Siena Hill development (dated May 9, 2006) and pursuant to Resolution No. 3, ordered the levy and collection of an assessment based on the initial Plan of Control in order to pay for the cost and expenses of maintaining and operating GHAD improvements acquired or constructed pursuant to Public Resources Code sections 26500 *et seq.*; the original Engineer's Report (dated August 31, 2006) estimated annual GHAD expenses at \$97,900 per year; the levy assessment limit for the 2015/16 fiscal year starting July 1, 2015 was \$3,262.34/unit;

WHEREAS, the only property within the GHAD is the Siena Hill development; ten homes out of the 22 homes approved have been built in the development; these 10 homeowners are subject to the GHAD assessment;

WHEREAS, on May 11, 2016, the homeowners association representing the owners of the 10 homes built in the Siena Hill development and on June 7, 2016 the owner of the vacant property within that development, filed applications ("Applicants") with the GHAD requesting to amend the initial Plan of Control to allow an earlier date for the GHAD to accept certain improvements and reduce maintenance responsibilities to support a reduction on the levy of the real property assessment;

WHEREAS, on September 20, 2016, the GHAD Board held a public hearing and pursuant to Resolution No. 10, adopted the revised Plan of Control (dated April 26, 2016) ("Revised Plan of Control"), as requested by the Applicants and pursuant to Resolution No. 11 declared its intent to order an assessment based on the Revised Plan of Control and set a hearing for September 20, 2016 to consider the revised assessment;

WHEREAS, Resolution No. 11 declares the GHAD Board's intention to assess the property of the Oakland Area GHAD, for the fiscal year 2015/2016 and for subsequent years, all or a part of the amounts set forth in the revised Engineer's Report (dated April 26, 2016) ("Revised Engineer's Report"), attached hereto and incorporated herein as Attachment 13-A, and prepared pursuant to the provisions of Public Resources Code section 26651 and Article XIII(D), Section 4 of the California Constitution;

WHEREAS, on July 11, 2016, notice of the September 20, 2016 public hearing was delivered to all the landowners within the GHAD boundaries;

WHEREAS, based upon the updated GHAD responsibilities in the Revised Plan of Control, the Revised Engineer's Report reduced the annual GHAD expenses to approximately \$41,000 per year; an annual assessment limit for fiscal year 2015/2016 is recommended at \$2,500/unit with an actual levy at \$1,119/unit; the GHAD Manager has determined that the \$1,119 assessment will allow the GHAD to fund estimated administrative, monitoring, maintenance and repair expenses based on the Revised Plan of Control; and

WHEREAS, Resolution No. 11 directs the GHAD Clerk to deliver all the assessment ballots received from record owners to the GHAD Board prior to the start of the public hearing on September 20; at this same hearing the GHAD Board will consider all protests against the proposed assessment and tabulate the assessment ballots; in tabulating the ballots, the ballots shall be weighted according to the proportional financial obligation on the affected property; if there is no majority protest, the GHAD Board shall authorize the assessment.

NOW, THEREFORE, the GHAD Board hereby resolves and orders that:

1. The GHAD Clerk caused notice to be provided of the September 20, 2016 public hearing in accordance with Public Resources Code sections 26651 through 26653 and Article XIII(D) Section 4 of the California Constitution.

2. The public hearing was held before the GHAD Board on September 20, 2016 at 5:30 p.m. at Council Chambers, 1 Frank Ogawa Plaza, Oakland, California. At the hearing, the GHAD Board heard and considered any and all protests to the proposed assessment. At the hearing, the GHAD Clerk delivered to the GHAD Board all the ballots received from record owners of property within the Oakland Area GHAD. The GHAD Board tabulated the ballots and weighted them according to the proportional financial obligation on the affected property. The GHAD Board then closed the hearing.

3. Based upon the tabulation of the ballots, the GHAD Board finds that there is not a majority protest. Therefore, the GHAD Board is authorized to levy the proposed assessment pursuant to Public Resources Code section 26653 and Article XIII(D), Section 4 of the California Constitution.

4. The GHAD Board hereby orders that the costs and expenses of maintaining and operating the Oakland Area GHAD improvements against the property within the Oakland Area GHAD.

5. The GHAD Board further confirms the assessment, as set forth in the Revised Engineer's Report, and orders that the amount of assessments against each parcel of property within the Oakland Area GHAD shall be as provided in that Engineer's Report.

6. The GHAD Board further orders that the amounts set forth in the Revised Engineer's Report (including an annual adjustment to reflect the percentage change in the Consumer Price Index over the previous twelve month period), shall be assessed against the

property within the Oakland Area GHAD at the time the City issues the residential building permits and for subsequent fiscal years.

7. The GHAD Board further directs the GHAD Manager to finalize the Engineer's Report consistent with this Resolution No. 13 and attach it to the official version of this Resolution as retained by GHAD Clerk.

8. The GHAD Board further orders that the assessment shall be levied and collected in the following manner:

(a) The GHAD Clerk shall cause to be recorded a Notice of Assessment, in substantially the form attached as Attachment 13-B, as provided for in Section 3114 of the California Streets and Highways Code, at which time the assessment shall attach as a lien upon the property.

(b) Thereafter, the assessment shall be payable at the same time and in the same manner as general taxes on real property within the Oakland Area GHAD are payable.

(c) All funds generated by the assessment, and all interest earned on the assessment, shall be segregated and deposited in separate account for the exclusive benefit of the Oakland Area GHAD, as directed by the Treasurer. Said funds shall not be deposited with or credited to the City or any of its departments, including the City Finance and Management agency or the City treasury.

9. This Resolution shall become effective immediately upon its passage and adoption.

OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST: _____
Clerk of the GHAD Board

Attachments: Attachment 13-A (Engineer's Report dated April 26, 2016)
Attachment 13-B (Notice of Assessment)

ENGINEER'S REPORT

for

OAKLAND AREA GEOLOGIC HAZARD ABATEMENT DISTRICT

CITY OF OAKLAND, CALIFORNIA

AUGUST 31, 2006

Revised April 26, 2016

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ENGINEER'S REPORT

GEOLOGIC HAZARD ABATEMENT DISTRICT-OAKLAND AREA
(Pursuant to the Public Resources Code of the State of California, Section 26500 et seq.)

CERTIFICATION OF FILING

ENGEO Incorporated makes this report as directed by the GHAD Board of Directors. The GHAD is intended to provide geologic hazard improvements for Oakland area projects development and to levy and collect assessments sufficient to pay for those improvements.

The improvements, which are the subject of this report, are defined as any activity necessary or incidental in the prevention, mitigation, abatement, or control of a geologic hazard, construction, maintenance, repair, or operation of any improvement; or the issuance and servicing of bonds issued to finance any of the foregoing (Section 26505).

This report consists of seven parts, as follows:

- I. INTRODUCTION
- II. BACKGROUND
- III. GEOLOGIC HAZARD ABATEMENT DISTRICT BOUNDARIES
- IV. SERVICE LEVELS
- V. DESCRIPTION OF GHAD IMPROVEMENTS
- VI. ASSESSMENT METHOD
- VII. ASSESSMENT LIMIT - BUDGET PROJECTION

The undersigned respectfully submits the enclosed Engineer's Report.

Date: June 30, 2016

By: ENGEO Incorporated

 _____, GE

I HEREBY CERTIFY that the enclosed Engineer's Report was filed on the _____ day of _____.

Clerk of the Board
Oakland Area
Geologic Hazard Abatement District
Oakland, California

I HEREBY CERTIFY that the enclosed Engineer's Report was approved and confirmed by the GHAD Board on the _____ day of _____.

Chair of the Board
Oakland Area
Geologic Hazard Abatement District
Oakland, California

APPROVED _____

ENGINEER'S REPORT

for

OAKLAND AREA
GEOLOGIC HAZARD ABATEMENT DISTRICT

for the

ESTABLISHMENT OF AN ASSESSMENT LIMIT

I. INTRODUCTION

The Oakland Area Geologic Hazard Abatement District (GHAD) was formed under the authority of the California Public Resources Code, Division 17, Section 26500 et seq.

II. BACKGROUND

The Oakland City Council adopted Resolution 80058 C. M. S. on July 18, 2006, approving the formation of the Oakland Area Geologic Hazard Abatement District ("GHAD" or "District").

III. GEOLOGIC HAZARD ABATEMENT DISTRICT BOUNDARIES

The boundaries for the GHAD are shown in the diagram attached hereto as Exhibits A through C.

IV. SERVICE LEVELS

The GHAD provides for activity that is necessary or incidental to the prevention, mitigation, abatement, or control of geologic hazards including construction, maintenance, repair, or operation of any improvement; and the issuance and servicing of bonds issued to finance any of the foregoing.

The GHAD provides for the administration and review of facilities within the budgeted limits, including the following services:

1. Oversight of GHAD activities.
2. In conjunction with the County Assessor's Office, setting the annual levying of assessments on the property tax rolls.

3. Retention of geotechnical professionals to perform the monitoring duties as described in the GHAD Plan of Control.
4. Performance of GHAD maintenance activities in accordance with the GHAD Plan of Control. These maintenance activities include:
 - Lined drainage ditches.
 - Storm drain inlets, outfalls and pipelines.
 - Subdrains.
 - Retaining wall and appurtenant drainage facility maintenance.
 - Erosion management.
5. Slope reconstruction.
6. Preparation of annual GHAD budgets.

V. DESCRIPTION OF THE GHAD IMPROVEMENTS

The GHAD Improvements are described in the Plan of Control prepared for the Oakland Area GHAD, dated May 9, 2006 (latest revision April 26, 2016). In general, improvements include drainage systems (including concrete v-ditches in open space, open-space storm drain inlets and outlets and subdrains in open space), retaining walls with appurtenant drainage systems, and reconstructed slopes.

VI. ASSESSMENT METHOD

With the exception of the retaining walls and appurtenant drainage facilities within the Easement and the Right-of-Way, the improvements and GHAD responsibilities described in Section V are distributed within the GHAD boundary. The improvements described in this document will confer the following special benefits to the assessed parcels:

1. Protection from slope instability.
2. Protection from erosion due to uncontrolled surface water.
3. Protection of water quality.

The GHAD assessment is distributed among all residential property owners within the GHAD. The improvements and responsibilities listed in Section V provide specific benefits to the properties within the GHAD and the improvements are constructed for the benefit of those assessed and not the general public. The District Engineer hereby finds that the properties within the District receive approximately equal special benefit from the work and improvements within the GHAD.

As listed above and in Section 7 of the Plan of Control, the GHAD will monitor and maintain retaining walls and appurtenant drainage facilities within the Easement and the Right-of-Way. Although this area is outside the GHAD boundary, the maintenance of these facilities is necessary for site access and to reduce the potential for uncontrolled stormwater infiltration, erosion, and other potential geologic hazards that could affect properties and improvements within the GHAD.

The total number of residential units within the District is divided into the annual District budget to develop the annual assessment amount. A financial analysis was performed to provide a framework for an operating budget for the on-going abatement, mitigation, prevention and control of geologic hazards within the Oakland Area GHAD. In preparation of the budget, several factors were considered including:

- Site geology.
- Proposed remedial grading.
- Proximity of geologic hazards to proposed residences.
- Site access considerations.
- Elements requiring routine maintenance including:
 1. Surface drainage facilities
 2. Graded slopes
 3. Storm drain inlets, outfalls and pipelines
 4. Retaining wall and appurtenant drainage facility maintenance
 5. Erosion management

VII. ASSESSMENT LIMIT - BUDGET

Based on the updated estimated expenses for on-going operations, and allowing for larger (approximately \$250,000) geologic events at 20-year intervals, a budget was prepared for the purpose of estimating initial assessment levels (Exhibit D).

The District Engineer recommends an annual assessment limit (FY 2016/17 dollars) of \$2,500 per residential unit to be levied in conjunction with the issuance of building permits or at the time of legal parcel formation when the Final Map is adopted, whichever is later, as described in the Plan of Control. The actual levy will be set to \$1,119 per residential unit. The limit will escalate annually based on the San Francisco-Oakland-San Jose Consumer Price Index.

EXHIBITS A through C

GHAD Boundary

6964.002.015
August 31, 2006
Revised April 26, 2016

EXHIBIT A - I

SIENA HILL PROPERTY

The land referred to is situated in the County of Alameda, City of Oakland, State of California, and is described as follows:

Lot 13 in Block 2, as said lot and block are shown on the Map of "Tract 2127, Oakland, Alameda County, California", filed July 28, 1960, in Book 42 of Maps, Page 27, Alameda County Records.

EXCEPTING THEREFROM: Those portions thereof described in Parcels 2, 3, 4, 5, 6, 7 and 8, as described in the Deed by Sterling Development Company to Oddstead Homes, dated February 12, 1962, recorded February 19, 1962, Reel 518, Image 315, Instrument No. AT/22269, Alameda County Records.

(BEING APN 040A-3457-033-01)

EXHIBIT B - 1

ROADWAY EASEMENT ON ADJACENT PROPERTY

EASEMENT FOR INGRESS & EGRESS

AN EASEMENT FOR INGRESS & EGRESS AND PUBLIC UTILITIES INCLUDING STORM DRAINAGE IN THE CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA BEING DESCRIBED AS FOLLOWS:

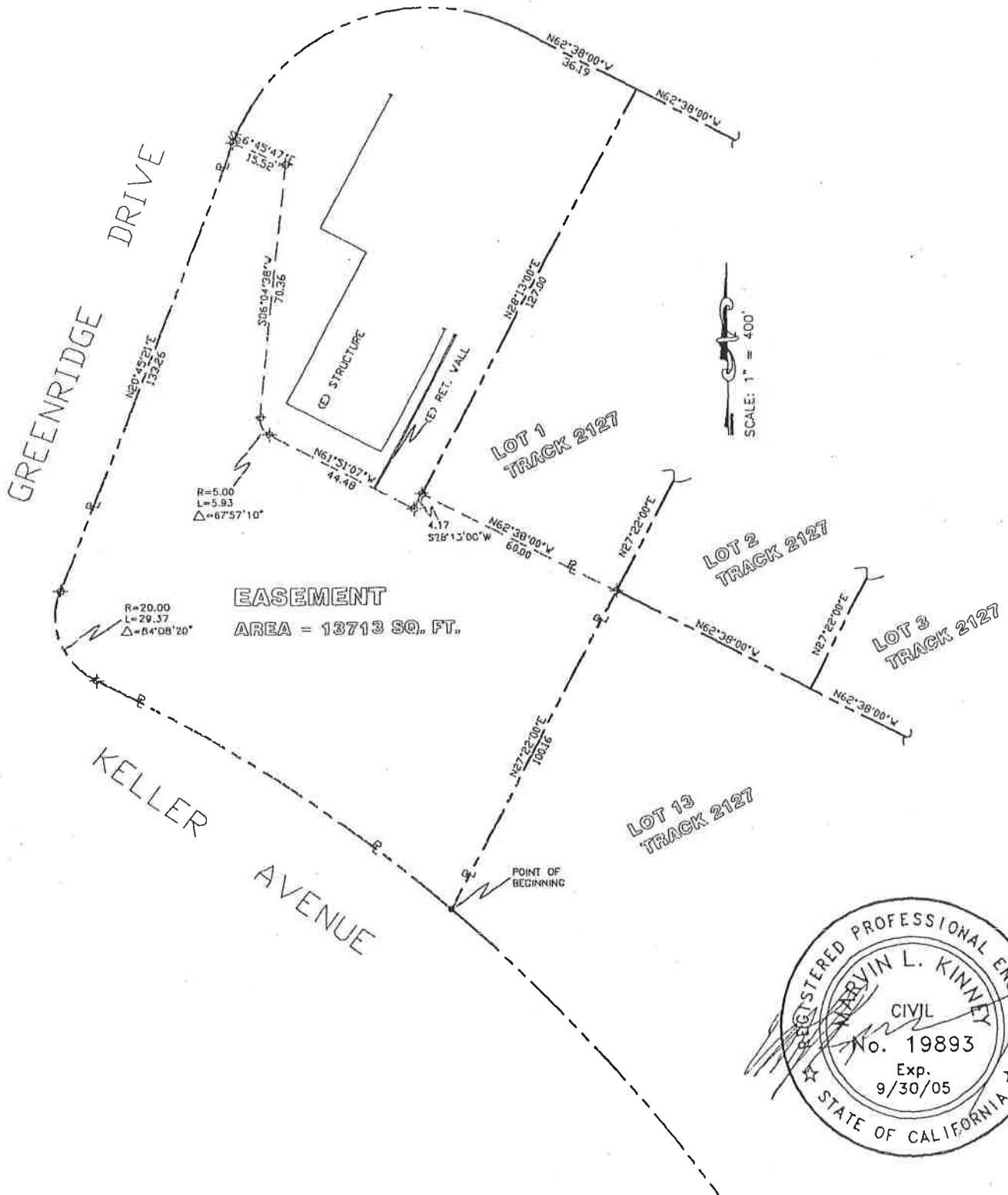
BEGINNING AT THE SOUTHWEST CORNER OF LOT 13 IN BLOCK 2 AS SHOWN ON THE MAP OF "TRACT 2127, OAKLAND, ALAMEDA COUNTY, CALIFORNIA", FILED JULY 28, 1960 IN BOOK 42 OF MAPS, PAGE 27, ALAMEDA COUNTY RECORDS, SAID POINT ALSO BEING ON THE NORTHERLY RIGHT-OF-WAY LINE OF KELLER AVENUE; THENCE ALONG THE WESTERLY LINE OF SAID LOT 13, NORTH 27° 22' 00" EAST, 100.16 FEET, MORE OR LESS TO THE SOUTHWEST CORNER OF LOT 1 AS SHOWN ON SAID MAP OF "TRACT 2127"; THENCE ALONG SAID SOUTHERLY LINE OF SAID LOT 1, NORTH 62° 38' 00" WEST, 60 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1; THENCE SOUTH 28° 13' 00" WEST, 4.17 FEET; THENCE NORTH 61° 51' 07" WEST, 44.48 FEET, THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 5 FEET, AN ARC LENGTH OF 5.93 FEET AND A CENTRAL ANGLE OF 67° 57' 10"; THENCE ALONG A LINE TANGENT TO THE CURVE NORTH 06° 04' 38" EAST, 70.36 FEET; THENCE NORTH 66° 45' 47" WEST, 15.52 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF GREENRIDGE DRIVE; THENCE ALONG THE SAID RIGHT-OF-WAY LINE SOUTH 20° 45' 21" WEST, 133.26 FEET; THENCE ALONG A CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 84° 08' 20", AN ARC LENGTH OF 29.37 FEET AND A RADIUS OF 20.00 FEET TO POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF KELLER AVENUE; THENCE ALONG THE SAID NORTHERLY RIGHT-OF-WAY LINE, BEING A CURVE TO THE RIGHT HAVING A RADIUS OF 449.96 FEET, AN ARC LENGTH OF 115.77 FEET AND THROUGH A CENTRAL ANGLE OF 14° 44' 31" TO THE POINT OF BEGINNING.

CONTAINING 13,713 SQUARE FEET.



EXHIBIT B - 2

ROADWAY EASEMENT ON ADJACENT PROPERTY



NOTICE OF ASSESSMENT

Pursuant to the requirements of Section 3114 of the Streets and Highways Code, the undersigned Clerk of the Oakland Area Geologic Hazard Abatement District State of California, hereby gives notice that a diagram and assessment were recorded in the office of the County Recorder of Alameda County as provided for in said section, more particularly described on that certain assessment diagram filed in accordance with the section in Book ____ of Maps of Assessments and Community Facilities Districts at Page ____ in the Office of the County Recorder of the County of Alameda and relating to the following described real property (commonly known as Siena Hill development):

The land referred to is situated in the County of Alameda, City of Oakland, State of California, and is described as follows:

Lot 13 in Block 2, as said lot and block are shown on the Map of "Tract 2127, Oakland, Alameda County, California", filed July 28, 1960, in Book 42 of Maps, Page 27, Alameda County Records.

EXCEPTING THEREFROM: Those portions thereof described in Parcels 2, 3, 4, 5, 6, 7 and 8, as described in the Deed by Sterling Development Company to Oddstead Homes, dated February 12, 1962, recorded February 19, 1962, Reel 518, Image 315, Instrument No. AT/22269, Alameda County Records.

(Being APN 040A-3457-033-01)

Notice is further given that upon the recording of this notice in the Office of the County Recorder, the several assessments assessed on the lots, pieces and parcels shown on said filed assessment diagram shall become a lien upon the lots or portions of lots assessed respectively.

Reference is made to the assessment diagram and assessment roll recorded in the office of the County Recorder of Alameda County.

Dated: _____

Owner Notification:

ATTEST: