

Location:	Siena Hill (off of Keller Avenue, between Greenridge Drive and Rilea Way);
APN:	040A-3848-001-00 through 040A-3848-032-00
Proposal:	Amend the Siena Hill Planned Unit Development (PUD) Conditions of Approval to delete Condition of Approval #24 (requiring formation of Geologic Hazard Abatement District (GHAD)); amend the Siena Hill Tentative Tract Map (TTM) Conditions of Approval to delete Condition of Approval #8 (requiring formation of GHAD); and remove the Siena Hill property from the Oakland Area GHAD.
Applicant:	Oakland Siena LLC and Oakland Siena Home Owners Association
Contact Person/Phone Number:	David Eckert / (510) 333-2150
Owner:	Oakland Siena LLC, Minnie Lin, John Laforga, Mark and Nicola Schoneman, Ronald Johnson, Jessica Lai, Tracy Preston, David Newton, Sonya and David Simril, Rachel Lozano, Golden Venters, Shevette Swayze-Venters, and Federation National Mortgage Association
Case File Number:	REV13-0017, PUD02-217, PUDF05-081, ER02-0012, TTM7396
Planning Permit Required:	Amendments to PUD and TTM Conditions of Approval
General Plan:	Mixed Housing Type (previous General Plan Designation: Detached Unit Residential)
Zoning:	Mixed Housing Type Residential Zone - 3 (previous zoning: R-50 Medium Density Residential Zone)
Environmental Determination:	An Environmental Impact Report was previously certified by the Planning Commission on March 2, 2005. Mitigation Measures were adopted by the Planning Commission to reduce environmental impacts including nine (9) mitigations related to geologic hazards. No further environmental review is required.
Service Delivery District:	4
City Council District:	6
Action to be Taken:	Planning staff recommends denial of the requested amendments based on staff report.
Finality of Decision:	If the Planning Commission denies the requested amendments, this action is appealable to City Council within 10 days; if the Planning Commission chooses to approve the amendments, they may only recommend granting the amendments with the final decision by the City Council and GHAD Board.
For Further Information:	Contact case planner Heather Klein at 510 238-3659 or by e-mail at hklein@oaklandnet.com .

SUMMARY

On May 25, 2002, Hillside Homes submitted an application for the Siena Hill project which included 32-attached townhomes along a private road. The project site is located in a Seismic Hazard Zone and involved construction on steep slopes with a series of retaining walls up to 13' in height to stabilize the site and cross the building's foundations. Furthermore, the Environmental Impact Report (EIR) prepared for the project, identified four potentially significant geologic impacts. As such, the City determined there was a need for ongoing specialized preventive maintenance to reduce the risk of the geologic hazards on the site, and recommended a Geologic Hazard Abatement District (GHAD) to ensure ongoing compliance of the conditions of approval and related mitigation.

CITY OF OAKLAND PLANNING COMMISSION



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Case File: REV13-0017 (PUD02-217, PUDF05-081, ER02-0012, TTM7396)
Applicant: Oakland Siena LLC and Oakland Siena Home Owners Association
Address: Sien Hill; (off of Keller Avenue, between Greenridge Drive and Rilea Way)
Zone: RM-3

On March 2, 2005, the Planning Commission certified the EIR and approved a Planned Unit Development Permit (PUD) for the Siena Hill project with a Condition of Approval (#24) that a GHAD be formed and funded prior to approval of the final map. On June 1, 2005, the Planning Commission approved a Tentative Tract Map for the project which included a Condition of Approval (#8) relating to the formation of a GHAD. The applicant did not object to or appeal these conditions of approval, and initiated the GHAD formation process in 2006; shortly thereafter, the Oakland Area GHAD was approved, the GHAD Board was formed, GHAD staff was assigned, the budget was approved, and the assessments were considered.

Phase 1 was completed in 2009 and ten homeowners are currently paying an annual assessment to the GHAD. The GHAD has not yet accepted responsibility for maintenance obligations because certain known requirements, including the construction of all retaining walls and the Phase 2 and 3 building foundations, have not been met by the developer. Thus, the homeowners are paying a significant assessment without receiving any services from the GHAD.

Because of these financial concerns, on October 7, 2013, the Siena Hill Homeowners Association and owners of the vacant parcels submitted an application requesting an amendment removing the GHAD-related conditions and the Siena Hill project be removed, from the Oakland Area GHAD. Since that time, staff has met with the owners on numerous occasions to propose solutions to address their financial concerns, but to date, the owners have rejected all of these proposals.

There is no statutory procedure for removing a property from a GHAD, but there is a procedure for dissolving a GHAD, and the GHAD attorney's opinion is that the dissolution process should apply to the request for removal. In addition to certain required findings, the law states that "[a]fter the dissolution of the district, the legislative body shall assume all remaining responsibilities and obligations of the district." This means that the City, as the legislative body, would be required by law to accept all responsibilities of the Oakland Area GHAD outlined in the Plan of Control.

Staff recommends that the Planning Commission deny the request because 1) the GHAD condition was properly applied to address the geologic impacts noted in the certified EIR and the need for long-term maintenance, 2) there are no changes to the geologic conditions or extensive site improvements to warrant removal of the GHAD condition, 3) removal of the project from the GHAD presents potential life safety issues for the property owners, 4) the City would need to accept all responsibilities outlined in the Plan of Control including maintenance, monitoring, mitigation, and abatement of private improvements on the site which is antithetical to the purpose of requiring the GHAD condition, and 5) the City does not have the staff, expertise, or the funds to accept these responsibility for the improvements. Finally, as discussed in more detail below, staff and the GHAD attorneys have presented a number of alternatives to the homeowners that staff believes address the owners' financial concerns while at the same time not exposing the City to the potential for serious liability.

BACKGROUND ON GEOLOGIC HAZARDS IN THE CITY OF OAKLAND AND GEOLOGIC HAZARD ABATEMENT DISTRICTS (GHADS)

Within the boundaries of the City of Oakland are several significant geologic hazards, including a known earthquake fault, landslides, soils prone to liquefaction, and erosion. For the Planning Commission's information, staff has included additional background on geologic hazards within the City of Oakland in *Attachment A*.

The Beverly Act of 1979 established GHADs as governmental districts formed in specific geographic areas to prevent, mitigate, control or abate defined geologic hazards found in California through

maintenance, improvements, or other means. State law sets forth very narrow circumstances under which and specific purposes for which a GHAD may be formed. Public Resources Code section 26525 provides that a GHAD may be formed for the purpose of prevention, mitigation, abatement or control of a "geologic hazard" on the property through maintenance, improvements, or other means. Public Resources Code section 26507 defines "geologic hazard" as an actual or threatened landslide, land subsidence, soil erosion, earthquake, or any other natural or unnatural movement of land or earth. For the Planning Commission's information, staff has included additional background regarding GHADs in general in *Attachment B*.

PURPOSE OF REQUIRING THE GHAD CONDITION OF APPROVAL ON SIENA HILL

On May 25, 2002, Hillside Homes submitted an application for the Siena Hill project which included the subdivision of a 3.9 acre parcel into 43 lots off a private road off splitting into two dead-end streets. The project was later revised to include the construction of 32 residential units in three phases along a private road (Siena Drive) with privately owned street lighting and utilities. In addition, the project included extensive grading of the hillside and construction of approximately 20 retaining walls up 13' in height and up to 810' long in order to stabilize the site. These retaining walls cross property lines and the building's foundations. Other major project features included the requirement to obtain an access easement to Greenridge Drive at the northwest end of the project site and construction of two emergency access stairs from Siena Drive to Keller Avenue due to the steep roadway slopes (*Attachment C*).

The project is located in an area identified with a potential for seismically induced landslides per the Seismic Hazards Zone Map published by the US Geological Survey (*See Attachment A, Exhibit B*) and, therefore, an EIR with a Geotechnical Analysis was prepared for the original 43-lot plan. The Geotechnical Engineer noted that the Nilsen Map shows the site to be on rock and colluvial filled swales with colluvium (colluvium is a general name for loose, unconsolidated sediments deposited at the base of hillslopes by rainwash, sheetwash, downslope creep or some combination of these forces) and numerous landslides on adjacent hillsides and swales. In addition, the Geotechnical Analysis noted the cut and fill slopes are very steep and the risk of failure increases to unsatisfactory if the soils become saturated (*Attachment D*). Based on the Geotechnical Analysis, the EIR identified four potentially significant geological impacts for the project (*Attachment E*):

1. Impact GEO-1: The proposed project site is within a seismically-active region, and the proposed project site will likely be subject to strong seismic ground shaking during its life.
2. Impact GEO-2: As soils become saturated in an earthquake event, the slopes become less stable.
3. Impact GEO-3: Soils on the site above the fill layer are at risk for erosion.
4. Impact GEO-4: The proposed project would be placed on slightly to moderately expansive soil and non-expansive bedrock and steep slopes.

Mitigation measures were proposed to reduce these impacts to less than significant. In particular, to address impact GEO-2, the Geotechnical Analysis recommended several measures to reduce the buildup hydrostatic pressure that could undermine the retaining walls, including specific back drainage measures to minimize seepage on grade and subgrade of the walls, sloping surface V-lined ditches to prevent ponding, cleanouts for the backdrains, maintenance for the drains, and positive grading away from foundations or a combination of surface and subdrains placed adjacent to perimeter foundations where the slope does not drain positively away from the foundations. These recommendations were summarized in Mitigation Measure GEO-2e which stated:

“In addition to the requirements contained in Mitigation Measure HYDRO-3, drainage on the site shall be designed and maintained to minimize ponding of surface water and/or saturation of the soils, following the detailed criteria in the geotechnical investigation completed for the project.”

In the Planning Commission staff report recommending approval of the project, City staff discussed the geologic impacts and included a Condition of Approval requiring formation of the GHAD. City staff imposed the GHAD condition for the following reasons:

- The project is located in a Seismic Hazard Zone per the Seismic Hazards Mapping Act;
- Construction would require extensive hillside grading and occur on already steep slopes;
- The unique construction method used a series of up to 13' tall retaining walls (up to 7' over the height permitted by the Planning Code) to stabilize the slope, and cross the building foundations, effectively connecting the structures together;
- The retaining walls connect to two required emergency access stairs from Keller which are necessary per the Fire Prevention Bureau to access the site due to the steep roadway entrance slopes;
- To ensure on-going specialized preventive maintenance of all of the following: drainage facilities, surface and subsurface storm water runoff and drainage system improvements, lined ditches, a private road, the construction of walls and improvements within the public right-of-way and in access easements;
- To protect the City and the homeowners along Greenridge Drive and Rilea Way from the effects of the geologic impacts described in the EIR;
- To ensure that mitigation of geologic hazards on the project site or due to the project site remains sole financial responsibility of the owners of the property;
- An HOA is an inadequate mechanism to ensure long-term and consistent funding of the extensive site improvements, including the building shells, private road, street lights, utilities, emergency access stairs, landscaping, slopes, multiple retaining walls and drainage improvements. By contrast, a GHAD is a public agency operated for the sole and specific purpose of addressing geologic and related issues, has numerous powers to enable it to quickly and effectively address geologic issues, GHAD law requires a GHAD to have a “Plan of Control” prepared by a certified engineering geologist, which is implemented by the GHAD to prevent hazards resulting from earth movement; and
- A GHAD, with identified staff to monitor, perform maintenance and mitigate any geologic hazard through a protected and ongoing property assessment, was the most secure framework to further address and ensure ongoing compliance with Mitigation Measure GEO-2e, the preventive maintenance outlined in the Geotechnical Analysis.

On March 2, 2005, the Planning Commission approved the project and certified an Environmental Impact Report (EIR) for the project. On June 1, 2005, the Planning Commission approved a Tentative Tract Map to subdivide the parcel into 32 individual lots along a private street. The Planning Commission expressly conditioned its approval of both the PUD (Condition of Approval #24) and TTM (Condition of Approval #8) with the requirement that the project applicant form and fund a GHAD so that the GHAD was fully operational prior to approval of the final map (*Attachment F*). The applicant did not appeal or request an amendment to these conditions, and proceeded to form the Oakland Area GHAD with no objection in compliance with the conditions.

On June 20, 2006, City Council adopted Resolution 79986 C.M.S. initiating formation of the Oakland Area GHAD to address geologic hazards on small development projects as an overall public policy. On July, 18, 2006, City Council adopted Resolution 80058 C.M.S. to conduct a public hearing and, upon conclusion, approve formation of the Oakland Area GHAD with Siena Hill as the first project annexed into the GHAD. Also at this meeting, the City Council appointed itself as the GHAD Board of Directors. On October 3, 2006 the Oakland Area GHAD Board of Directors adopted GHAD Resolutions 5 through 7, as there were no objections or protests, forming the Oakland Area GHAD.

THE CONDITIONS REQUIRING THE GHAD STILL EXIST

The reasons for the requiring the GHAD are still applicable. Specifically, the geologic impacts noted in the EIR still exist; the mitigation measures, including the requirements for long-term maintenance of the site improvements, are still applicable, the majority of the retaining walls and drainage improvements have been constructed, and the approved plan is still to connect Phase 2 and 3 building foundations to the retaining wall system.

PROPERTY OWNERS' APPLICATION TO AMEND THE CONDITIONS OF APPROVAL REQUIRING THE GHAD AND REMOVE SIENA HILL FROM THE GHAD

After the GHAD was formed, the property owners reached out to City and GHAD staff to express their financial concerns and to find out more information about the process of removing Siena Hill from the GHAD. On February 28, 2013, City staff sent the owners a letter generally outlining the process to remove Siena Hill from the GHAD (*Attachment G*). On October 7, 2013, the owners of the Siena Hill property filed an application to amend the PUD and TTM Conditions of Approval to remove the GHAD and remove the Siena Hill project from the Oakland Area GHAD. *Attachment H, Exhibits A-O (in addition to other supporting documents found on CD and in the agenda related materials)* provides the grounds for the requested amendments and information for the Planning Commission to consider. Below is a summary of the property owners' reasons for removing the Siena Hill project from the GHAD in **Bold** and City staff's response.

1. Per the geotechnical studies done to date, any and all geologic hazards are very low to non-existent.

Staff Response: As noted above, the project included preparation of an EIR. City staff reviewed Gary Underdahl's Geotechnical Investigation dated September 10, 2001 (*Attachment D*). The 2001 Underdahl report (on page 4) determined that a comprehensive assessment of the geologic hazards was beyond the scope of the investigation. Based on the information in the report regarding the geology and soils, the geotechnical consultant generally concluded that the site presented a very low possibility of fault rupture and a non-existent risk of earthquake induced landslides.

However, the 2001 Geotechnical Investigation also noted on page 4 that the cut and fill slopes are very steep and the risk of slope failure is unsatisfactory if the soils become saturated, and in the event of a large earthquake. The geotechnical consultant recommended several measures to address this issue and, as is the typical process, these recommendations became Mitigation Measures within the Siena Hill EIR. While some of the Mitigation Measures to reduce slope failure were implemented as part of construction, such as bearing the foundations on rock and a specific gradient of slope construction, Mitigation Measure GEO-2c required ongoing maintenance of the extensive drainage system. City staff required the formation of a GHAD to further implement the Mitigation Measure associated with the unique engineering design and improvements (approximately 20 retaining walls, several running 800' across the site and through building footprints).

Per Public Resources Code Section 26525, GHADs may be formed to following purposes:

- a) Prevention, mitigation, abatement, or control of a geologic hazard.
- b) Mitigation or abatement of structural hazards that are partly or wholly caused by geologic hazards.

Since the project site includes geologic hazards (e.g., slope failure), as noted in the certified EIR, and requires ongoing maintenance of structural hazards (e.g., multiple retaining walls and drainage) to prevent, mitigate, abate, or control the geologic hazard, the inclusion of a GHAD requirement as a Condition of Approval was and continues to be appropriate.

2. The Planning Commission and the City Council based their decision to require a GHAD for Siena Hill on incorrect information that a slide was located on the property.

Staff Response: This statement is incorrect. Neither Planning staff nor the Planning Commission was aware of the possible or previous existence of a landslide on the property when the Planning Commission approved the PUD on March 2, 2005 or the Tentative Tract Map on June 1, 2005. The recommendation to include the Siena Hill Project in a GHAD was based a number of reasons, including the project's location, number, height, length and use of the retaining walls as foundations to retain the hillside by connecting structures together, the geotechnical analysis in the EIR noting the risk of slope failure in the event of saturated soils and an earthquake, as well as the necessary ongoing maintenance to prevent saturated soils and failure of retaining walls due to water buildup in the soil. The GHAD would ensure that Mitigation Measure GEO-2e is met, protect the City from potential impacts to Keller Avenue (a main arterial street to Oakland's south hill neighborhoods) and upslope neighbors due to earthquake induced landslides and lack of maintenance, and protect Siena Hill homeowners' properties from these hazards by providing the ability to fund re-construction should geologic events occur.

The issue of the previous existence or presence of a landslide was not formally discussed until a Peer Review of the GHAD Plan of Control was prepared in 2006 by Darwin Myers Associates (*Attachment I*). The 2006 Peer Review evaluated the 2001 Underdahl report and subsequent construction reports which were the basis for the Plan of Control. The 2006 Myers report describes the Nilsen Maps published in 1975 which are used to identify "red flag" sites for further investigation while also noting the limitations associated with a map generated at a small scale. The 2006 Myers report goes on to note "a relatively small slide area (1/3 acre±) is mapped at the north boundary of the site". The 2006 Myers Report notes that the 2001 Underdahl Report did not include an original geologic map of the site and that "map would have shown the distribution of fill and colluvium, mapped bedrock cut slopes along Keller Avenue frontage, and provided data on other features that were observed." The Myers Report goes on to state that the omission of this information is "particularly significant in the case of the Siena Hill project because the exploration phase of the investigation was unusually abbreviated for a project that had a photo-interpretative landslide mapped on the northern edge of the site and was within an official Seismic Hazard Zone, and had an aggressive approach to grading and development on a steep hillside property." Finally, the 2006 Myers Report states that the 2001 Underdahl Report reaches conclusions regarding the potential geologic hazards but the documentation and field data to support the conclusion is not presented or is fragmentary.

Despite the information in the Myers Report, City staff's June 20, 2006 report to City Council, which initiated formation of the GHAD, did not mention possible or previous existence of a

landslide on the property. In adopting a resolution to initiate the GHAD, the City Council was effectively agreeing with the Planning Commission's decision to approve the project with the GHAD requirement and also considering whether it was appropriate public policy that small projects be able to annex into a GHAD to address geologic hazards.

City staff's July 18, 2006 report provided rationale for the formation of the Oakland Area GHAD for the Siena Hill project. The presence of a landslide was included as one of the reasons to form the GHAD but it was not the primary or only reason. Those reasons included:

- The project includes extensive grading of the hillside;
- Construction of numerous retaining walls that retain earth and stabilize the site;
- Construction of walls and improvements within the public right-of-way and in access easements;
- Installation of drainage improvements that affect slope stability; and
- A landslide was previously noted at the north-western edge of the property.

On March 16, 2014, the property owners sent an e-mail questioning the existence of the slide in the northwest corner. On June 30, 2014 staff responded with a letter noting that based on the information submitted by the property owners and the Nilsen Map limitations, evidence of a landslide is inconclusive and requesting additional information for the City's review for the issue to be investigated further (*Attachment J*). Staff did not receive additional information.

In summary, the Planning Commission and the City Council did not know about the potential presence of the landslide when they approved the project and initiated formation of the GHAD; the potential for a landslide on the property was only included as a reason during the GHAD formation process. Therefore, their reasons for requiring the GHAD were not based on the landslide but on other project features as described above. Finally, the City Council did not mention or rely on the presence of a landslide on Siena Hill as a reason to adopt a Resolution to form the GHAD (*See City additional submittals on CD and in the agenda related materials*). However, the potential presence of a landslide meets the definition of a "geologic hazard," as it is a real or threatened geologic hazard under State law and provides further justification for inclusion of a GHAD Condition on the Siena Hill Project if in fact it exists on the property.

3. Within the Slope Maintenance Oversight Entity Alternative Analysis, alternatives to the GHAD were analyzed and no strong conclusion was made to form the GHAD. The Analysis actually recommended that the Siena Hill Project join an existing GHAD.

Staff Response: ENGEO prepared a Slope Maintenance Oversight Entity Alternative Analysis, dated November 14, 2005 (*Attachment H, Exhibit A*). The purpose of the document was to inform the applicant of the advantages and disadvantages of the GHAD, the proposed responsibilities, various entity structure alternatives and an estimate of the homeowners' assessments so that the applicant could make an informed decision to proceed with the formation of a GHAD and subsequent realization of Phase 1 of the Project.

Staff considered all the potential options and believed that the formation of a GHAD was the most appropriate process to ensure the City's goals were met. While the recommendation in the Slope Maintenance Oversight Entity Alternative Analysis was to annex into an existing GHAD due to maintenance and expenditures, the only GHAD in Oakland at the time was the Leona Quarry GHAD. Current City staff is unsure whether initial conversations were held with the Leona Quarry applicant. However, due to the cost barriers, which were outlined in the staff

report forming the GHAD, staff proposed the creation of a GHAD where numerous smaller development projects could annex in as beneficial public policy to reduce the City's burden pertaining to geological hazards. It is important to note though that even if the Siena Hill project joined the Leona Quarry GHAD there would only be a reduction in soft costs such as administration or reporting, as the physical improvements on the Siena Hill property (e.g., extensive retaining walls and drainage) still require a significant assessment to maintain, mitigate and/or abate. The Leona Quarry residents could not, per Proposition 218, pay to address improvements where they do not specifically receive the benefit.

As noted above, the applicant did not object to formation of the GHAD, but instead proceeded with project approvals and construction. If the applicant had chosen not to proceed with formation of the GHAD based on information from the Slope Maintenance Oversight Entity Alternative Analysis, the applicant would have had to request an Amendment to the Conditions of Approval to remove the GHAD Condition. Staff would not have proceeded to form the GHAD, approved the Final Tract Map to subdivide the parcel or issued building permits for the first Phase of the Project and the Subdivision improvements.

4. **The Analysis describes the benefits of the GHAD, especially when there are several contributing properties; however, current owners are not realizing the benefits of the GHAD. Therefore, the true intention of the GHAD for Siena Hill is not realized creating an unfair burden for the property owners.**

Staff Response: City and GHAD staff agree with the applicant that assessments are being collected and the Siena Hill homeowners are not benefitting from the GHAD. The Plan of Control adopted by the GHAD Board requires the GHAD assessment be levied on each individual parcel following issuance of a building permit. However, the Plan of Control for the Oakland Area GHAD currently requires that all improvements be constructed before the Oakland Area GHAD will accept the improvements. Since all of the improvements associated with Phase 2 and 3 have not been constructed, the GHAD cannot accept the improvements. Thus, while the homeowners are paying an assessment to the GHAD, the GHAD is not yet maintaining any project improvements. It should be noted that even if the improvements were constructed, the homeowners must petition the GHAD Board to accept responsibility of the improvements.

While the City and GHAD staff reject the notion that this unfair (as the timing and requirements for assessments would start versus when the benefits would begin was known to both the developers as well as any potential purchasers from the time of GHAD formation) City and GHAD staff met with the homeowners to discuss this issue on numerous occasions, including on March 10, 2014 and January 22, 2015, to try and develop possible compromise solutions acceptable to the property owners and the City. GHAD staff has offered a solution to address this concern and the amount of the assessment while keeping the property within the GHAD and addressing the City's concerns. Specifically, the GHAD Board may be requested, through application by the owners, to amend the Plan of Control to accept monitoring and maintenance responsibilities for the ten parcels currently being levied the annual GHAD assessment. In addition, GHAD staff provided the owners with the application to request a temporary reduction in the annual levied amount of the assessment. Finally, the GHAD provided further information on the process on how to request a permanent reduction of the assessment limit. All of the proposed solutions above would require approval from the GHAD Board of Directors (*See Attachment K*). The owners have elected not to proceed with any of these alternatives. Instead, the owners have decided to proceed with an amendment to remove the GHAD Conditions from the Project and remove the property from the GHAD.

5. **The GHAD does not provide an “insurance benefit” to the Siena Hill homeowners as the GHAD manager may choose not to fund expenditures if the cost to abate or mitigate the geologic hazard would exceed the value of the structure or improvement threatened. Therefore, the Siena Hill homeowners are being assessed for a benefit that they might not receive.**

Staff Response: City staff cannot comment on management or operation of the GHAD in the future as 1) that is the responsibility of GHAD staff, not City staff and 2) the GHAD has not accepted responsibility of the improvements. As noted in the Resolutions forming the GHAD, the GHAD Board appointed a GHAD manager, GHAD engineer, GHAD attorney, and GHAD treasurer. The purpose of having dedicated GHAD staff was that they would be on-call and quickly address any geologic events that would affect the improvements. Second, GHAD staff was appointed to address City of Oakland liability. Therefore there is a clear and distinct difference between the City of Oakland, Oakland City Council, City staff and the Oakland Area GHAD Board of Directors and the Oakland Area GHAD staff.

While the Applicant has submitted the necessary application and fee for City staff to process the amendment request and prepare a staff report to the Planning Commission, City staff cannot address this issue of what the GHAD manager may or may not be doing, since, as stated above the GHAD has completely separate staff from the City. Furthermore, the applicant questioned why GHAD staff would need to assist in the preparation or review of the staff report and would not authorize drawing on the GHAD reserve fund, which would have enabled GHAD staff to review the staff report and provide further explanations to the property owners' assertions(*Attachment L*). GHAD staff will be present at the June 17th Planning Commission hearing and may be able to speak to this issue at the hearing.

6. **The GHAD cannot accept the Siena Hill Project until all the improvements have been constructed and, therefore, the Siena Hill property does not benefit from the GHAD despite being assessed. Given the economic conditions, the improvements might not be built for an extended period of time. Therefore, the homeowners are not and may not benefit from the GHAD until later in the future.**

Staff Response: See # 4 above. Furthermore, as noted in *Attachment B*, it is not atypical that assessments are collected before the GHAD has accepted the improvement. For example, the Leona Quarry GHAD was formed on December 3, 2002. The Leona Quarry GHAD accepted the open space improvements on January 28, 2011 and the rest of the improvements (detention basin, concrete lined ditches, storm drain inlets outfalls and pipelines, subdrains, debris bench maintenance, settlement monuments, rock catchment fences, whipsnake habitat, emergency vehicle access roads and erosion management) on March 17, 2011.

7. **The GHAD is being mismanaged and is inefficiently run.**

Staff Response: See # 4 above which discusses that the GHAD has not accepted the improvements. Also see # 5 above regarding City or GHAD staff's overall ability to respond to this issue. However, it should be noted that the Conditions of Approval required the applicant to fully fund the GHAD so that it was operational. This includes all of the engineering and attorney work during the Developer Supported period between formation of the GHAD and GHAD acceptance of the improvements. The applicant has not paid GHAD staff during formation of the

GHAD or set aside additional funds to ensure that the GHAD will be operational. Therefore, the onus remains on the applicant to fully fund the GHAD to make it operational.

8. The GHAD is a tax obligation that is unconstitutional.

Staff Response: A GHAD assessment is not a tax, but a charge levied on property to pay for public improvements or services that specially benefit a geographic area. Public Resources Code section 26650 specifically authorizes a GHAD to levy and collect assessments to pay for the cost and expense of the maintenance and operation of improvements acquired under GHAD law. Any proposed increases to a GHAD assessment must comply with the notice, protest, and hearing procedures in Government Code section 53753, in accordance with Proposition 218. Pub. Res. Code Section 26653.5. Once all improvements are completed, and the GHAD accepts the improvements, the GHAD will provide services and special benefits to the property owners.

As outlined in *Attachment B*, the process to form a GHAD is complex and requires multiple steps. At each step in the process the applicant had the opportunity to address the GHAD requirement from the project. Specifically, the project applicant had the opportunity to:

- a) Appeal the project's March 2, 2005 PUD approval with the GHAD Condition, to City Council.
- b) File a lawsuit challenging the assertions in the EIR that the property contained geological hazards.
- c) Appeal the project's June 1, 2005 TTM approval, with the GHAD Condition, to City Council.
- d) File an amendment to revise the Conditions of Approval prior to initiation or formation of the GHAD.
- e) Object to the formation of the GHAD at the June 20, 2006 hearing per Resolution 79986 C.M.S.
- f) Object to the assessed valuation of real property at the July 18, 2006 hearing per Resolution 80058 C.M.S.
- g) Submit a ballot and protest the annual benefit assessment per Resolution 80058 C.M.S
- h) Object to the proposed assessment at the December 5, 2006 hearing per Oakland Area GHAD Resolution 7.
- i) Object to approval of the Final Tract Map.
- j) Postpone construction of the homes until the GHAD issue was addressed and before the assessment was levied.

The applicant did not act on any of these opportunities to appeal, amend, or protest the formation of the GHAD, or assert the claim that the GHAD is an unlawful tax. The GHAD was formed in 2006 following all of the legal requirements in the Public Resources Code and is a legal entity. No objections were filed challenging the formation of the GHAD. All of the assessments authorized for the GHAD have been in full compliance with the provisions of the authorizing Resolutions and other State law requirements. The owners had no obligation to purchase the property or to continue to live at Siena Hill. The Oakland Area GHAD is comprised of an area specially benefited by and subject to special assessments to pay the cost of improvements. The GHAD assessment is not an unconstitutional tax

Finally, it should be noted that the City often places property within special districts and levies fees for improvements which are also not unconstitutional. Two examples of these districts

include Community Facility Districts or Wildfire Assessment Districts. In each case, property owners may choose to live or not live within these districts.

- 9. The Applicant has hired a licensed geologist to put together a bid to cover the responsibilities outlined in the Plan of Control. The fee for monitoring is \$30,000 less than the same services that would be assumed by GHAD engineering staff. This difference indicates that the GHAD is not run efficiently.**

Staff Response: See # 5 above regarding City or GHAD staff's overall ability to respond to this issue. However, it should be noted that the Proposal for Consultation of GHAD Responsibilities only includes the inspection, monitoring, and reporting of the items outlined in the Plan of Control. The Proposal does not include maintenance of those items nor does it include the mitigation or abatement of the geologic hazard which is a key part of the GHAD budget and reserve.

- 10. Public Resources Code Sections 26500-26654 allows for dissolution of the GHAD with 51% of the owners in favor. The owners of Siena Hill have voted unanimously to dissolve the GHAD.**

Staff Response: See # 6 above regarding City or GHAD staff's overall ability to respond to this issue. Pursuant to Public Resources Code Section 26567.1, the GHAD Board and City Council may, by resolution, order the dissolution of a GHAD if the legislative body, based on substantial evidence, makes certain required findings. 51% of the property owners cannot unilaterally decide to dissolve the GHAD. As discussed above, in addition to the required findings, the law states that "[a]fter the dissolution of the district, the legislative body shall assume all remaining responsibilities and obligations of the district." This means that the City (as the legislative body) would be required by law to accept all responsibilities of the improvements of the GHAD, including retaining walls, roads, etc. This also includes taking on potential liability risks associated with the GHAD.

- 11. The GHAD reduces property values.**

Staff Response: This argument is purely speculative and is not generally a matter of consideration for the City as property values rise and fall generally due to numerous factors. The ability of the GHAD to maintain a reserve to finance long term maintenance of a property, monitoring, and abatement of a geologic hazard is a key benefit to homeowners in the long-term.

- 12. The GHAD assessments are not comparable to other GHADs.**

Staff Response: See # 5 above regarding City or GHAD staff's overall ability to respond to this issue. However, it should be noted the adopted GHAD budget and assessments were based on the scope of the private improvements. The assessments are high because the project included significant improvements (approximately 20 retaining walls up to 13' in height and up to 810' long, drainage improvements behind the walls, emergency access stairs, etc.) and the cost to maintain, monitor, mitigate and abate the EIR identified geologic hazards on these improvements are high. In addition, the assessment is distributed over a small number of units. Since each project includes improvements, geologic hazards, activities and facilities that are specific to that site, the GHAD Plans of Control and assessments are not comparable.

Furthermore, as noted in # 4 above and in *Attachment K and M*, GHAD staff did offer a number of potential solutions to the property owners that would enable the GHAD to accept monitoring and maintenance responsibility for the ten parcels currently being levied the annual GHAD assessment, and/or to consider a temporary or permanent reduction of the assessment. These alternatives were discussed with, but not pursued by, the property owners.

13. There is no nexus for requiring the GHAD.

Staff Response: The Siena Hill property owners are asserting that there was no nexus to require the GHAD Condition. A nexus generally means a connection. In case law, the term “nexus” applies to whether there is a connection between the project or project attributes and a governmental restriction. Response # 1 above notes that the project site includes geologic hazards (e.g., slope failure), as noted in the certified EIR, and requires ongoing maintenance of structural hazards (e.g., multiple retaining walls and drainage) to prevent, mitigate, abate, or control the geologic hazard. There was a nexus to require a GHAD, and the nexus is documented throughout the EIR, various City Council agenda reports and Planning Commission staff reports, and Resolutions adopted by the Council and the GHAD Board.

Also, the applicant had numerous opportunities to request removal of the GHAD conditions from the project but chose not to act on any of these opportunities to appeal, amend, or protest the GHAD requirements. The GHAD has been formed and 1/3 of the residential units have already been constructed.

14. Las Tunas GHAD dissolution

Staff Response: The Applicants have submitted several articles regarding the Las Tunas GHAD dissolution (*Attachment H, Exhibit B*). See # 6 above regarding City or GHAD staff's overall ability to respond to this issue. The Las Tunas GHAD dissolution and the Siena Hill project are not similar, and Las Tunas is not applicable for several reasons. First, the Las Tunas GHAD was formed by 10 property owners who were appointed as the GHAD Board. The Las Tunas GHAD was formed to replace steel goins which were installed to prevent beach erosion but they had eroded and become a public hazard. Second, in forming the Las Tunas GHAD, the City of Malibu placed Conditions on formation allowing it to dissolve the GHAD if the goin replacement project was infeasible. The Las Tunas GHAD was also formed without a Plan of Control which clearly identified the replacement project and budget. Third, the City determined the replacement project to be infeasible and wanted the GHAD dissolved but the GHAD Board (property owners) wanted the GHAD to remain in place. Fourth, the goins were removed and the City did not need to assume responsibility for the GHAD improvements. In sum, at issue in Las Tunas was how the GHAD was formed and therefore, who had the authority to dissolve it. This is not the issue with the Siena Hill GHAD (*See City additional submittals on CD and in the agenda related materials*).

CONSEQUENCES OF AMENDING THE CONDITIONS OF APPROVAL AND REMOVING SIENA HILL FROM THE GHAD

There is no statutory process for removing a project from a GHAD. State Law, pursuant to Public Resources Code Section 26567.2, does have a process for dissolving a GHAD, and the GHAD attorney believes that the dissolution process should apply to the request for removal. The dissolution process requires certain findings be made by the GHAD Board (comprised of all members of the Oakland City Council) and the Oakland City Council before the GHAD can be dissolved. In addition, and most

importantly, the City would be required to assume the all remaining responsibilities of the GHAD upon dissolution. Specifically, the law states,

“[a]fter the dissolution of the district, the legislative body shall assume all remaining responsibilities and obligations of the district.”

This means that the City (as the legislative body) would be required to assume all responsibilities and obligations (maintenance, monitoring, mitigation, and abatement of private improvements) outlined in the GHAD’s Plan of Control, including of course all improvements on private property, as well as potential liability associated with the GHAD, which puts the City in the untenable position of maintaining improvements on private property and taking on potential exposure presented by the GHAD. The GHAD Attorney has prepared a letter to City staff that further addresses these issues (*Attachment M*).

In discussions with City and GHAD staff, the owners of the vacant property have proposed that the homeowners’ association maintain the improvements and enter into an abrogation agreement and indemnity agreement releasing the City from any and all liability from both present and future owners concerning dissolution of the GHAD. However, the Public Resources Code is clear that the City shall assume all remaining responsibilities and obligations of the GHAD. Neither the City nor the GHAD attorneys believe that an abrogation agreement, indemnity agreement, or other agreement could fully release the City from this responsibility or the developers of the vacant property can abrogate the rights of future property owners from suing the City over the required responsibility outlined in the Public Resources Code with any absolute certainty. Furthermore, unlike a GHAD, there is no way to guarantee that the homeowner’s association will remain intact or maintain the improvements, and there is no way to prevent a homeowner’s association from filing bankruptcy.

Finally, the City is not in any position to accept the responsibility for the maintenance, monitoring, replacement or repair of private improvements on this property (*Attachment N*). As described in *Attachment O*, the City does not have the staff, expertise, or the budget to assume such responsibilities. Given the geologic site conditions and the extensive private site improvements the City would not have approved this project without the condition to form a GHAD because the GHAD guarantees funding and implementing the long-term maintenance obligations for all improvements in the Plan of Control, something the City would never have accepted responsibility for.

Moreover, the City cannot accept the potential liability associated with such responsibilities. By its essential nature, the GHAD will be exposed to potential liability. The GHAD will be accepting a number of improvements within the open space areas of the project site, including restored slopes, drainage improvements and the detention basin. It also will have an array of ongoing maintenance and monitoring responsibilities for these improvements. There are a host of unknown liability risks associated with the improvements, and with the project generally, which largely will be assumed by the GHAD. This would pose significant concerns if the liability were ever transferred to the City. A primary purpose of GHADs is to facilitate mitigation of hazardous geologic conditions by spreading the costs (and associated risks) of prevention and remediation of such hazards across the ownership of the GHAD area.

Therefore, staff does not recommend that the project be removed from the GHAD, as it creates vulnerability for both the property owners and the City itself. Furthermore, to do so would be completely contrary to one of the main purposes in requiring the GHAD that the property owners remain solely financially responsible with secure and irrevocable funding for monitoring, maintaining and abating any geologic hazard pertaining to the project site. The City cannot be released from its obligation to assume responsibilities for private improvements under state law and doing so would set a significant precedent.

CITY POLICY REGARDING GEOLOGIC HAZARDS

The City Council formed the Oakland Area GHAD as a public policy tool with the specific intent of addressing Oakland's significant geologic hazards by continuing to require that new development projects be annexed into the GHAD. In initiating formation of the GHAD, City Council determined that the GHAD would protect the health, safety and welfare of the future residents within the Oakland Area GHAD. In order to address the budget concerns, staff proposed the Oakland Area GHAD as an alternative to a "stand alone" GHAD similar to Leona Quarry.

In creating the GHAD, the Council asked how staff would determine which properties qualify for annexation into the GHAD. Staff concluded that 1) only new development projects shall be conditioned to annex into the proposed GHAD as part of the project approval, 2) only projects that met the definition of a geologic hazard as provided in GHAD law would need to comply, 3) the technical, environmental, peer review, and other applicable report documents pertaining to the actual or threatened geologic hazard would need to specifically require a GHAD or require a greater than normal degree of construction attention, monitoring of the site, or maintenance of project improvements, and 4) the development projects would be 200 units or less. While Siena Hill was the first project to be included in the GHAD, one additional property was approved with the GHAD condition.

In addition, the City Council reiterated the GHAD as a public policy tool to address geologic hazards when it formally adopted Oakland's Standard Conditions of Approval on November 3, 2008 (Ordinance No. 12899 C.M.S.), pursuant to Public Resources Code section 21083. Dissolving the GHAD would eliminate this public policy tool and make the City of Oakland and property owners less resilient and more vulnerable to the effects of geologic hazards.

SOLUTION TO ADDRESS THE OWNERS' FINANCIAL CONCERNS

City and GHAD staff have had numerous meetings with the property owners to discuss possible solutions that would address the City's goals for requiring the GHAD Conditions of Approval in addition to the property owners' financial concerns regarding the amount of the assessment and the overall financial burden of the GHAD. As noted above, City and GHAD staff have offered the proposed solutions (*Attachment K and M*) included requesting, through application, (1) to amend the Plan of Control to accept the monitoring and maintenance responsibility for improvements already built for the 10 parcels currently being levied the annual GHAD assessment (which would result in the homeowners receiving services in return for their assessments); (2) to temporarily reduce the annual levied amount of the GHAD assessments (which would require a review of the entirety of services and findings, justifying the temporary reduction in assessment and may require the homeowners' association to take responsibility of certain GHAD services); and (3) to permanently reduce the assessment limit (which would require a more comprehensive review of required services through an engineer's report and then findings justifying the scope of services and reduction in assessment limit).

In sum, the City and GHAD staff recommends that the property owners move forward with one or more of the alternatives.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

An Environmental Impact Report was prepared and previously certified for this project by the Planning Commission on March 2, 2005 pursuant to the requirements of CEQA. Mitigation Measures were included and a Mitigation Monitoring and Reporting Program was adopted by the Planning Commission

and included as a Condition of Approval. The GHAD Condition further ensures that Mitigation Measure Geo-2e is complied with. No legal actions were filed challenging the EIR and thus it is presumed valid. No further/additional CEQA review is required, as none of the circumstances necessitating preparation of additional CEQA review as specified in CEQA and the CEQA Guidelines, including without limitation Public Resources Code section 21166 and CEQA Guidelines sections 15162 and 15163 are present. In addition, if the Planning Commission were to deny the Siena Hill property owners' request to amend the project's Conditions of Approval and remove the project from the GHAD, as a separate and independent basis, this action is also exempt from CEQA review pursuant to CEQA Guidelines Section 15270 (Projects that are disapproved).

CONCLUSION

The GHAD Conditions of Approval were imposed for several significant reasons including abatement of geologic hazards on the site as noted in the Geotechnical Analysis within the certified EIR, addressing the unique construction on the site, and ensuring irrevocable funding for the long-term maintenance of the site improvements which stabilize the hillside. These reasons meet the requirements for forming a GHAD in conformance with Public Resources Code Sections 26500-26654. The GHAD was legally formed and all information including the pros and cons of forming a GHAD, and the geologic hazards on the site, were presented to the City Council when it formed the GHAD. While annexation into a GHAD is a stringent Condition of Approval for the Siena Hill Project, the applicant agreed to it and proceeded to form the GHAD and construct the homes and the improvements despite multiple opportunities to oppose the GHAD requirement. Now, 1/3 of the way through, they wish to end it.

If the conditions of approval are amended and the project is removed from the GHAD, the City must assume all responsibilities of improvements on private property which is antithetical to the purpose of requiring the GHAD condition and sets a precedent for the City and its taxpayers, to assume a greater share of the liability for private development. Furthermore, the City does not have the staff, expertise, or the funds to accept responsibility for the improvements.


While it is true that the property owners are being assessed without benefit of the GHAD, they were fully aware of the timeframes for when assessments were to begin and when the GHAD Board begins to assume responsibility for the maintenance and they never challenged or protested any of these requirements before the GHAD was adopted. The City should simply expect the developer to live up to the obligations that they themselves agreed to and complete their project. However, with a desire to find a compromise to the financial assessment, City and GHAD staff have offered reasonable, common sense solutions that would ensure the City's goals are met, keep the project in the GHAD and address the homeowners financial concerns through acceptance of the improvements associated with the ten constructed homes as well as a potential reduction in assessments only to be rebuffed each time. The applicant's solution is not acceptable to the City as it would shift ALL the costs and liabilities to the taxpayers of the City of Oakland.

The City would not have recommended that the Planning Commission approve this development in the first place without formation of the GHAD to guarantee long term and irrevocable maintenance and mitigation of geologic hazards on property improvements. The applicant had ten opportunities over an approximately two year period to protest or challenge the formation of the GHAD and failed to do so at each opportunity. The applicant has also rejected all attempts by the City to ameliorate the situation for the benefit of the existing residents. They have committed themselves to this course of action and their request now would shift the burden to the taxpayers of the City of Oakland.

RECOMMENDATION

For all of the reasons outlined in the report, the City recommends the Planning Commission deny the request to amend the Conditions of Approval that imposed the GHAD requirement. The applicant has the right to appeal this decision to the City Council.

Prepared by:


HEATHER KLEIN
Planner III

Approved by:


ROBERT MERKAMP
Development Planning ManagerApproved for forwarding to the
City Planning Commission:
DARIN RANELLETTI
Deputy Director**ATTACHMENTS**

- A: Background on Geologic Hazards in the City of Oakland
 - Exhibit A: Geologic Hazards in Oakland
 - Exhibit B: Geologic Hazards on Siena Hill Property
- B: Background on GHADs
- C: Siena Hill Project Plans and Photos
- D: Geotechnical Analysis for the EIR, Gary Underdahl, dated September 10, 2011
- E: Siena Hill Draft EIR (Excerpt of Geology, Soils and Seismicity Section: Impacts and Mitigation Measures)
- F: Planning Commission Staff PUD and TTM Reports
- G: City staff letter outlining the process to remove Siena Hill from the GHAD, dated February 28, 2013
- H: Applicant's Grounds for an Amendment to Siena Hill's Conditions of Approval and removing the project from the GHAD, dated September 18, 2013, December 20, 2013, January 10, 2015, and January 11, 2015
 - Exhibit A: Slope Maintenance Oversight Entity and Analysis, November 14, 2005
 - Exhibit B: News articles regarding Las Tunas GHAD, April 15, 1999 and September 16, 1999

- Exhibit C: Geotechnical Analysis for the EIR, Gary Underdahl, dated September 10, 2011 (same as Attachment D but with notes)
 - Exhibit D: Oakland Area GHAD Plan of Control
 - Exhibit E: Proposal for Consultation GHAD Responsibilities
 - Exhibit F: Staff Report, Adoption of the Resolution to Initiate Formation of the Oakland Area GHAD, May 23, 2006
 - Exhibit G: Public Resources Code 26500-26554 regarding GHADs
 - Exhibit H: Engineer's Report for Leona Quarry GHAD with GHAD Budget
 - Exhibit I: Blackhawk GHAD Plan of Control
 - Exhibit J: Blackhawk Geologic Conditions
 - Exhibit K: Leona Quarry GHAD Tax Bill 2014-2015
 - Exhibit L: Blackhawk GHAD Tax Bill 2013-2014
 - Exhibit M: Wilder GHAD Tax Bill 2013-2014
 - Exhibit N: Oakland Area GHAD Expenditures Report, dated 12/15/14
 - Exhibit O: Chart comparing GHAD Collections and Total Assessment
- I:** Peer Review of the GHAD Plan of Control, Darwin Myers Associates, dated May 3, 2006
- J:** City staff letter addressing the existence or non-existence of a landslide on the property, dated June 30, 2014
- K:** Email from GHAD staff to the Siena Hill HOA, dated March 14, 2014
- L:** Email from the applicant requesting that the GHAD staff not review the staff report.
- M:** Letter from the GHAD Attorney to City staff, dated April 6, 2015
- N:** Excerpt from Plan of Control of GHAD responsibilities, including improvements and maintenance
- O:** Letter from City of Oakland Department staff not recommending an amendment to the Conditions of Approval or de-annexation/dissolution of the GHAD.

NOTE:

Additional City and Siena Hill Property Owner evidence was provided under separate cover for review and consideration by the Planning Commission on CD. A hard copy of these additional documents are available to the public at the Planning Department office at 250 Frank H. Ogawa Plaza, Suite 2214, Oakland, CA 94612 and on the City's website under agenda related materials. The list of additional documents is described below. Documents in ~~strikeout~~ text were previously provided and were not duplicated again.

Additional City of Oakland Attachments:

~~Staff Report, Adoption of the Resolution to Initiate Formation of the Oakland Area GHAD, May 23, 2006 (Included in Attachment H)~~

1. Letter from Edward Patmont to Councilmember Brooks regarding the GHAD formation
2. Excerpt of May 23, 2006 Community and Economic Development Committee Meeting Minutes where developer spoke in favor of the GHAD formation
3. Supplemental Staff Report, Adoption of the Resolution to Initiate Formation of the Oakland Area GHAD, June 20, 2006
4. Resolution 79986 C.M.S. Initiating Formation of the Oakland Area GHAD
5. Staff Report, Approving Formation of the Oakland Area GHAD and Appointing the City Council as the GHAD Board, July 18, 2006
6. Resolution 80058 C.M.S. Appointing the City Council as the GHAD Board, Resolution 1-4 : Electing a Chairperson, Appointing GHAD staff, Accepting the Plan of Control, Setting a Public Hearing to hear Objections, Approving the GHAD Budget, Intent to Order Assessment and set a Public Hearing to Consider Protests Against the Assessment

7. Staff Report, Approval of Meeting Minutes for October 3, 2006 GHAD Board, Accept Votes, and Confirm Collection of Assessment, dated December 5, 2006
8. Resolution 5 Adopting Plan of Control
9. Resolution 6 Accepting Canvas of Votes
10. Resolution 7 Confirming Assessment
11. Meeting Minutes from October 3, 2006 GHAD Board Meeting
12. Notice of November 28, 2006 Public Hearing to Consider Protests Against the Assessments
13. Ballot Approving the GHAD Assessments
14. Resolution 98-003 from the City of Malibu, regarding dissolution of the Las Tunas GHAD

Additional Siena Hill Property Owner s' AttachmentsSubmitted 1/11/15

1. Blackhawk GHAD district diagram
2. July 16, 2014, Email from Michael Sands Blackhawk GHAD explaining how GHAD fees are calculated within Blackhawk

Submitted 1/14/15

- ~~Wilder GHAD Tax Bill 2013-2014 (Included in Attachment H)~~
- ~~Blackhawk GHAD Tax Bill 2013-2014 (Included in Attachment H)~~
- ~~Leona Quarry GHAD Bill 2014-2015 (Included in Attachment H)~~
3. Leona Quarry GHAD Boundary Plan
~~Amendment 2 to the Application dated 1/11/15 (no nexus) (Included in Attachment H)~~
~~Oakland Area GHAD Expenditures Report, updated 12/12/14 (Included in Attachment H)~~
4. Blackhawk Budget Page, April 23, 2014
~~Oakland Area GHAD Expenditures Report, updated 12/12/14 (Included in Attachment H)~~
~~Excel spreadsheet pdf (Included in Attachment H)~~

Submitted 2/3/2015

5. City of Oakland Grade Sheet with handwritten note noting no slide

Submittal, received May 26, 2015

6. Intro summary of submitted documents
~~Geotechnical Analysis for the EIR, Gary Underdahl, dated September 10, 2011 (Included in Attachment H)~~
7. October 31, 2001 Letter - pre-application review
8. December 3, 2002 public hearing to form Leona Quarry GHAD
9. September 2, 2003 determination of completeness for Siena Hill
10. January 5, 2005 Siena Hill staff report on the EIR, plans, and EIR summary Table
~~Slope Maintenance Oversight Entity Alternatives Analysis, November 14, 2005 (Included in Attachment H)~~
~~Siena Hill TTM staff report (Included in Attachment F)~~
11. August 25, 2005 Permanent soil nail retaining walls structural design and calcs – Drill Tech
12. April 18, 2006 Formation process of a GHAD– Morgan Miller Blair
~~Oakland Area GHAD Plan of Control (Attachment H)~~
~~Staff Report, Adoption of the Resolution to Initiate Formation of the Oakland Area GHAD, May 23, 2006 (Attachment H)~~
13. June 1, 2007, Notice Of Assessment
14. July 26, 2006 Geotechnical Consultant Final Grading Report – Underdahl

15. May 11, 2007- Zoning Compliance Checklist
16. July 5, 2007 final inspection letter ACK engineering
17. July 5, 2007 final inspection letter ACK engineering
18. January 1, 2008, monthly budget Siena homes maintenance association –
19. February 29, 2008 Construction Bond City of Oakland
~~City staff letter addressing the existence or non-existence of a landslide on the property, dated June 30, 2014 (Included in Attachment J)~~
20. January 14, 2015, email noting 750,000 for large scale repair Engeo to Eckert
~~Letter from the GHAD Attorney to City staff, dated April 6, 2015 (Attachment M)~~
21. Major regulations affecting property
22. May 13, 2015 Portion Of Oakland Area GHAD Report, Ryan Geologic
~~Oakland Area GHAD Expenditures Report, dated 12/15/14 (Attachment H)~~

Submittal, received May 26, 2015

23. Photo of Siena Hill entrance
~~Amendment Letter, dated September 18, 2013 (Attachment H)~~
~~Amendment to the Application (letter dated 1/10/15) (Attachment H)~~
~~Amendment 2 to the Application dated 1/11/15 (no nexus) (Attachment H)~~
~~Blackhawk GHAD Plan of Control~~
24. Second Amendment to Blackhawk GHAD Plan of Control
25. Blackhawk GHAD Program Budget
~~July 16, 2014, Email from Michael Sands Blackhawk GHAD explaining how GHAD fees are calculated within Blackhawk (Submitted 1/11/2015)~~
26. Tax bill 2013-2014
~~Blackhawk GHAD Tax Bill 2013-2014 (Included in Attachment H)~~
~~Leona Quarry GHAD Bill 2014-2015 (Included in Attachment H)~~
~~Wilder GHAD Tax Bill 2013-2014 (Included in Attachment H)~~
~~Wilder GHAD Tax Bill 2013-2014 (Included in Attachment H)~~
27. Oakland Area GHAD Tax Bill 2014-2015
28. ~~Chart comparing GHAD Collections and Total Assessment (Included in Attachment H)~~
29. ~~Oakland Area GHAD Expenditures Report, dated 12/15/14 (Included in Attachment H)~~
30. Wilder GHAD Plan Of Control
31. Map showing assessor parcel number of Leona Quarry
32. Gateway Valley Final Development Plan November 18, 2005
33. July 1986 California Geology Singing And Booming Sand Dunes
~~Staff Report, Adoption of the Resolution to Initiate Formation of the Oakland Area GHAD, May 23, 2006 (Attachment H)~~
34. March 10, 2014 Agenda GHAD Amendment Condition
~~City staff letter addressing the existence or non-existence of a landslide on the property, dated June 30, 2014 (Included in Attachment J)~~
~~Public Resources Code 26500-26554 regarding GHADs (Excerpt of Attachment H)~~
~~May 13, 2015 Portion Of Oakland Area GHAD Report, Ryan Geologic (Submitted May 26, 2015)~~
~~Proposal For Consultation For GHAD Responsibilities (Attachment H)~~
~~Slope Maintenance Oversight Entity and Analysis, November 14, 2005 (Attachment H)~~
~~Oakland Area GHAD Plan of Control (Attachment H)~~

~~Staff Report, Adoption of the Resolution to Initiate Formation of the Oakland Area GHAD, May 23, 2006 (Attachment H)~~

35. May 3, 2013, GHAD Assessment Reimbursables

36. ~~Engineer's Report for Leona Quarry GHAD with GHAD Budget (Attachment H)~~

37. February 23, 2005 Amendment 1 To Plan Of Control for Leona Quarry

Submittal, received June 2, 2015

38. Department of Real Estate Final Subdivision Public Report