



ORINDA GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD)

PLAN OF CONTROL FOR 88 SUNNYSIDE LANE ORINDA, CALIFORNIA

SUBMITTED TO
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Annexation Area, MNS 2015-001

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1.0 AUTHORITY AND SCOPE

As provided in *Public Resources Code § 26581*, the property owner of the proposed 88 Sunnyside Lane development ("GHAD Annexation Area") located in Orinda, California, has submitted a Petition for Annexation to the existing Orinda GHAD ("GHAD").

As stated in Mitigation Measure 4.6.3 for 88 Sunnyside Lane development:

"The applicant shall apply to the City for the establishment of a Geologic Hazard Abatement District (GHAD). The GHAD shall provide funds for the maintenance and repair of damage to structures and private and public development (e.g., roads) adjacent to the project site in the years after development. The proposed GHAD shall include an on-going inspection program to monitor geologic conditions and shall also include corrective work to repair geologic hazard conditions created by the project. The GHAD shall be responsible for minor maintenance and monitoring including the following:

- *annual monitoring of groundwater conditions;*
- *placement and periodic monitoring of slope inclinometers to detect movement of a landslide;*
- *cleaning of leaves and other debris from surface drainage systems; and*
- *repair of minor slope erosion such as that caused by rodents, excess landscape irrigation, or storms.*

The GHAD shall include contingencies for repair of major landslides, slope movement, damage by expansive soil, or other substantial hazards. The GHAD shall include the entire project site."

Inclusion of the 88 Sunnyside development into a GHAD is to occur prior to subdivision map approval.

State law allows GHADs to be formed to undertake emergency actions necessary or incidental to the prevention, mitigation, abatement, or control of a geologic hazard (*Public Resources Code § 26500, "GHAD Law"*). GHAD Law gives local agencies the authority to form districts that can speedily address "an actual or threatened landslide, land subsidence, soil erosion, earthquake, or any other natural or unnatural movement of land or earth." (*Public Resources Code § 26507*). Consistent with GHAD Law, on March 4, 2008, the Orinda City Council adopted Resolution No. 16-08 approving and forming the Orinda GHAD and thereby putting into place a mechanism to respond to emergencies and preventing and/or respond to geologic hazards. The members of the Orinda City Council serve as the Board of Directors of the City of Orinda GHAD.

GHAD "improvements" (as defined in GHAD Law) and all GHAD activities undertaken in furtherance of, or in connection therewith, are deemed to be specific actions necessary to prevent or mitigate an emergency within Public Resources Code Section 21080(b)(4) (See, Pub. Res. Code Sections 26601 and 26505). Consistent therewith, all GHAD Activities (as defined in Section 7 below) are exempt from review under the California Environmental Quality Act and are not subject to local permitting requirements.

The Orinda GHAD was formed in 2008 to include the entire Wilder development, and in 2008, the 12-unit Orinda Oaks development was annexed into the Orinda GHAD.

Section 26509 of the Public Resources Code requires a Plan of Control, prepared by a State-Certified Engineering Geologist, as a prerequisite to formation of a GHAD or annexation into an existing GHAD. Pursuant to Section 26509, this Plan of Control was prepared by an Engineering Geologist certified pursuant to Section 7822 of the Business and Professions Code and describes, in detail, the geologic hazards, their location, and the area affected by them. It also provides a plan for the prevention, mitigation, abatement, or control thereof. This Plan of Control covers the GHAD Annexation Area only.

As used in this Plan of Control, and as provided in Section 26507, “geologic hazard” means an actual or threatened landslide, land subsidence, soil erosion, earthquake, fault movement, or any other natural or unnatural movement of land or earth.

1.1 PROPERTY IDENTIFICATION

The land within the proposed GHAD Annexation Area is shown on the GHAD Boundary Plat (Appendix B, Exhibit B). The GHAD Annexation Area includes all areas within the 88 Sunnyside Lane project - Subdivision MNS 2015-001. The legal description of the GHAD Annexation Area is included in Appendix B, Exhibit A and includes all of Parcels A through D.

2.0 BACKGROUND

2.1 PROJECT DESCRIPTION

The GHAD Annexation Area is located at 88 Sunnyside Lane in Orinda, California, measures 24.02 acres in area, and is identified with Assessor’s Parcel Number (APN) 266-270-029. The GHAD Annexation Area is south of the Briones Reservoir and north of California Highway 24. The GHAD Annexation Area is surrounded by residential development on the north, south, and west. The adjacent parcel to the east of the site is undeveloped. Residential development is present on the eastern, downslope side of a ridgeline further to the east of the site. A swim and tennis club is located to the north of the GHAD Annexation Area.

The GHAD Annexation Area is currently developed with one residence, and the remainder of the parcel is undeveloped. The GHAD Annexation Area is located in the City’s Ridgeline and Environmental Preservation Overlay Zone. The GHAD Annexation Area includes two ridgelines, one trending in a north-south direction, and the other trending in an east-west direction. The upper portions of the ridgelines have been flattened during past rough-grading operations (Michael Baker, 2017). Elevations range from a low of approximately 850 feet above mean sea level (MSL) to a high of approximately 1,000 feet above MSL.

The proposed development will consist of a four-lot, low-density subdivision. Three single-family residences (Parcels A, C, and D) and associated improvements will be constructed. The fourth parcel (Parcel B) contains an existing residence. A retaining wall on the lot would be moved to accommodate the driveway to Parcels C and D, accessed via an extended driveway through Parcel B. Development rights for portions of Parcels A, C, and D will be granted to the City of Orinda.

Several remedial geologic schemes are proposed for the project. These include remedial grading to address landslides, high-tensile-strength spiral rope netting for open rock facing, a structural tieback wall, retaining walls, a dry-stack wall, and a stitch pier wall. As described in Section 6,

construction of the structural remediation alternatives would be completed and their performance verified prior to the transfer of Plan of Control responsibilities to the GHAD.

2.2 GHAD-MAINTAINED IMPROVEMENTS AND OPEN SPACE

As the private streets, stormwater treatment features, and related improvements within the GHAD Annexation Area are an amenity that benefits all of the property owners within Subdivision MNS 2015-001, the GHAD funding of the maintenance of these improvements will be shared by all current and future owners of residential parcels within the GHAD Annexation Area.

The GHAD is charged with responsibilities that relate to the prevention, mitigation, abatement, or control of geologic hazards, which include the maintenance of drainage facilities and associated improvements. This will include the monitoring and maintenance of drainage facilities identified in the Stormwater Facilities Operation and Maintenance Plan for 88 Sunnyside Lane dated May 27, 2021 (Reference 4) that, if subject to improper care, could result in decreased slope stability, a primary concern of the GHAD. In addition, the GHAD will mitigate or abate landslide or erosion hazards that could directly affect improved, developed, and accepted properties (as defined in Section 6) within the GHAD Annexation Area in accordance with Section 5.

3.0 SITE GEOLOGY

3.1 GEOLOGIC SETTING

Peters & Ross characterized the site geology and geologic hazards in previous reports covering the GHAD Annexation Area (Peters and Ross, 2019). Portions of the site were previously graded in 1977 in the vicinity of the existing home on Parcel B. A southeast-draining canyon located south of the existing house was backfilled with the excavation materials generated from lowering the natural hilltop to create a level building pad. Portions of the site graded in the past resulted in bedrock cut areas along the prominent ridgelines, scattered isolated pockets of artificial fill, the construction of a long access roadway, the repair of two past slope failures, and placement of a large canyon fill. There are also mapped landslides within and adjacent to the site (Peters and Ross, 2019).

Two notable mudflows reportedly occurred within the site during the heavy winter rain storms of 1981-1982. These were located on the northwest-facing slope supporting the cul-de-sac north of the existing house and on the west-facing slope below the access roadway west of the existing house (Peters and Ross, 2019).

According to published geologic maps, the site and surrounding hills are underlain by predominately marine sandstone of Miocene age. The sandstone bedrock has been variously assigned to the Briones Formation, the Monterey Formation, and the Neroly Formation (Peters and Ross, 2019). Published landslide maps by both the California Geological Survey and the U.S. Geological Survey have identified several landslides along the flanks of the various ridgelines within and adjacent to the property boundaries. Unpublished landslide maps commissioned specifically for the City of Orinda also identify several landslides and associated thick colluvial soil within and adjacent to the site. The entire property is classified as being most susceptible to landslide hazards by the California Geological Survey due to generally rugged terrain and steep slopes (Peters and Ross, 2019).

The slopes are blanketed with Holocene soil and thicker colluvial deposits prone to debris flows, and several landslides have been mapped along the slopes within and near the property. The natural landscape with the site vicinity was initially modified by agricultural practices and more recently by residential development and associated grading (Peters and Ross, 2019).

4.0 GEOLOGIC HAZARDS

The following geologic hazards were identified for the GHAD Annexation Area in the referenced geotechnical exploration reports and are expected to remain to some extent after site grading has been completed.

- Slope instability
- Seismically induced ground shaking
- Expansive near-surface soil
- Artificial fill

4.1 SLOPE INSTABILITY

Earth stability is the GHAD's primary geotechnical concern within the GHAD Annexation Area. This is not unique to this GHAD Annexation Area, but is of importance for hillside projects in the San Francisco Bay Area. This section describes several types of slope instability that are within the GHAD's responsibility, subject to the provisions of Sections 6 and 7.

In the referenced geotechnical exploration report (Peters and Ross, 2019), several landslides are mapped throughout the GHAD Annexation Area (Table 4.1 and Figure 1).

TABLE 4.1: Identified Landslides and Recommended Mitigation (Peters and Ross, 2019)

IDENTIFIED LANDSLIDES	APPROXIMATE THICKNESS	PARCELS IMPACTED	RECOMMENDED MITIGATION
Landslide 1	Estimated <5 feet	None	None
Landslide 2	Upper portion determined to be 6 feet in Borings B-3 and B-11, and lower portion determined to be 16 feet in Boring B-5	Parcel C	Remove upper portion of landslide and restore slope
Landslide 3	Estimated <5 feet within site	None	None
Landslide 4	Estimated <5 feet within site	None	None
1982 Landslide Repair A	Determined to be 7 feet near the top of slope in Boring B-8	Parcel B	Construct stitch pier wall
1982 Landslide Repair B	Determined to be 5 to 8 feet near the top of slope in Borings B-1 and B-2	Parcel B and access to Parcels C and D	Install rows of pin piers at lower bench and at toe of fill slope

Proposed Stabilization Improvements within the GHAD Annexation Area are designed to mitigate the effects of the earth movement on the Site Improvements. As described in Section 6, construction of the structural remediation alternatives would be completed and their performance verified prior to the transfer of Plan of Control responsibilities to the GHAD.

Landslides are a common geologic phenomenon and are part of the process of mass wasting. Weathered or fractured bedrock and soil are transported downslope over geologic time as a result of gravitational and hydrostatic forces. A landslide is a deposit of soil and/or bedrock moving

downward from its original position under the influence of gravity. Landslides include a variety of morphologies and are further defined by type of materials, wetness, and mode of movement. They can consist of mass movements of earth materials that are primarily intact and occur along discrete shear surfaces. These surfaces (shear or slip planes) can be rotational (conchoidal or concave), such as for earth slumps, or planar, as for translational earth slide or bedrock block slides. Most landslides are truly “complex landslides,” sliding, falling, and flowing with more than one type of movement and/or material.

Falls are an abrupt free-fall of earth materials off cliffs, steep cuts, or steep stream banks, while earthflows are mass movements of earth materials in which flowing is the type of movement. When composed of soil finer than gravel size, the flowing material is commonly called a mudflow. A debris flow/debris avalanche consists of natural earth materials, artificial fill, and/or organic debris, which flow downslope with speed. Most of the material is transported away from the area of initial ground failure.

Slope failures are also often triggered by increased pore water pressure due to the infiltration of rainwater. The resulting decrease of shear resistance (internal resistance to deformation by shearing) can cause the slope to move. The level of groundwater table varies with the amount of rainfall for the area. If rainfall is higher than average during the winter season, the water table will become higher than average on a hillslope and groundwater pressures may become sufficiently high to initiate slope movement.

Landslides located within open-space areas are natural landforms that do not require mitigation except where they affect man-made improvements. Debris catchment areas are the principal mitigation method used within the GHAD for areas between potentially unstable slopes and improvements. The debris catchment structures include debris benches, debris berms, and runout areas. GHAD maintenance of the areas will be critical to maintain adequate protection for the Site Improvements.

Soil creep is the slow, often imperceptible, deformation of slope materials under low stress levels, which normally affects the shallow portion of the slopes, but can be deep seated where a weak zone of soil or bedrock exists. It results from gravitational and seepage forces and may be indicative of conditions favorable for landsliding. Creep can be caused by wetting and drying of clays, by solution and crystallization of salts, by the growth of roots, by burrowing animals, and by downslope movement of saturated ground. Colluvium refers to the mantle of loose soil and weathered bedrock debris that progresses down hillsides by creep.

The GHAD shall also be concerned with erosion and sedimentation in the GHAD Annexation Area or affecting developed lots or improvements. Erosion is defined as the process by which earth materials are loosened and removed by running water on the ground surface or in subsurface soil. Sedimentation is the depositing or settling of soil or rock particles from a state of suspension in a liquid.

Hilly terrain open space, either in a natural condition or particularly on excavated slopes, can be subject to erosion. Landslide deposits, which are sometimes in a loosened condition, are particularly prone to erosion. Earth-flow-, debris-flow- and mud-flow-type landslides typically have an area of deposition or accumulation (sedimentation area) at their base. Graded slopes in the GHAD Annexation Area can be subject to erosion and, therefore, a source of transported sediment.

4.1.1 Seismically Induced Ground Shaking

An earthquake of moderate to high magnitude generated within the San Francisco Bay Region could cause considerable ground shaking within the GHAD Annexation Area, similar to that which has occurred in the past. To mitigate the shaking effects, all structures should be designed using sound engineering judgment and the latest building code requirements, as a minimum.

4.1.2 Expansive Near-Surface Soil

Fine-grained, near-surface soil within the GHAD Annexation Area could exhibit a moderate to high potential for expansion. Expansive soil shrinks and swells as a result of moisture changes. This can cause heaving and cracking of slabs-on-grade, pavements, and structures founded on shallow foundations. The potential for expansive soil has been identified in the geotechnical report for the GHAD Annexation Area and typical methods available to reduce the adverse effects of expansive soil included:

- Removing expansive soil.
- Replacing expansive soil with non-expansive engineered fill.
- Deepening foundations to develop support below the zone of significant seasonal moisture change.
- Designing foundation/slab systems to resist uplift pressures by swelling soil.
- Providing drainage and landscaping improvements adjacent to slabs and foundations to provide efficient runoff during the rainy season and provide occasional sprinkling during the summer.

Shrink and swell of expansive soil on slopes are a portion of the mechanism of creep movement, which can result in shallow slope instability. Within the GHAD Annexation Area, slope instability caused by expansive soil creep will be addressed by the GHAD, subject to the exceptions in Section 5.

5.0 CRITERIA FOR GHAD RESPONSIBILITY

In forming the GHAD and establishing the assessment levels and budgets for GHAD Activities (as defined in Section 7 below) within the GHAD Annexation Area, it is important to clearly define the limits of the GHAD's responsibilities. The GHAD will accept responsibility for property as described in Section 6 of this Plan of Control; however, the intent of this Plan of Control is not to extend the GHAD's responsibilities to every potential situation of instability; rather, the following are exclusions from GHAD responsibility.

5.1 ISOLATED OR REMOTE FEATURE REQUIRING MITIGATION

The GHAD shall not have responsibility to monitor, abate, mitigate, or control slope instability that does not involve significant damage to or pose a significant threat to damage Site Improvements. As used herein, the term "Site Improvements" means buildings, private roads, sidewalks, utilities, swimming pools, tennis courts, gazebos, cabanas, geologic stabilization features, or similar improvements.

5.2 SINGLE PROPERTY

The GHAD may, in the GHAD Manager's sole discretion, decline to prevent, mitigate, abate, or control geologic hazards which are limited in area to a single parcel of property unless the geologic hazard has significantly damaged or poses a significant threat of damage to Site Improvements located on other property within the GHAD Annexation Area.

5.3 GEOLOGIC HAZARDS RESULTING FROM NEGLIGENCE OF PROPERTY OWNER

The GHAD may, in the GHAD Manager's sole discretion, decline to prevent, mitigate, abate, or control geologic hazards which occurred or resulted from any negligence of the homeowner and/or the homeowner's contractors, agents, or employees in developing, investigating, grading, constructing, maintaining, or performing or not performing any post-development work on the subject property as long as the geologic hazard is limited to a single lot, pursuant to the single-property exclusion noted above. If the GHAD bears expense as the result of negligence described in this section, the GHAD may pursue reimbursement from the negligent parties.

5.4 PROPERTY NOT ACCEPTED

The GHAD shall not have responsibility to repair damage on a parcel of real property, which the GHAD has not accepted in accordance with Section 6 below. The GHAD, however, may monitor, abate, mitigate, or control geologic or hydrogeologic hazards on a parcel of real property which the GHAD has not accepted in accordance with Section 6 and is not excluded from GHAD responsibility by Sections 5.1, 5.2, and 5.3, provided, however, that GHAD responsibility on such parcel shall be limited to the extent necessary to address significant damage to or a significant threat of damage to Site Improvements which are within a parcel of real property which the GHAD has accepted in accordance with Section 6. Should the GHAD be required to respond to a geologic hazard outside the GHAD Annexation Area, the GHAD may take such actions as may be appropriate to recover costs incurred as a result of preventing, mitigating, abating, or controlling such geologic hazard from the responsible party, if any.

5.5 GEOLOGIC HAZARD WHICH REQUIRES EXPENDITURE IN AMOUNT EXCEEDING THE VALUE OF THE THREATENED OR DAMAGED IMPROVEMENT

The GHAD may elect not to prevent, mitigate, abate, or control a geologic hazard where, in the GHAD Manager's sole discretion, the anticipated expenditure required to be funded by the GHAD to prevent, mitigate, abate, or control the geologic hazard will exceed the value of the structure(s) and Site Improvement(s) threatened with damage or loss.

5.6 GHAD FUNDING OR REIMBURSEMENT FOR DAMAGED OR DESTROYED STRUCTURES OR SITE IMPROVEMENTS

In the event a residence or any other structure, Site Improvement, or landscaping is damaged or destroyed due to, or as a result of, a geologic hazard, the GHAD may fund or reimburse the property owner for the expenses necessary to repair or replace the damaged or destroyed structure, Site Improvement or landscaping. Unless authorized by the Board of Directors, the dollar amount of the GHAD funding or reimbursement may not exceed ten percent (10%) of the costs incurred by the GHAD in preventing, mitigating, abating, or controlling the geologic hazard

responsible for the damage¹. In the event the geologic hazard damaged or destroyed a structure, Site Improvement, or landscaping which violated any provisions of the applicable Building Code or Ordinance Code at the time of its installation or improvement, the GHAD may decline to provide any funding or reimbursement to the property owner for repair or replacement of the damaged structure, Site Improvement, or landscaping.

5.7 NO REIMBURSEMENT OF EXPENSES INCURRED BY PROPERTY OWNERS

The GHAD will not be obligated to reimburse a property owner for expenses incurred for the prevention, mitigation, abatement, or control of a geologic hazard absent a written agreement between the property owner and the GHAD to that effect, which agreement has been executed prior to the property owner incurring said expenses and following an exploration conducted by the GHAD.

5.8 RECONSIDERATION AND APPEAL PROCEDURES

A homeowner directly affected by a decision of the GHAD Manager ("GHAD Manager Decision") may request reconsideration of that decision through the following procedures. The homeowner shall, within thirty (30) days from the date of a written GHAD Manager Decision, file a written request with the GHAD Manager, specifying the grounds for reconsideration, and the relief sought, including the owner's special interest and injury. Within fifteen (15) days of receipt of the homeowner's written request for reconsideration, the GHAD Manager shall reconsider its decision and shall provide a copy of its written decision to the homeowner ("GHAD Manager Reconsideration Decision"). The homeowner may appeal the GHAD Manager Reconsideration Decision to the Board of Directors. This appeal must be filed with the GHAD Manager within fifteen (15) days from the date of the GHAD Manager Reconsideration Decision. The appeal must include the specific grounds for the appeal and the homeowner's requested relief on a form provided by the GHAD Manager. The Board will make the final decision on the appeal. The GHAD Manager will proceed based on the decision of the Board of Directors.

6.0 ACCEPTANCE

6.1 ACTIVATION OF ASSESSMENT

An annual assessment should be authorized on all residential parcels within the Project as shown on Appendix B, Exhibit B which will generate funding for the GHAD Activities. The assessment shall be levied by the GHAD on each individual parcel beginning the first fiscal year following issuance of a building permit for that parcel.

6.2 RESPONSIBILITY FOR GHAD ACTIVITIES

Diamond Construction Inc. (Developer) currently owns all the parcels within the GHAD Annexation Area. Such responsibility shall be eligible for transfer to the GHAD at 9:00 a.m. on the day exactly three years after the first residential building permit is issued by the City of Orinda ("Transfer Eligibility Date"). The period between the levying of the GHAD assessment and the

¹ For example, if a landslide causes \$10,000 in structural damage to each one of four neighboring homes for a total of \$40,000 in structural damage and it costs the GHAD \$100,000 to design and install a new retaining wall to abate the slide, the GHAD may only reimburse each property owner \$2,500 of their \$10,000 in structural damage.

GHAD accepting maintenance responsibility of the GHAD activities as defined in Section 7 below will allow the District to accumulate reserve funds without incurring significant expenses.

6.3 PROCESS FOR TRANSFERRING RESPONSIBILITY FOR GHAD ACTIVITIES

After the Transfer Eligibility Date for one or both of the GHAD Parcels, the process for transferring responsibility for performing GHAD Activities on such Parcel(s) shall be as follows.

1. Up to one year in advance of the Transfer Eligibility Date or in any subsequent year, at its discretion, the Developer may apply to the GHAD ("Transfer Application") to transfer the responsibility for performing GHAD Activities (as such term is defined in Section 7 herein below) for such Parcel(s) to the District.
2. Within 30 days of receiving such Transfer Application, the GHAD Manager shall verify that all the facilities for which the GHAD will have maintenance responsibility have been approved, constructed and maintained according to the City of Orinda-approved plans and specifications for the individual improvements, and that such improvements are operational and in good working order.
3. Within 15 days of such inspection, the GHAD will send the Developer a list ("Punch list") of all of the items that need to be constructed, repaired, or otherwise modified in order to comply with the City of Orinda-approved plans and specifications.
4. The Developer shall notify the GHAD Manager when it has completed the items identified on the Punch list. Within 30 days of receipt of such notice, the GHAD Manager shall verify that all Punch list items have been completed and notify the Developer that the District accepts responsibility for performing all future GHAD activities on such Parcel(s).
5. The GHAD Manager shall confirm that the reserve requirement defined in the Engineer's Report approved by the GHAD Board has been met. The Engineer's Report is the document that establishes the individual property owners' GHAD assessment limit based on the projected expenses (budget) of the GHAD.
6. Prior to the GHAD accepting any responsibility for GHAD Activities, the Developer shall record a Declaration of Restrictive Covenants, Right of Entry and Disclosures Regarding Geologic Hazard Abatement District ("Declaration") as approved by the GHAD Manager and GHAD Attorney.
7. Any monies owed to the GHAD by the Developer have been paid.

As part of the transfer, the Developer of the GHAD Parcel(s) to be transferred will provide the GHAD, for its use, copies of the applicable geotechnical exploration reports, as-built grading plans, as-built corrective grading plans, as-built improvement plans, as-built subdrain plans, or other pertinent documents as requested by the GHAD.

The GHAD is not responsible for maintaining the GHAD parcels or any GHAD Activities as defined in Section 7 until it accepts such responsibilities pursuant to this section. Diamond Construction, Inc. will remain responsible for all GHAD activities until the GHAD accepts responsibility pursuant to this section.

7.0 GHAD MONITORING, MAINTENANCE AND REPAIR RESPONSIBILITIES

Several entities shall have ownership and maintenance duties of common space within the GHAD Annexation Area. The GHAD will assume monitoring and maintenance responsibilities for the following site facilities, improvements, and activities (“GHAD Activities”).

- Monitoring, maintenance, and repair of the concrete-lined drainage ditches, subdrain outlets, and risers.
- Monitoring and maintenance of measurement devices, such as piezometers, inclinometers, and tiltmeters, if any.
- Monitoring, maintenance, and repair of slopes for erosion, landslide, and related slope instability.
- Maintenance of stormwater flow-through planter and bioretention planter BMPs in accordance with the approved Stormwater Facilities Operation and Maintenance Plan.
- Debris benches, stitch piers, and or catchment structures including Geobrug Spider S3-130 system.
- Storm drain inlets, outfalls, and pipelines.
- Maintenance of retaining walls, and earth-stabilizing structures/features identified on Figure 1.

7.1 GEOTECHNICAL TECHNIQUES FOR MITIGATION OF LANDSLIDE AND EROSION HAZARDS

The techniques that may be employed by the GHAD to prevent, mitigate, abate, or control geologic hazards include, but are not limited to, the following.

- Removal of the unstable earth mass.
- Stabilization (either partial or total) of the landslide by removal and replacement with compacted, drained fill.
- Construction of structures to retain or divert landslide material or sediment.
- Construction of erosion control devices such as gabions, riprap, geotextiles, or lined ditches.
- Placement of drained engineered buttress fill.
- Placement of subsurface drainage devices (e.g., underdrains or horizontal drilled drains).
- Slope correction (e.g., gradient change, biotechnical stabilization, slope trimming or contouring).
- Construction of additional surface ditches and/or detention basins, silt fences, sediment traps, or backfill or erosion channels.

Potential landslide and erosion hazards can often best be mitigated by controlling soil saturation and water runoff and by maintaining the surface and subsurface drainage systems.

7.2 SITE IMPROVEMENTS AND ALTERATIONS

Property owners within the GHAD are not allowed to alter GHAD-maintained site improvements. Additionally, site improvements or alterations to be undertaken by property owners within the GHAD that may impact GHAD-maintained site improvements must be reviewed and approved by GHAD staff and City of Orinda staff.

8.0 PRIORITY OF GHAD EXPENDITURES

The GHAD is responsible for responding to emergencies and completing scheduled repairs and maintenance. The GHAD's ability to respond, and the extent of the responsiveness, depends on the amount of the available funds and the parameters set forth in the GHAD Board-approved operating budget. The GHAD is financed through a real property assessment and this assessment cannot be increased without a favorable vote of the residents within the GHAD boundaries. When available funds are not sufficient to undertake all emergency and/or the identified remedial and preventive stabilization measures, the expenditures are to be prioritized as follows in descending order of priority.

- (A) Prevention, mitigation, abatement, or control of geologic hazards that have either significantly damaged or pose a significant threat of damage to residences, critical underground utilities, or paved streets.
- (B) Prevention, mitigation, abatement, or control of geologic hazards which have either significantly damaged or pose a significant threat of damage to ancillary structures, including but not limited to water quality facilities, pools, cabanas or restroom buildings.
- (C) Prevention, mitigation, abatement, or control of geologic hazards which have either significantly damaged or pose a significant threat of damage to open space amenities.
- (D) Prevention, mitigation, abatement, or control of geologic hazards which have either significantly damaged or pose a significant threat of damage limited to loss of landscaping or other similar non-essential amenities.
- (E) Prevention, mitigation, abatement, or control of geologic hazards existing entirely on open-space property and which have neither significantly damaged nor pose a significant threat of damage to any Site Improvements.

In performing its duties as described above, the GHAD may seek funding or reimbursements from public and private entities or agencies including, but not limited to, FEMA, City and County agencies, insurance companies, etc.

9.0 MAINTENANCE AND MONITORING SCHEDULE

Geologic features and GHAD-maintained improvements defined in Section 7 shall be inspected by the GHAD Manager or its assigned consultants as presented below. The site inspections shall be undertaken at appropriate intervals as determined by the GHAD Manager using supporting documents prepared for the GHAD Annexation Area and the Site Improvements. The GHAD budget should provide for three or more inspections in years of heavy rainfall. Generally, the inspections should take place in October, prior to the first significant rainfall; mid-winter as necessary during heavy rainfall years; and in early April at the end of the rainy season. The frequency of the inspections should increase, depending upon the intensity and recurrence of rainfall. Stormwater-related maintenance and monitoring activities shall be performed in general

conformance with the project Stormwater Control Plan (Debolt Civil Engineering, Inc., 2021a) and the project Stormwater Operation and Maintenance Plan (Debolt Civil Engineering, Inc., 2021b).

The Developer shall provide to the GHAD copies of geologic or geotechnical exploration reports related to site development and the GHAD shall retain these reports in the records of the GHAD. In addition, copies of any earthwork-related testing and observation reports that will be finalized at the completion of grading, when as-built drawings are available, shall be provided to the GHAD by the Developer and maintained as part of the GHAD records.

Following are guidelines for a monitoring plan. The actual timing, scope, frequency and other details regarding such maintenance, inspection, and similar activities shall be at the discretion of the GHAD Manager.

- A State-licensed Professional Engineer and/or Professional Geologist should carry out a geologic reconnaissance of the slopes for indications of erosion or slope failures. Open space slope area monitoring would include observation of debris benches. The removal of accumulated debris from the bench, including rockfall material, should be undertaken in a manner that maintains the capacity of the bench to protect Site Improvements.
- A State-licensed Professional Engineer and/or Professional Geologist should carry out an inspection of lined surface ditches. Repairs and maintenance, as needed, should be undertaken, including removal of excess silt or sediment in ditches and patching or replacement of cracked or broken ditches, prior to the beginning of the next rainy season.
- Subsurface drain outlets and horizontal drilled drain outlets, if any, should be checked. Water flowing from these outlets should be measured and recorded during each inspection.
- Piezometers to measure groundwater levels, or instruments such as inclinometers or tiltmeters measuring potential slope instability should be monitored as recommended, if installed.
- Settlement monitoring devices, if any, should be measured periodically and tracked. In the event of anomalous readings or excessive settlement, the monitoring frequency should be increased.
- Inlets, outfalls, or trash racks, if used, must be kept free of debris and spillways maintained. Additionally, water detention facilities and water quality facilities should be inspected and maintained. It is anticipated that initially, at least once every two years, cleanup of vegetation and removal of silt would be in order. Attention should be given to plantings or other obstructions which may interfere with access by power equipment.
- Retaining walls should be inspected for evidence of distress, such as tilting and/or structural failure. Repairs and maintenance would be undertaken only in the event that the structural integrity of the wall has been compromised or if the wall distress poses a threat to the integrity of adjacent structures.
- An annual inspection shall be made by a State-licensed Professional Engineer and/or Certified Engineering Geologist to assess the effectiveness of the preventive maintenance program and to make recommendations as to which landslide or erosion measures should be undertaken in the next fiscal year. Any appropriate site-specific study of landslide or erosion conditions shall be determined at that time. Consultants, if necessary, will be retained to undertake the needed studies. An annual inspection report to the GHAD shall be prepared by the Professional Engineer and/or Certified Engineering Geologist.

10.0 OWNERSHIP AND MANAGEMENT

Ownership, funding sources and maintenance responsibilities shall be as shown on the following table.

TABLE 10.0-1: 88 Sunnyside Lane Long-Term Ownership and Management Matrix

FACILITY/FUNCTION	PARCEL/ IMPROVEMENT OWNERSHIP	IMPROVEMENT MAINTENANCE ENTITY	FUNDING
a. Single-family residential parcels (Excluding items listed below)	Private	Private	Private
b. Private roadways	Private	Private	Private
c. Common roadway	Private/HOA	HOA	HOA
d. Retaining walls, and earth-stabilizing structures/features	Private	GHAD	GHAD
e. Stormwater Management System	GHAD	GHAD	GHAD
Plan of Control - Geologic Hazard Abatement Responsibilities			
Post-Transfer Period			
Landslides, Slope Stability, and Erosion Control	Private	GHAD	GHAD Assessment
Concrete-lined Drainage Ditches	Private	GHAD	GHAD Assessment
Subdrains and Subdrain Outfalls	Private	GHAD	GHAD Assessment
Perimeter/Boundary Fencing	Private	HOA	HOA Assessment
Vegetation/Wildfire Management	Private	HOA	HOA Assessment
Stormwater Flow-Through Planters and Bioretention Planters	GHAD	GHAD	GHAD Assessment
Geotechnical Monitoring Instruments	Private	GHAD	GHAD Assessment

11.0 RIGHT-OF-ENTRY

The GHAD Board of Directors, officers, employees, consultants, contractors, agents, and representatives shall have the right to enter upon all lands within the GHAD Annexation Area as shown on Appendix C for the purpose of performing the GHAD Activities defined in this Plan of Control. Such GHAD Activities include, but are not limited to the inspection, maintenance and monitoring of those improvements listed in Section 7. Should the District need to access private residential lots to fulfill its duties under the Plan of Control, the District shall provide the affected landowner and/or resident with 72 hours advanced notice unless, in the reasonable judgment of the District, an emergency situation exists which makes immediate access necessary to protect the public health and safety, in which case no advanced notice is required, but the District shall inform the landowner and/or resident as soon as reasonably possible.

The foregoing right-of-entry provision shall be recorded in the chain of title for all Project residential parcels and common area lots, and it shall be included in all Covenants, Conditions and Restrictions (CC&Rs) and homebuyer disclosure statements prepared for parcels within the GHAD Annexation Area.

12.0 GLOSSARY

Development Area – General area of residences and associated improvements shown on Figure 1.

Engineer's Report – The document that establishes the individual property owners' GHAD assessment limit based on the projected expenses (budget) of the GHAD.

Geologic Hazard – An actual or threatened landslide, land subsidence, soil erosion, earthquake, fault movement, or any other natural or unnatural movement of land or earth as defined in GHAD Law, Public Resource Code Section 26507).

Geologic Hazard Abatement District (GHAD) Manager – An entity with a licensed Geotechnical Engineer and a Certified Engineering Geologist who will oversee the operations of the GHAD, including preparation of GHAD budgets. The GHAD Manager is appointed by and reports to the GHAD Board of Directors.

GHAD Annexation Area – The parcels included within the limits of the plat and legal description which is coterminous with the boundaries of MNS 2015-001.

GHAD Activities – Improvements and responsibilities listed in Section 7.0 of this Plan of Control.

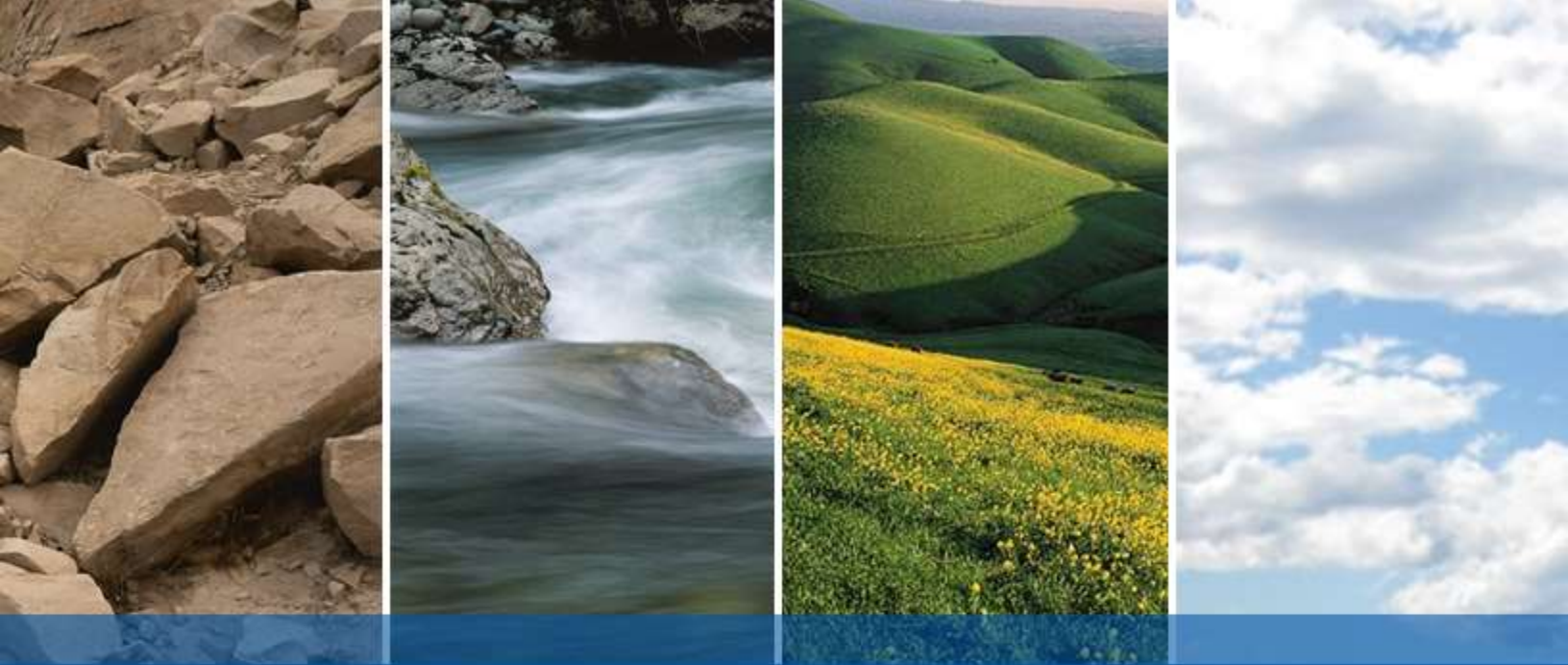
Site Improvements – Buildings, private roads, sidewalks, utilities, gazebos, cabanas, geologic stabilization features, or similar improvements.

Transfer Application – A document completed by the owner and submitted to the GHAD Manager to initiate the GHAD transfer process.

Transfer Eligibility Date – A date specified in the Plan of Control before which the Owner is responsible for all GHAD Plan of Control defined activities to allow for the accumulation of reserves prior to acceptance of GHAD-maintained responsibilities.

SELECTED REFERENCES

1. Orinda Planning Commission, Item 6A - 88 Sunnyside Lane: A minor subdivision of an existing 24-acre (approximately) parcel into 4 lots, APN 266-270-029, February 11, 2020.
2. DeBolt Civil Engineering, Inc., Improvement Plans for Subdivision MNS 2015-001, Orinda, Contra Costa County, California, May 21, 2021.
3. DeBolt Civil Engineering, Inc., Final Stormwater Control Plan for 88 Sunnyside Lane, Orinda, CA 94563, MNS 2015-001, March 12, 2021a.
4. DeBolt Civil Engineering, Inc., Stormwater Facilities Operation and Maintenance Plan for 88 Sunnyside Lane, MNS 2015-001, May 27, 2021b.
5. Michael Baker International, Initial Study/Mitigated Negative Declaration, City of Orinda, 88 Sunnyside Lane 4-Lot Residential Subdivision, Orinda, California, February 2017.
6. Peters & Ross, Geotechnical Investigation, 88 Sunnyside Lane, Orinda, California, Project No. 15178.001, January 28, 2019.

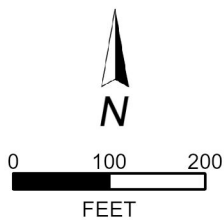
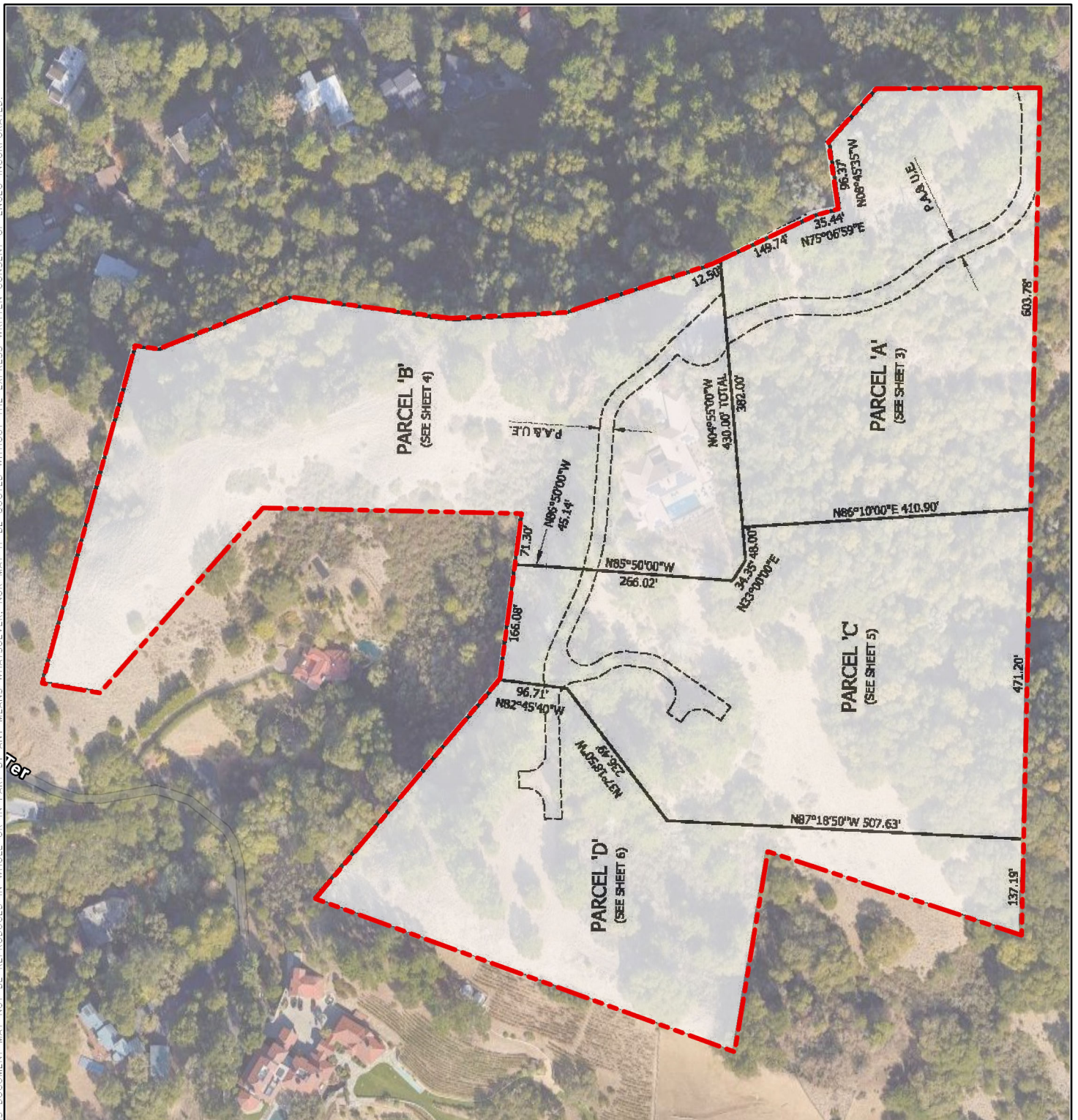


APPENDIX A

Figure 1: Site Plan (DeBolt Civil Engineering, 2021)

Figure 2: Site Geologic Map (Peters & Ross, 2019)

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EXPLANATION

ALL LOCATIONS ARE APPROXIMATE

 PROJECT SITE

BASEMAP SOURCE: DEBOLT CIVIL ENGINEERING 2020 AND GOOGLE EARTH MAPPING SERVICE 2021



SITE PLAN
88 SUNNYSIDE LANE- SUBDIVISION MNS 2015-001
ORINDA, CALIFORNIA

PROJECT NO. : 18929.000.001

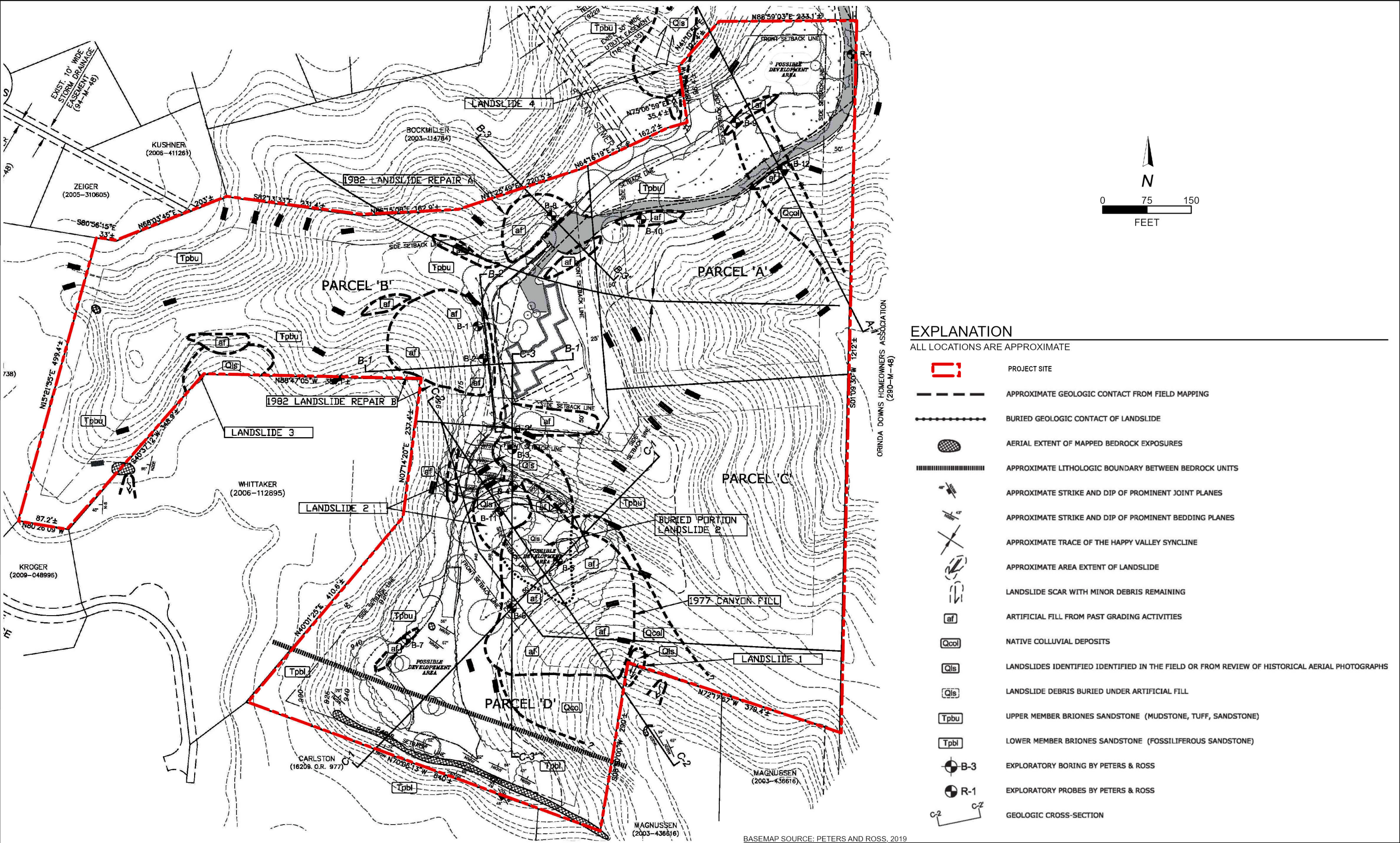
SCALE: AS SHOWN

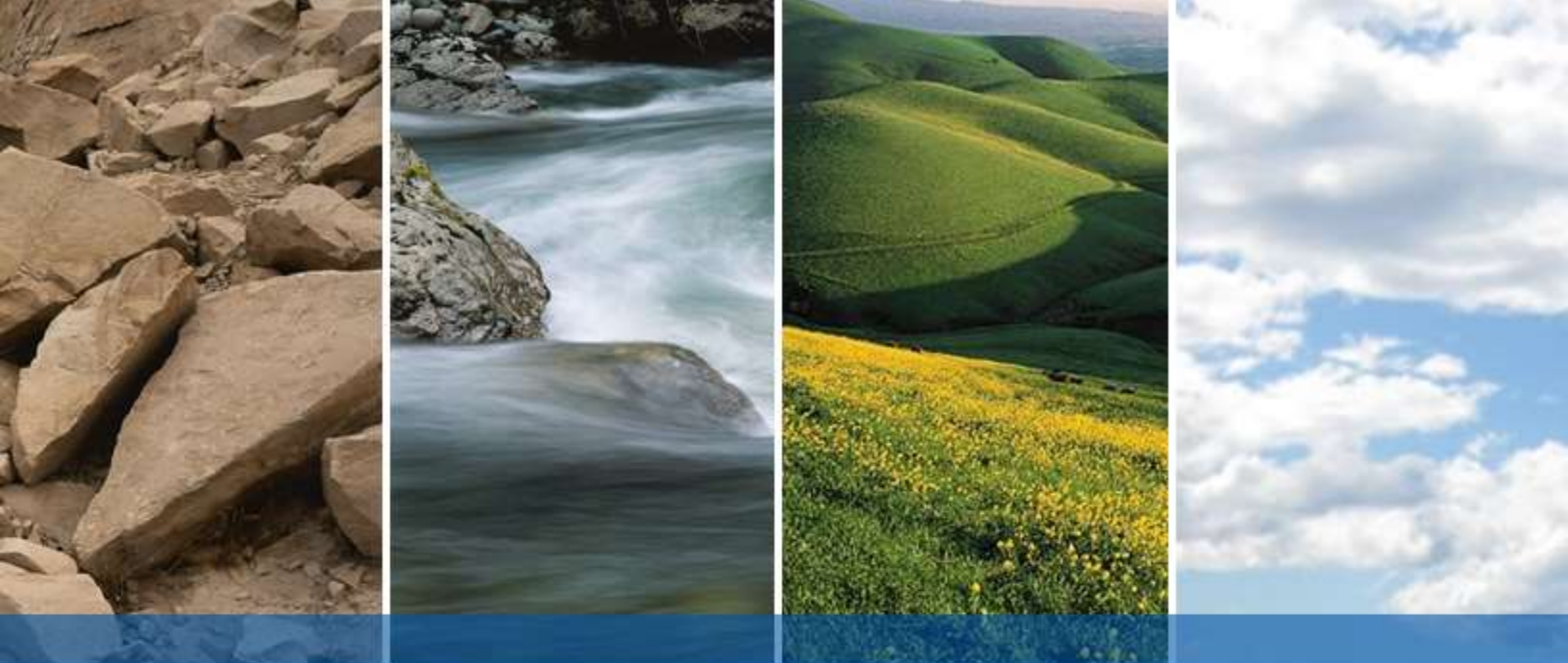
DRAWN BY: NLK

CHECKED BY: SPM

FIGURE NO.

1





APPENDIX B

EXHIBIT A
LEGAL DESCRIPTION
Geologic Hazard Abatement District, MNS 2015-001

EXHIBIT B
Plat to Accompany Legal Description

JOB NO. 20175

AUGUST 25, 2021

EXHIBIT "A"
LEGAL DESCRIPTION
GHAD ANNEXATION PARCEL

ALL THAT CERTAIN REAL PROPERTY IN THE CITY OF ORINDA, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

A PORTION OF PARCELS A AND B, AS SHOWN ON PARCEL MAP SUBDIVISION MS 63-84, FILED JUNE 26, 1985, BOOK 116 OF PARCEL MAPS AT PAGE 35, CONTRA COSTA COUNTY RECORDS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST NORTHEASTERN CORNER OF SAID PARCEL B;

THENCE LEAVING SAID POINT OF COMMENCEMENT ALONG THE EASTERN LINE OF SAID PARCEL B SOUTH 01° 09' 30" WEST 13.90 FEET TO THE TRUE POINT OF BEGINNING OF THE HEREIN DESCRIBED PARCEL OF LAND;

THENCE FROM SAID TRUE POINT OF BEGINNING ALONG THE EXTERIOR BOUNDARIES OF SAID PARCEL B THE FOLLOWING THIRTEEN (13) COURSES:

(1) CONTINUING ALONG SAID EASTERN LINE SOUTH 01° 09' 30" WEST 1212.17 FEET;

(2) NORTH 72° 17' 57" WEST 379.37 FEET;

(3) SOUTH 08° 50' 00" WEST 290.00 FEET;

(4) NORTH 70° 05' 13" WEST 640.00 FEET;

(5) NORTH 40° 01' 25" EAST 410.64 FEET;

(6) NORTH 07° 14' 20" EAST 237.38 FEET;

(7) NORTH 88° 47' 05" WEST 369.15 FEET;

(8) SOUTH 40° 37' 12" WEST 348.94 FEET;

(9) NORTH 80° 26' 09" WEST 87.20 FEET;

(10) NORTH 15° 21' 55" EAST 499.42 FEET;

(11) SOUTH 80° 56' 15" EAST 33.02 FEET;

(12) NORTH 68° 03' 45" EAST 203.00 FEET; AND

(13) SOUTH 82° 13' 33" EAST 182.88 FEET;

THENCE LEAVING SAID EXTERIOR BOUNDARIES OF SAID PARCEL B SOUTH 82° 13' 33" EAST 48.54 FEET;

THENCE NORTH 86° 15' 08" EAST 162.98 FEET;

THENCE NORTH 71° 25' 49" EAST 220.55 FEET;

THENCE NORTH 64° 16' 19" EAST 162.24 FEET;

THENCE NORTH 75° 06' 59" EAST 35.44 FEET;

THENCE NORTH 08° 45' 35" WEST 96.37 FEET TO AN ANGLE POINT IN THE NORTHWESTERN LINE OF SAID PARCEL B SAID ANGLE POINT BEING THE SOUTHWESTERLY TERMINUS OF THAT CERTAIN COURSE OF SAID NORTHWESTERN LINE SHOWN AS NORTH 41° 10' 50" EAST 143.44 FEET ON SAID PARCEL MAP (116 PM 35);

THENCE ALONG SAID NORTHWESTERN LINE NORTH 41° 10' 50" EAST 102.38 FEET;

THENCE LEAVING SAID NORTHWESTERN LINE NORTH 88° 59' 03" EAST 233.08 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 24.03 ACRES OF LAND, MORE OR LESS.





SUNNYSIDE LANE

P.O.C.

S01°09'30"W 13.90'
N88°59'03"E 233.08'

N41°10'50"E 102.38'
N08°45'35"W 96.37'

T.P.O.B.

N75°06'59"E 35.44'

PARCEL 'A'
MS 63-84
116-PM-36

N86°15'08"E 162.98'

S82°13'33"E 182.88'

N68°03'45"E 203.00'

N80°56'15"W 33.02'

N64°16'19"E 162.24'

N71°25'49"E 220.55'

PARCEL 'B'
MS 63-84
116-PM-36

ANNEXATION PARCEL
APN 260-270-029
(24.03± ACRES)

N15°21'55"E 499.42'

S40°37'12"W 348.94'

N80°26'09"W 87.20'

N88°47'05"W 369.15'

N07°14'20"E 237.38'

N40°01'25"E 410.64'

S08°50'00"W 290.00'

N70°05'13"W 640.00'

N72°17'57"W 379.37'

S01°09'30"W 1212.17'

EXHIBIT "B"
PLAT TO ACCOMPANY
LEGAL DESCRIPTION

GHAD ANNEXATION PARCEL



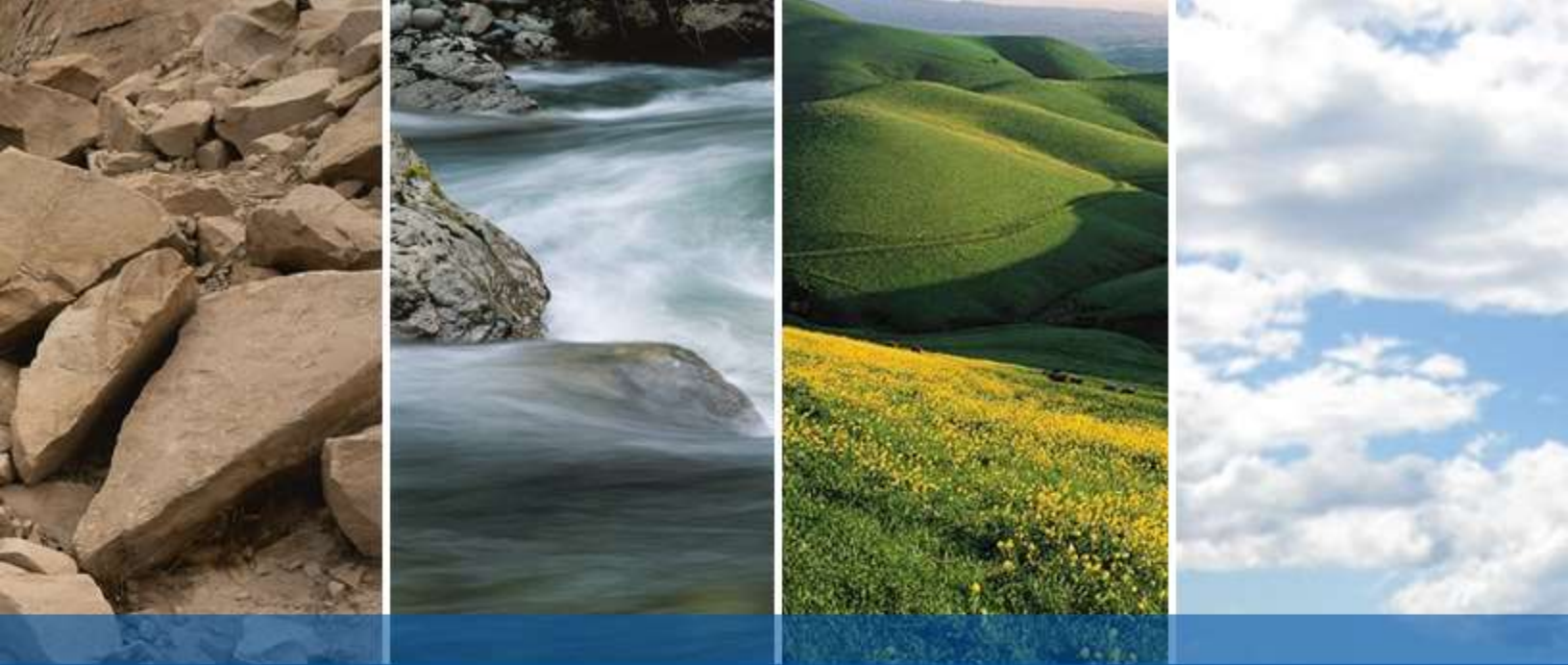
DEBOLT CIVIL ENGINEERING

45+

YEARS

811 SAN RAMON VALLEY BLVD #201
DANVILLE, CALIFORNIA 94526
(925) 837-3780 | DEBOLTCIVIL.COM

Date: 08/25/21
Scale: 1"=200'
By: EM
Job No.: 20175



APPENDIX C

**DECLARATION OF DISCLOSURES, RIGHT-OF-ENTRY AND
RESTRICTIVE COVENANTS REGARDING CITY OF ORINDA
GEOLOGIC HAZARD ABATEMENT DISTRICT**

RECORDING REQUESTED BY AND WHEN RECORDED RETURN TO:
Orinda Geologic Hazard Abatement District

Attn:

**DECLARATION OF DISCLOSURES, RIGHT OF ENTRY AND RESTRICTIVE COVENANTS
REGARDING ORINDA GEOLOGIC HAZARD ABATEMENT DISTRICT**

This Declaration of Disclosures, Right of Entry, and Restrictive Covenants Regarding Orinda Geologic Hazard Abatement District (the "Declaration") is made this _____ day of _____, 2021 (the "Effective Date"), by, Diamond Construction Inc. ("Declarant").

RECITALS

- A. Declarant is the owner of that certain real property located in the City of Orinda, County of Contra Costa, State of California, more particularly described as Subdivision MNS 2015-001, filed on _____ in Book of Parcel Maps, at pages __ through __, all in the Official Records of Contra Costa County, California (the "Property").
- B. The Declarant, as owner of the Property - Subdivision MNS 2015-001, ("GHAD Annexation Area") located in the City of Orinda submitted a Petition for Annexation to join the existing Orinda Geologic Hazard Abatement District ("GHAD").
- C. Under the authority of California Public Resources Code section 26500, et seq., on March 4, 2008, the Orinda City Council adopted Resolution No. 16-08 approving and forming the Orinda GHAD to prevent, mitigate, abate or control potential geologic hazards within the boundaries of the GHAD. On _____, 2021, the Orinda GHAD adopted Resolution No. __-21, approving annexation of the Property into the Orinda GHAD.

NOW, THEREFORE, Declarant, as the owner of the Property, for itself, its successors and assigns does hereby declare as follows:

- 1. Notification and Disclosure of Orinda GHAD: The Declarant hereby gives notice and discloses that the Property is a part of the Orinda GHAD. The Board of Directors of the Orinda GHAD are the members of the City of Orinda City Council. Pursuant to the Plan of Control for Annexation of the Property to Orinda GHAD as it may be amended from time to time (the "Plan of Control"), the Declarant and the Orinda GHAD are afforded certain responsibilities and rights relating to the prevention, mitigation, abatement, and control of potential geologic hazards on the Property. The powers of the Orinda GHAD include the power to assess lot owners within the GHAD Annexation Area for the purposes set out in the Plan of Control. An assessment was authorized by the Orinda GHAD to be imposed on the GHAD Annexation Area pursuant to adopted Resolution No. __-21.
- 2. Right of Entry: The Declarant by executing and recording this Declaration hereby contractually affords Orinda GHAD, its officials, employees, contractors and agents an irrevocable right of entry with continuing and perpetual access to and across the Property for the purposes and responsibilities set out in the Plan of Control ("Access Rights"). Should the Orinda GHAD need to access private residential lots to fulfill its duties under the Plan of Control, the Orinda GHAD shall provide the affected landowner and/or resident with 72 hours advanced notice unless, in

the reasonable judgment of the GHAD Manager, an emergency situation exists which makes immediate access necessary to protect the public health and safety, in which case no advanced notice is required, but the Orinda GHAD shall inform the landowner and/or resident as soon as reasonably possible. The Declarant hereby gives notice that the GHAD will acquire Access Rights immediately upon the execution of this Declaration. The GHAD, in its sole discretion, may elect not to exercise Access Rights until it accepts its maintenance responsibilities consistent with the Plan of Control.

3. GHAD Easement: For those properties within the GHAD Annexation Area the Declarant hereby grants the Orinda GHAD a perpetual easement for the purposes and responsibilities set out in the Plan of Control and for maintaining certain site improvements as depicted in Exhibit B, and legally described in Exhibit A attached hereto, (the "GHAD Easement"). Such activities include, but are not limited to: (a) the inspection, maintenance, monitoring, and replacement of site improvements including, drainage ditches, storm drains, outfalls, and pipelines; (b) the monitoring, maintenance, and repair of slopes, including repaired or partially repaired landslides; and (c) the management of erosion and geologic hazards within the open space areas shown in the Plan of Control. The GHAD Easement shall become effective upon acceptance by the Orinda GHAD of its responsibilities and rights, the process by which is articulated in the Plan of Control. The Orinda GHAD has no maintenance responsibilities whatsoever to the Declarant or Property until and unless the Orinda GHAD accepts such responsibilities consistent with the Plan of Control.
4. Covenants Running with the Land: The Property shall be held, conveyed, hypothecated, encumbered, sold, leased, used, improved, and maintained subject to the limitations, covenants, conditions, restrictions, easements, rights of entry, and equitable servitude set forth in this Declaration, which are in furtherance of Declarant's plan for the uniform improvement and operation of the Property. All of the limitations, covenants, conditions, restrictions, easements, rights of entry, and equitable servitudes set out in this Declaration shall both benefit and burden the Property and shall run with and be binding upon and inure to the benefit of the Property and each parcel therein, and shall be binding upon and inure to the benefit of each owner, and every person having or acquiring any right, title or interest in and to all or any portion of the Property and their successors and assigns. Upon Declarant's conveyance of fee title to the Property, or any portion thereof, Declarant shall be released from any further liability or obligation hereunder related to the portion of the Property so conveyed, and the grantee of such conveyance shall be deemed to be the "Declarant," with all rights and obligations related thereto, with respect to that portion of the Property conveyed.
5. Hold Harmless: Declarant, or its successors and assigns, shall hold harmless, protect, and indemnify Orinda GHAD and its directors, officers, employees, agents, contractors, and representatives and the heirs, personal representatives, successors and assigns of each of them (collectively, "Orinda GHAD Indemnified Parties") from and against any and all liabilities, penalties, costs, losses, damages, expenses (including, without limitation, reasonable attorneys' fees and experts' fees), causes of action, claims, demands, orders, liens, or judgments (each a "Claim" and, collectively, "Claims"): (1) for injury to or the death of any person, or physical damage to any property, related to or occurring on or about the GHAD Easement to the extent arising from the negligence or intentional misconduct of Declarant, its employees, agents or contractors; or (2) related the existence of the GHAD Easement, exclusive of any Claims brought by Declarant.
6. Enforcement: The Orinda GHAD shall have the right but not the obligation to enforce the provisions of this Declaration.

7. Modification or Termination: This Declaration shall not be modified, amended, or terminated without the written consent of the Orinda GHAD.

Executed as of the Effective Date.

Declarant:

Diamond Construction Inc.

By: _____

Its: _____

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed to the Orinda Geologic Hazard Abatement District by the foregoing document titled "Declaration of Disclosures, Right of Entry and Restrictive Covenants", which is dated _____, 20____ and executed by _____, is hereby accepted by the undersigned pursuant to authority conferred by Resolution No. ____-____, dated _____, 20____. The City of Orinda, as grantee, consents to recordation of said "Declaration of Disclosures, Right of Entry and Restrictive Covenants".

Orinda GHAD Manager

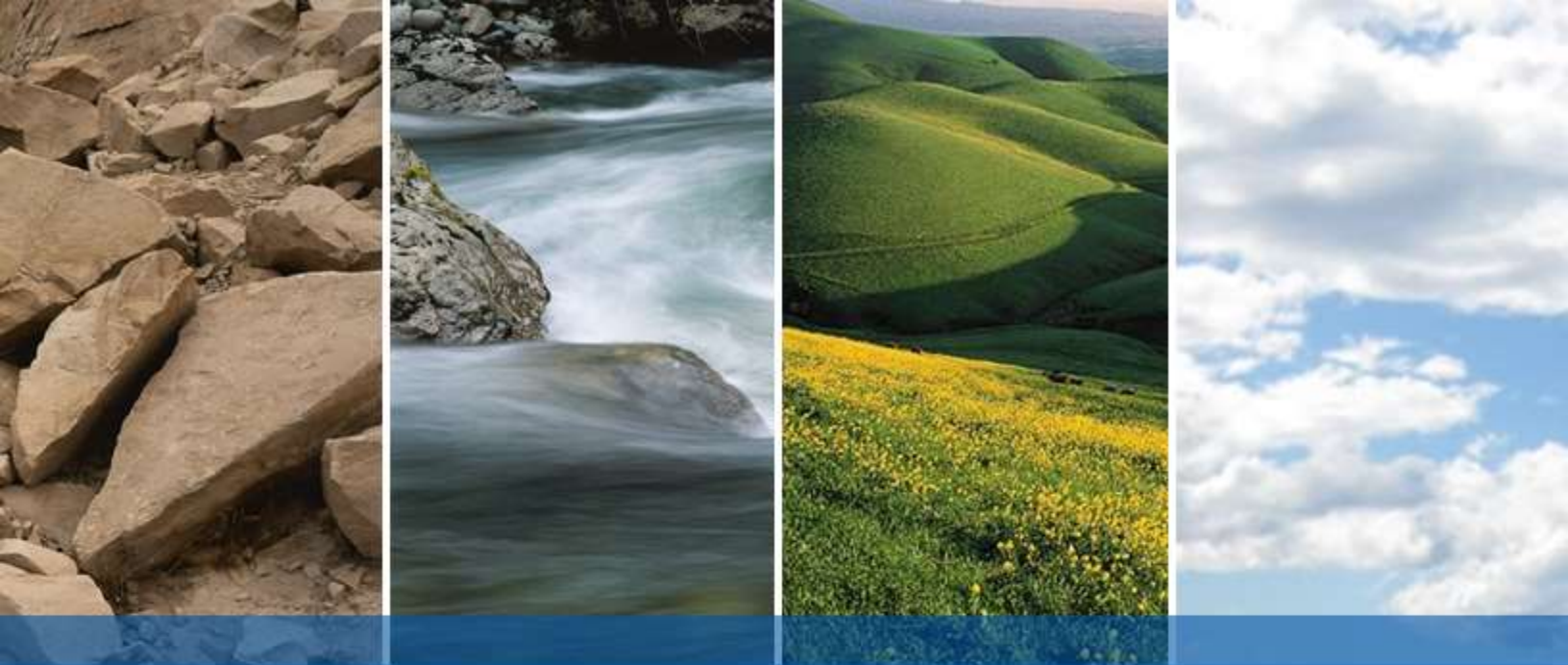
Date:

Attest:

Orinda GHAD Clerk

Approved as to form:

Orinda GHAD Attorney



APPENDIX D

SAMPLE TRANSFER APPLICATION FORM

**TRANSFER APPLICATION, ORINDA GEOLOGIC HAZARD ABATEMENT
DISTRICT (GHAD)
88 SUNNYSIDE LANE PROJECT - SUBDIVISION MNS 2015-001**

Orinda Geologic Hazard Abatement District Board of Directors
c/o Orinda GHAD Manager
ENGEO Incorporated
2010 Crow Canyon Place, Suite 250
San Ramon, CA 94583

As of _____, 20__, Diamond Construction Inc. ("Diamond") is submitting an application for transfer of GHAD activities as provided in Section 6.3 of the Plan of Control for 88 Sunnyside Lane Project dated _____, 2021. As specified in Section 6.3, Diamond is submitting this Transfer Application to initiate the transfer of responsibility for performing GHAD activities for the listed parcels to the District. Within 30 days of the submittal of the Transmittal Application, the GHAD will monitor the listed parcels and verify that the facilities that the GHAD will have maintenance responsibility have been constructed and maintained in accordance with the conditions in Section 6.3 of the Plan of Control. Within 15 days of inspection, the GHAD will send Diamond a punch list of all items that need to be constructed, repaired, or otherwise modified in compliance with the plans and specifications. Diamond will notify the GHAD upon completion of the punch list items. Within 30 days of receipt of such notice, the GHAD shall verify that all punch list items have been completed and notify Diamond. GHAD staff will then bring a resolution before the Orinda GHAD Board of Directors for their consideration approving GHAD responsibility for performing all future GHAD activities on the parcel(s).

We submit the following parcels for the transfer of GHAD activities as provided in the 88 Sunnyside Lane Project Plan of Control to the Orinda GHAD:

Lot Number	Address	Assessor's Parcel Number

Each party is to submit a copy of this application to the other party upon completion of the steps listed below.

GHAD receipt of Transfer Application: Initial of GHAD representative: _____ Date: _____

Diamond receipt of punch list from GHAD: Initial of _____ representative: _____ Date: _____

GHAD receipt of notice of completion of punch list items: Initial of GHAD representative: _____ Date: _____

