



OAKLAND AREA GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD)

PLAN OF CONTROL OAK KNOLL DEVELOPMENT ANNEXATION

SUBMITTED TO

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PREPARED BY

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PROJECT NO.

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EXHIBIT D – Declaration of Restrictive Covenants, Right of Entry, and Disclosures

1.0 AUTHORITY AND SCOPE

Under Condition of Approval No. 51 for Subdivision 8320 ("Oak Knoll Project"), the City of Oakland has required annexation of the Oak Knoll Project into the existing Oakland Area Geologic Hazard Abatement District ("Oakland Area GHAD"). To satisfy this requirement, the developer of the Oak Knoll Project is petitioning the Board of Directors of the Oakland Area GHAD to annex Oak Knoll Project into the existing Oakland Area GHAD.

State law allows a geologic hazard abatement district ("GHAD") 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, the Oakland Area GHAD was formed on July 18, 2006, when the Oakland City Council adopted Resolution No. 80058, thereby putting into place a mechanism to respond to emergencies in preventing and/or responding to geologic hazards. The members of the Oakland City Council serve as the Board of Directors of the Oakland Area GHAD ("Board of Directors").

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.

Section 26509 of the Public Resources Code requires a Plan of Control, prepared by a State-Certified Engineering Geologist, to be attached to a petition for annexation. 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 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 Oak Knoll Project 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

A description of the properties within Oak Knoll Project to be included within the Oakland Area GHAD is shown graphically on Exhibit A and described in Exhibit B ("GHAD Annexation Area"). Maintenance responsibilities for the individual parcels within the GHAD Annexation Area are shown on Figure 1.

2.0 BACKGROUND

2.1 OAK KNOLL PROJECT

The Oak Knoll Project property is located on the east side of Mountain Boulevard, north of Sequoyah Road, and south of Keller Avenue in Oakland, California. The Oak Knoll Project was approved for 349 detached single-family residences, 569 condominium units, a community center, and a retail center.

2.2 GHAD-MAINTAINED IMPROVEMENTS AND OPEN SPACE

Title for select parcels within the GHAD Annexation Area (collectively, the “GHAD-owned Parcels”) as summarized in Table 10.0-1 is proposed to be conveyed to the GHAD as provided in Sections 6.3 and 6.4 below. As the open space within and immediately adjacent to the GHAD Annexation Area is an amenity that benefits all of the property owners within the GHAD Annexation Area, GHAD funding of the maintenance of the open space will be shared by all current and future owners of residential parcels within the GHAD Annexation Area. The proposed GHAD-owned Parcels are approximately 69.1 acres in area.

Within the GHAD-owned Parcels, the GHAD will assume responsibilities that relate to its position as a GHAD and as a responsible landowner. 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. Improper maintenance of drainage facilities could result in decreased slope stability, a primary concern of the GHAD. The drainage facilities include concrete-lined drainage ditches and open-space storm drain facilities.

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. The GHAD will also perform maintenance of select stormwater control facilities and assume other peripherally related open-space responsibilities, such as vegetation management for fire suppression and selected other maintenance activities associated with the GHAD-owned Parcels. Additionally, the GHAD shall have the right to approve any construction, maintenance, or repair in the GHAD-owned Parcels that the GHAD determines has the potential to impact geologic stability.

3.0 SITE GEOLOGY

3.1 GEOLOGIC SETTING

As presented in the ENGEO Geotechnical Exploration Report (“Geotechnical Exploration Report”) dated January 30, 2017, the site is located in the Coast Ranges geomorphic province of California. In this part of the province, bedrock is mapped predominantly as late Jurassic-age keratophyre and quartz keratophyre, a fine-grained volcanic rock (Graymer, 2000). Late Jurassic and early Cretaceous Knoxville formation is mapped near the eastern property line and in the southwestern portion of the site.

The site is not located within a State of California Earthquake Fault Zone (CDMG, 1982) for known active faults. The nearest known active fault is the Hayward fault located about ½ mile to the southwest of the site.

Faults have been mapped crossing the site by Radbruch (1969), Crane (1988), and Graymer (2000). The faults mapped crossing the site are un-named with the exception of the western splay of the Chabot fault located at the easternmost portion of the site. None of these faults are considered active by the State of California (1982) nor are any of these faults mapped as active on maps showing recency of faulting prepared by Bortugno (1991). Exploratory trenches were excavated as part of our preliminary geotechnical exploration and our supplemental fault exploration. As discussed in our previous reports, no zones of shearing, clay gouge, slickensides, or other indications of faulting were encountered.

In addition to the Hayward fault, significant seismic sources in the region include the San Andreas fault located about 19 miles to the southwest and the Calaveras fault located about 7 miles to the northeast.

The Uniform California Earthquake Rupture Forecast (UCERF3, 2013) evaluated the 30-year probability of a Moment Magnitude 6.7 or greater earthquake occurring on the known active fault systems in the Bay Area. UCERF3 generated an overall probability of 72 percent for the San Francisco Region as a whole, a probability of between 13 and 22 percent for the various subsections of the Hayward fault, 7 percent for the Calaveras fault, and 3 percent for the Concord-Green Valley fault.

3.1.1 Artificial Fill

Most of the GHAD Annexation Area has been affected by previous grading activity. In general, smaller sliver fills are associated with side hill roadways and thin fills adjacent to drainage courses or associated with underground utilities, parking lots, and other paved areas. In general, the existing fills appear to have been derived from on-site sources and most of the fill encountered in previous explorations was free of deleterious debris. Two areas of existing fill were encountered in the southwestern portion of the site that contain a substantial quantity of debris. These fills appeared to have ranged up to about 10 to 12 feet in thickness.

3.1.2 Residual Soil

Residual soils develop essentially in place by weathering of the underlying parent bedrock. Residual soil was encountered in test pits excavated along ridges and ridge spurs. The residual soils generally consisted of dark brown to dark reddish brown, stiff to very stiff silty clay and sandy silt with minor constituents of sand and gravel. Exploratory test pits indicated that the residual soil cover ranges from about ½ foot to 4 feet thick. The residual soils appeared to vary from low to high plasticity and may be highly expansive when subjected to fluctuations in moisture content.

3.1.3 Colluvium

Colluvium (Qc) has been mapped in the swales on the hillside areas of the site. Colluvium is material that erodes from ridgelines and slopes, is transported predominantly by sheet wash, and accumulates in the adjacent swales. The colluvium encountered in test pits consisted primarily of dark brown to dark reddish brown silty clay and clayey silt with minor constituents of sand and gravel. The colluvium was generally moderately stiff to very stiff. The colluvial soil was considered highly to critically expansive when subjected to fluctuations in moisture content.

3.1.4 Alluvium

Alluvial deposits (Qa) have been mapped in the Rifle range creek and areas adjacent to the creek. Based on the findings of the Geotechnical Exploration Report exploratory drilling, the alluvial deposits are a heterogeneous mixture of material types including silty clay, sandy silt, sandy clay, silty gravel, gravelly clay, and silty sand. Various layers of loose to dense silty sand were encountered in borings and CPTs. The clayey alluvial soils are considered moderately to highly expansive when subjected to fluctuations in moisture content.

3.1.5 Landslide Deposits

Regional landslide mapping by Nilsen (1975) shows two landslide areas within the GHAD Annexation Area. One landslide is mapped in the northwestern portion of the site adjacent to Mountain Boulevard. The second landslide is mapped in the northeastern portion of the site on the east side of Rifle Range Creek.

Based on the findings of our exploration, several smaller landslide areas have been mapped in addition to those mapped by Nilsen (1975). The landslide deposits appear to consist of shallow slump-type failures or earth flow failures that predominately involve soil with some highly weathered bedrock material. Geomorphic features indicate that the landslide deposits within the GHAD Annexation Area are generally in the range of about 5 to 10 feet thick.

More recent landslides were identified based on bare, non-vegetated scarps and relatively obvious boundaries. Older, dormant landslides are characterized by subtle topographic irregularities that have been modified by erosion and vegetation growth over time.

3.2 GROUNDWATER

As identified in the Geotechnical Exploration Report, groundwater was encountered as shallow as 2 feet below the ground surface to 23 ½ feet below the ground surface. It should be expected that groundwater elevations will vary seasonally due to variations in rainfall, irrigation practice, and other factors.

4.0 GEOLOGIC HAZARDS

Geologic hazards identified for the Oak Knoll Project in the Geotechnical Exploration Report include the following items. A description of the site geology is included within the Geotechnical Exploration Report.

- Slope instability
- Seismically induced ground shaking and landsliding
- Expansive soils
- Existing fill
- Compressible alluvium
- Soil creep
- Liquefaction
- Lateral spreading
- Dynamic densification
- Regional uplift and crustal folding

These geologic hazards are not expected to be eliminated entirely by site grading. Slope instability or potential slope instability is not unique to this project, but is of importance for hillside projects throughout the San Francisco Bay Area, such as Siena Hill and Kenilworth Road, already within the Oakland Area GHAD. Future stability depends on various factors, including introduction of natural or artificial groundwater, future grading, and earthquake ground shaking.

4.1.1 Slope Instability

During mapping for the Geotechnical Exploration Report, areas of slope instability were identified throughout the planned development area and within the future open space areas. As described in the Geotechnical Exploration Report, landslide areas shown on the Geologic Map (Figure 2) have a relatively high likelihood of experiencing future instability unless suitable mitigation measures are implemented. The geotechnical corrective grading plan shows the location of each of the landslides in Phases 1 and 2, and associated corrective earthwork is shown on Figures 3 through 13.

Landslides that do not impact or threaten the planned development and site improvements will not be subject to mitigation. It is not planned that the Oakland Area GHAD will provide repair activities on the remote or isolated landslides unless, in the future, a landslide impacts or threatens to impact improvements within the GHAD.

A landslide is defined as a mass of rock, soil, and other debris that has been displaced downslope by sliding, flowing or falling. Landslides include cohesive block slides and disrupted slumps that have formed by displacement along a planar slip surface or rotation (displacement along a curved slip surface). Undercutting and erosion of hillside slopes can trigger slope failures.

Slope failures are also 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 a slope to move. The level of the groundwater table varies with the amount of rainfall for the area. If rainfall is higher than average during the winter season, the water table may be higher than average on a hillside and groundwater pressures may become high. Under these conditions, hillside movement can be activated.

Potential mitigation and repair measures within the GHAD Annexation Area near improvements are discussed in later sections of this document.

4.1.2 Seismically Induced Ground Shaking and Landsliding

As identified in the Geotechnical Exploration Report, 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. In addition, steeper slopes in the northeastern portion of the site are mapped within a State of California Seismic Hazards Zone. Seismic slope stabilization has been considered in the geotechnical reports completed for the property, reducing the potential for seismically induced landsliding within the graded areas; however, seismically generated slope failures are more likely to occur outside the grading limits within the GHAD Annexation Area.

4.1.3 Expansive Soil

Surface and near-surface soils within the GHAD Annexation Area exhibit a moderate to high potential for expansion. These potentially expansive soils could impact the planned site development. Expansive soils shrink and swell as a result of moisture change. This can cause heaving and cracking of slabs-on-grade, pavements, and buildings founded on shallow foundations. The potential for expansive soils has been identified in previous reports for the property. Shrink and swell of expansive soils on slopes contributes to creep movement, which can result in shallow slope instability.

The Geotechnical Exploration Report provides specific grading recommendations for compaction of clay soil at the site. The purpose of these recommendations is to reduce the swell potential of the clay by compacting the soil at a high moisture content and controlling the amount of compaction.

4.1.4 Existing Fill

As described in the Geotechnical Exploration Report, existing fills within the Oak Knoll Project have not been constructed in a manner that is consistent with current standards for engineered fill. In addition, some areas of existing fill contain significant amounts of debris. The areas of existing fill, Qaf and Qaf(d), are shown on Figure 2. To reduce the potential for adverse settlement or stability, it was recommended that existing fills located within the development area be removed and replaced with engineered fill.

4.1.5 Compressible Alluvium

As identified in the Geotechnical Exploration Report, alluvial soils located in the Rifle Range Creek drainage may exhibit significant settlement if not properly mitigated. As recommended, removal of compressible alluvial soil is anticipated to mitigate the adverse effect of settlement of this soil. In addition, it is anticipated that the majority of this settlement will occur during construction. The Geotechnical Exploration Report provides recommendations for settlement monitoring.

4.1.6 Soil Creep

Clayey soils on steeper natural slopes are subject to soil creep. Soil creep is the slow downslope movement of soil that occurs with the annual cycle of wetting and drying under the influence of gravity. As recommended in the Geotechnical Exploration Report, the potential for adverse impacts from soil creep can be reduced by benching through surficial soils during fill placement.

4.1.7 Liquefaction

Alluvial deposits potentially susceptible to liquefaction were encountered during the geotechnical exploration. As described in the Geotechnical Exploration Report, the areas of potential liquefaction are located on the lowest, and probably the youngest, alluvial terraces adjacent to Rifle Range Creek (Figure 2).

Based on the analysis in the Geotechnical Exploration Report, there appears to be a relatively high risk that ground cracking, sand boils, and lateral spreading could occur as a result of liquefaction. As recommended in the Geotechnical Exploration Report, the adverse impacts resulting from liquefaction and densification of the younger potentially liquefiable alluvial deposits was mitigated by corrective grading measures or by other ground improvement means.

4.1.8 Lateral Spreading

Lateral spreading is a failure within weaker soil material, such as lurching or liquefaction, which causes the soil to move toward a free face or down a slope. As described in the Geotechnical Exploration Report, younger alluvial deposits located adjacent to Rifle Range Creek appeared to be susceptible to lurching and liquefaction. Site grading techniques, including keying and benching for slope reconstruction with geogrid reinforcement in some locations, were used to mitigate this potential hazard.

4.1.9 Dynamic Densification

Densification of loose granular soils can cause settlement of the ground surface due to earthquake-induced vibrations. As reported, total liquefaction-induced settlement, in addition to dynamic densification, should be less than 3 inches.

4.1.10 Regional Uplift and Crustal Folding

As identified in the Geotechnical Exploration Report, Jurassic and Cretaceous bedrock at this site is considered to be in the range of 70 to 200 million years old and, as such, the rock has experienced deformation from several periods of tectonic stress including the currently active transpressive tectonic regime. As identified for all sites in the Bay Area, the site may experience broad scale deformations during future seismic events, such as regional uplift or crustal warping. These potential hazards generally are accepted throughout the Bay Area.

5.0 CRITERIA FOR GHAD RESPONSIBILITY

To establish an appropriate GHAD assessment level for the GHAD Annexation Area, it is important to clearly define the limits of the Oakland Area GHAD's responsibilities. The Oakland Area GHAD will accept responsibility for property as described in Section 6; however, the intent of this Plan of Control is not to extend the GHAD's responsibilities to every potential situation of slope instability; as such, the following are exclusions from GHAD responsibility.

5.1 ISOLATED OR REMOTE SLOPE INSTABILITY

The Oakland Area GHAD shall not have responsibility to monitor, abate, mitigate, or control slope instability that does not involve damage to, or pose a significant threat to damage, site improvements, or flood control capacity. As used herein, the term "Site Improvements" means buildings, roads, sidewalks, utilities, retaining walls, improved trails, swimming pools, geologic stabilization features, drainage features, or similar improvements.

5.2 SINGLE PROPERTY

The Oakland Area GHAD will not prevent, mitigate, abate, or control geologic hazards which are limited in area to a single parcel of property unless the geologic hazard has 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 Oakland Area GHAD may, in the GHAD Manager's sole discretion, decline to prevent, mitigate, abate, or control geologic hazards which occur or result 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 Oakland Area 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 Oakland Area GHAD shall not have responsibility to repair damage, which is situated on a parcel of real property, which the GHAD has not accepted in accordance with Section 6 below. The GHAD, however, may prevent, mitigate, abate, or control geologic hazards on a parcel of real property which the GHAD has not accepted and is not excluded from GHAD responsibility by Sections 5.1, 5.2, and 5.3, provided; however, that GHAD responsibility 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. 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 Oakland Area 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 building(s) or Site Improvement(s) threatened with damage or loss.

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

In the event a building, Site Improvement, or landscape feature is damaged or destroyed as a result of a geologic hazard, the Oakland Area GHAD may fund or reimburse the property owner for the expenses necessary to repair or replace the damaged or destroyed building, Site Improvement, or landscaping. Unless otherwise authorized by the Board of Directors, the total dollar amount of the GHAD funding or reimbursement paid to all property owners whose property is damaged by a geologic hazard may not exceed ten percent (10 percent) of the total costs incurred by the GHAD in actually mitigating, abating, or controlling the geologic hazard that causes the damage¹. In the event the geologic hazard damages or destroys a building, Site Improvement, or landscaping which violates any provisions of the City Building Code or City Code

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.

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 building, Site Improvement, or landscaping.

5.7 NO REIMBURSEMENT OF EXPENSES INCURRED BY PROPERTY OWNERS

The Oakland Area 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 investigation conducted by the GHAD.

5.8 RECONSIDERATION AND APPEAL REQUIREMENTS

If a property owner believes to be directly and adversely affected by an action or decision of the GHAD Manager made pursuant to the POC and desires to challenge that action or decision, the property owner must seek reconsideration of that action or decision by notifying the GHAD Manager in writing of its intent to seek reconsideration ("Property Owner's Notification"). The Property Owner's Notification must be filed with the GHAD Manager within sixty (60) business days from the date the property owner became aware or should have become aware of the action or decision. The GHAD Manager shall provide a written explanation of its action or decision to the property owner within fifteen (15) business days from the filing date of the Property Owner's Notification. If the property owner has additional, relevant information not contained in the GHAD Manager's written explanation, the property owner may request the GHAD Manager to reconsider that decision ("GHAD Manager's Decision"). The property owner shall, within fifteen (15) business days from the date of the GHAD Manager's Decision, file with the General Manager a request for reconsideration. The property owner shall file the request for reconsideration on a form to be provided by the GHAD Manager. The basis for reconsideration shall include 1) the additional information not contained in the GHAD Manager's Decision, 2) the requested relief, and 3) the property owner's special interest and injury. Within fifteen (15) business days of receipt of the property owner's request for reconsideration, the GHAD Manager shall issue a written decision on the request taking into account the evidence presented in the request for reconsideration ("GHAD Manager's Reconsideration Decision"). The property owner may appeal the GHAD Manager's Reconsideration Decision to the GHAD Board of Directors. This appeal must be filed with the GHAD Manager on a form provided by the GHAD Manager within fifteen (15) business days from the date of the GHAD Manager's Reconsideration Decision. The appeal must include the reasons for the appeal and the property owner's requested relief. The Board of Directors shall make the final decision on the appeal. The GHAD Manager shall proceed based on the decision of the Board of Directors. This reconsideration and appeal process must be exhausted before a property owner can pursue a legal challenge.

6.0 ACCEPTANCE

6.1 ACTIVATION OF ASSESSMENT

An annual assessment is already being levied for the Siena Hill and Kenilworth Road properties in the Oakland Area GHAD under the provisions of their Plan of Control and Engineer's Report. Ultimately, an annual assessment is expected to be levied on all GHAD Annexation Areas. 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

The party that, on the date the Final Map is recorded within the GHAD Annexation Area owns the developable parcels shown on that Final Map shall have the responsibility to perform all activities that are anticipated to be transferred to the Oakland Area GHAD. Such responsibility shall be eligible for transfer to the Oakland Area GHAD at 9:00 a.m. on the day exactly three years after the first residential building permit within the GHAD Annexation Area is issued by the City of Oakland provided that the items listed in Section 6.4 have been completed ("Transfer Eligibility Date"). This transfer date may be extended at the sole discretion of the project developer, provided that the assessments shall continue to be levied during the extension period and that notice of such extension is delivered to the GHAD Manager at least 30 days prior to the transfer date. It is hereby intended that the approximately three-year period between the initial levying of the GHAD assessment and the GHAD becoming responsible to perform GHAD Activities on property within each Final Map will allow the GHAD to accumulate reserve funds without incurring significant expenses.

6.3 OWNERSHIP OF THE GHAD-Owned Parcels

Ownership of the GHAD-owned Parcels will be available for dedication from the owner/developers to the Oakland Area GHAD on, or approximately on, the date the GHAD commences Activities and becomes responsible for oversight of the actual physical maintenance of the open space as provided in this section.

6.4 PROCESS FOR TRANSFERRING RESPONSIBILITY FOR GHAD ACTIVITIES

After the Transfer Eligibility Date for parcel(s), the process for transferring responsibility for performing GHAD Activities on such parcel(s) shall be as follows:

- (a) Up to one year in advance of the Transfer Eligibility Date or in any subsequent year, at its discretion, the developer may request an application from and submit an application to the GHAD Manager ("Transfer Application") to transfer responsibility for performing GHAD Activities for parcel(s) to the GHAD.
- (b) Within 45 days of receiving the completed application, the GHAD Manager shall verify that all the facilities for which the GHAD will have maintenance responsibility have been constructed and maintained according to the City-approved plans and specifications for the individual improvements, and that such facilities are operational and in good working order.
- (c) Within 15 days of such inspection, the GHAD Manager will send the developer a list ("Punch list") of all of the items that need to be constructed, repaired, or otherwise modified.
- (d) The developer shall notify the GHAD Manager when it has completed the items identified on the Punch list.
- (e) Within 30 days of receipt of such notice, the GHAD Manager shall verify whether all Punch List items have been properly completed. If such items have been completed, the GHAD Manager shall notify the developer that the GHAD accepts responsibility for performing GHAD Activities on the parcel(s) as of that date.
- (f) The GHAD Manager shall confirm that the reserve requirement defined in the approved Engineer's Report has been met.

- (g) Ownership of the GHAD-owned Parcels shall be accepted by the Oakland Area GHAD where the above items have been completed.
- (h) The owner or owners of property within the GHAD Annexation Area shall record a Declaration of Restrictive Covenants, Right of Entry, and Disclosures Regarding Geologic Hazard Abatement District ("Declaration") previously approved by the GHAD Attorney.

As part of the transfer, the developer of parcel(s) to be transferred will provide the GHAD, for its use, copies of the applicable geotechnical exploration reports, grading plans, corrective grading plans, improvement plans, field-verified geologic maps, as-built subdrain plans, and other pertinent documents as requested by the GHAD.

The GHAD is not responsible for maintaining the GHAD-owned Parcels or conducting any GHAD Activities as defined in Section 7 until it accepts such responsibilities pursuant to this section. The property owner will remain responsible for the GHAD-owned Parcels and all GHAD Activities until the GHAD accepts responsibility pursuant to this section.

7.0 GHAD MONITORING, MAINTENANCE AND REPAIR RESPONSIBILITIES

Conditions of Approval Numbers 22, 50, 51, and 73 for the Oak Knoll Project ("COA") address parcel ownership and Oakland Area GHAD maintenance responsibilities. Although the COAs approved by the City of Oakland are requirements for the developer and not the GHAD, they are included in Exhibit C to provide background for the GHAD responsibilities listed in Section 10.

Maximum cuts and fills on the order of 50 feet and 40 feet, respectively, were necessary to create properly draining building pads and a roadway system. Although slope instability can be a significant hazard, it can also be mitigated by proper grading measures. Recommendations for maximum slope gradients and slope reconstruction are provided in the "Recommendations" section of the Geotechnical Exploration Report. Evaluation of graded slopes shown on the development plans indicates fill slopes and rebuilds, some with geogrid reinforcement, along the creek alignment and within other portions of the site. Subdrains are proposed to collect subsurface water as shown on the Corrective Grading Plan (Figures 3 through 13).

The GHAD shall be responsible for the maintenance of geologic stabilization and hydrogeologic features in open space areas and unimproved areas. Specifically, the GHAD's maintenance responsibilities include prevention and abatement of geologic hazards such as landslides and slope erosion within the developed area and open space areas as provided in this Plan of Control.

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

- General maintenance of the surface drainage improvements. The GHAD is responsible for general monitoring, maintenance, and repair of the concrete-lined drainage ditches, storm drain inlets and outlets in open space, subdrain outlets, and risers.
- Monitoring and maintenance of detention basin/water quality basins.

- Monitoring and maintenance of measurement devices, such as piezometers, inclinometers, and tiltmeters, if any.
- Maintenance of gates, fencing, and signage within the GHAD-owned Parcels.
- Monitoring of slopes and creek banks for erosion, landslide, and related slope instability.
- Vegetation control for fire suppression on GHAD-owned Parcels.
- General maintenance including litter and graffiti removal on GHAD-owned Parcels.

7.1 GENERAL LANDSLIDE MITIGATION

The techniques the GHAD may employ to prevent, mitigate, or abate landsliding or adverse erosion damage might include, but are not necessarily limited to:

- 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, rip rap, geotextiles or lined ditches.
- Placement of drained engineered buttress fill.
- Placement of subsurface drainage devices (e.g., underdrains or horizontal drains).
- Slope correction (e.g., gradient change, biotechnical stabilization, and slope trimming or contouring).
- Construction of additional surface ditches and/or detention basins, silt fences, sediment traps, and backfill of erosion channels.
- Potential landslide and erosion hazards can often best be mitigated by controlling soil saturation and runoff and by maintaining the surface and subsurface drainage system. Maintenance shall be provided for lined surface drainage ditches and drainage terraces.

7.2 BIOTECHNICAL RECOMMENDATIONS FOR PREVENTION AND MITIGATION OF EXISTING OR POTENTIAL EROSION HAZARDS

Fill slopes within the GHAD Annexation Area are expected to be erodible as will cut slopes in bedrock; therefore, the maintenance of vegetative cover is especially important. Vegetation provides protection for soil and exposed rock. It absorbs the impact of raindrops, reduces the velocity of runoff, and retards erosion.

In many instances, adequate erosion protection for slopes can be accomplished with carefully selected and placed biological elements (plants) without the use of structures (e.g., brush layering and willow waddling).

In other areas, biotechnical slope protection may involve the use of mechanical elements or structures in combination with biological elements to provide erosion control and help prevent small-scale slope failures. Locally, walls, welded-wire walls, gabion walls, rock walls, riprap, and reinforced earth walls used in combination with carefully selected and planted vegetation can provide high-quality slope protection.

8.0 PRIORITY FOR GHAD EXPENDITURES

The GHAD is responsible for responding to emergencies and completing scheduled repairs. The GHAD's ability to respond, and the extent of the responsiveness, depends on the amount of available funds and the parameters set forth in the Board of Directors-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. The prevention, mitigation, abatement, or control of geologic hazards that have either damaged or pose a significant threat of damage to residences, critical lifeline utilities, or emergency vehicle access corridors.
- B. The prevention, mitigation, abatement, or control of geologic hazards that either have damaged or pose a significant threat of damage to ancillary buildings or private recreation facilities (e.g., pools, spas, etc.).
- C. The prevention, mitigation, abatement, or control of geologic hazards, which either have damaged or pose a significant threat of damage to open-space amenities.
- D. The prevention, mitigation, abatement, or control of geologic hazards that either have damaged or pose a significant threat of damage to landscaping or other similar non-essential amenities.
- E. The prevention, mitigation, abatement, or control of geologic hazards existing entirely on open-space property, and which have neither damaged nor pose a significant threat of damage to any Site Improvements.

If sufficient funds are not available to undertake the listed activities, the GHAD may investigate obtaining funding as allowed in Section 26505(e) of the Public Resources Code through the issuance of bonds, notes, or debentures such as a line of credit, as well as public and private entities or agencies including, but not limited to, FEMA, City and County agencies, and insurance companies.

9.0 MAINTENANCE AND MONITORING SCHEDULE

Geologic features and GHAD-maintained facilities should be inspected on a regular basis. Budget permitting, inspections should generally be scheduled to occur two times per year in normal years and three or more times per year in years of heavy rainfall. The inspections should be scheduled to take place in the fall, prior to the first significant rainfall; mid-winter as necessary during heavy rainfall years; and in spring at the end of the rainy season. It is anticipated that the monitoring events for all properties within the Oakland Area GHAD would be completed on the same schedule.

- An Engineer or Geologist shall carry out a geologic reconnaissance of the slopes for indications of erosion or slope failures. The removal of accumulated debris, including material from benches, berms, or walls should be undertaken in a manner that maintains the capacity of the catchment feature to protect site improvements.
- An Engineer or Geologist shall carry out a reconnaissance of the GHAD-owned parcels to evaluate the condition of fencing, gates, signage, and trails. In addition, the GHAD-owned Parcels should be viewed for graffiti, litter, and vegetation related to fire suppression requirements.
- A GHAD Engineer and/or Geologist should inspect the surface of concrete-lined drainage ditches within the GHAD boundaries on a regular schedule. Repairs and maintenance should be performed as needed. Excess silt or sediment in ditches should be removed, and cracked or broken ditches should be patched or repaired as required before the beginning of the next rainy season.
- Inspection, repairs, and maintenance of debris catchment structures should be performed on a regular schedule. Excess debris should be removed to allow the structures to maintain adequate catchment area.
- Subsurface drain outlets and horizontal drain outlets, if any, should be inspected on a regular schedule. Water flowing from these outlets should be measured and recorded during each inspection. Any suspicious interruption in flow should signal a need to unplug or clean.
- Inlets, outfalls, or trash racks, if used, must be kept free of debris, and spillways must be maintained. Attention should be given to plantings or other obstructions, which may interfere with access by power equipment.
- Readily accessible developer-constructed retaining walls should be inspected annually 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 or other improvements.
- The water-quality basins, detention basins, sedimentation basins, and bioretention facilities should be monitored on a semi-annual basis; once prior to and once following the rainy season. Repairs and maintenance, as needed, should be undertaken, including removal of excess silt or sediment. Monitoring of the detention basin access road should include observing the access road for eroded areas or areas of instability, pavement competency, and encroaching vegetation.
- If installed, piezometers used to measure groundwater levels, or other instruments such as inclinometers, tiltmeters, and/or settlement-monitoring devices, should be monitored on a regular schedule. In the event of anomalous readings, the monitoring frequency should be increased.

The GHAD should review its inspection schedule annually and assess the effectiveness of its preventive maintenance program on a regular basis. GHAD staff should prepare an annual report to the Board of Directors with recommendations for maintenance and/or repair projects. Consultants, as necessary, may be retained to undertake the needed studies.

10.0 OWNERSHIP AND MANAGEMENT

The GHAD will have the responsibility to manage geologic hazards, as described herein, within the GHAD Annexation Area only after the transfer process has been completed (Section 6). Ownership, funding sources, and maintenance responsibilities are shown on the Table 10.0-1.

**TABLE 10.0-1: Oak Knoll Development
Ownership, Funding Sources, and Maintenance Responsibilities**

FACILITY/FUNCTION	MAINTENANCE ENTITY	FUNDING	MINIMUM TRANSFER OF PLAN OF CONTROL RESPONSIBILITIES FROM DEVELOPER TO THE GHAD	OWNERSHIP
1. Developed Area, Streets, and Parks				
a. Single Family Detached Residential Large Parcels (350 units)	Private	Private	3 Years	Private
b. Single Family Detached Residential Small Parcels	Private	Private	3 Years	Private
c. Townhomes	Private	Private	3 Years	Private
d. Courtyard	Private	Private	3 Years	Private
e. Commercial Retail Development (72,000 square feet)	Private	Private	3 Years	Private
f. Entry Monument and Landscaping	Homeowner's Association (HOA)	HOA	3 Years	City of Oakland (City)
g. Private Civic Program (Parcel "H") - Community Center and Related Commercial (14,000 square feet)	HOA	HOA	3 Years	HOA
h. Restored Rifle Range Creek Corridor – Regulatory Agency Permit Requirements and Selected Improvements				
i. Riparian Vegetation	Geologic Hazard Abatement District (GHAD)	GHAD Assessment	3 Years	GHAD
ii. Creek Permit Monitoring and Compliance (5 to 10 years)	Developer	Developer	Not Applicable	GHAD
iii. Channel Adaptive Management (5 to 10 years)	Developer	Developer	Not Applicable	GHAD
iv. Pedestrian Bridge and Lighting	Community Facilities District (CFD) ¹	CFD Assessment	3 Years	City
i. Parks, Trails, and Associated Lighting				
i. Creekside (Parcel "N")	CFD ¹	CFD Assessment	3 Years	City
ii. Creekside Parkway (Parcel "A")	CFD ¹	CFD Assessment	3 Years	City; to be Dedicated by Master Developer

FACILITY/FUNCTION		MAINTENANCE ENTITY	FUNDING	MINIMUM TRANSFER OF PLAN OF CONTROL RESPONSIBILITIES FROM DEVELOPER TO THE GHAD	OWNERSHIP
iii.	North Neighborhood with Tot Lot (Parcel "E")	CFD ¹	CFD Assessment	3 Years	City
iv.	Oak Knoll Memorial (Parcel "O")	CFD ¹	CFD Assessment	3 Years	City; to be Dedicated by Master Developer
v.	Creekside Village Pocket (Parcel "G")	CFD ¹	CFD Assessment	3 Years	City
vi.	Unnamed Park (Parcels "C", "D", and "Q")	CFD ¹	CFD Assessment	3 Years	City; "C" and "D" to be Dedicated by Master Developer
j. Public Roads					
i.	ROW Pavements, Street Lighting, and Traffic Signage	City	City	3 Years	City
ii.	ROW Street Trees, Street Planters, Irrigation, Decorative Signage, and Ornamental Plantings	HOA	HOA	3 Years	City
iii.	Traffic Signal – Mountain Boulevard and Creekside Parkway	City	City	3 Years	City
iv.	Traffic Signal – Keller Avenue and Creekside Parkway	City	City	3 Years	City
v.	Vehicular Bridge (Structure Only)	CFD ²	CFD Assessment	3 Years	City
k.	ROW Stormdrain	City	City	3 Years	City
l. ROW Bioretention Swales (Rain Gardens)					
i.	Ornamental Landscape Maintenance and Replacement	GHAD ³	CFD Assessment	3 Years	City
ii.	Functional Maintenance, Repair, and Replacement including plants integral to function	GHAD	GHAD Assessment	3 Years	City
m.	Sidewalk	HOA	HOA	3 Years	City
n.	Street Sweeping (Public Roads)	City	City	Not Applicable	City
o.	Emergency Vehicle Access Easement (Parcel "E", North Neighborhood Park)	CFD ¹	CFD Assessment	3 Years	City
p.	Seneca - Credit Union Access Easement	Seneca	Seneca	Not Applicable	Seneca – Credit Union Access Easement (Unless Retired)

FACILITY/FUNCTION	MAINTENANCE ENTITY	FUNDING	MINIMUM TRANSFER OF PLAN OF CONTROL RESPONSIBILITIES FROM DEVELOPER TO THE GHAD	OWNERSHIP
q. Community Center Storm Drain System	HOA	HOA	3 Years	City
r. Public Parks Storm Drain System	CFD ¹	CFD Assessment	3 Years	City
s. Storm Water Basins No. 4, 4A, and 8 - Parcel "N" (Creekside Park) and Parcel "E" (North Neighborhood Park) respectively)				
i. Ornamental Landscape Maintenance and Replacement	GHAD ³	CFD Assessment	3 Years	City
ii. Functional Maintenance, Repair, and Replacement including plants integral to function	GHAD	GHAD Assessment	3 Years	City
t. Storm Water Basin No. 1. Parcel "H" (Community Center)				
i. Ornamental Landscape Maintenance and Replacement	GHAD ³	CFD Assessment	3 Years	HOA
ii. Functional Maintenance, Repair, and Replacement including plants integral to function	GHAD	GHAD Assessment	3 Years	GHAD
u. Storm Water Basins No. 2 (Parcel "L"), No. 3 (Parcel "AA"), No. 5 (Parcel "AA"), No. 6 (Parcel "I"), and No. 7 (Parcel "J")				
i. Ornamental Landscape Maintenance and Replacement	GHAD ³	CFD Assessment	3 Years	HOA; Parcels "I", "J" to be dedicated by Master Developer; Parcel "AA" to be dedicated by future builders
ii. Functional Maintenance, Repair, and Replacement including plants integral to function	GHAD	GHAD Assessment	3 Years	GHAD; Parcels "I", "J" to be dedicated by Master Developer; Parcel "AA" to be dedicated by future builders
v. Public Art				
i. Creekside Entry Park (Stone Puzzle Sculpture)	HOA	HOA	3 Years	HOA

FACILITY/FUNCTION		MAINTENANCE ENTITY	FUNDING	MINIMUM TRANSFER OF PLAN OF CONTROL RESPONSIBILITIES FROM DEVELOPER TO THE GHAD	OWNERSHIP
ii.	Rifle Range Creek Vehicle Bridge	HOA	HOA	3 Years	HOA
iii.	Oak Woodland Trail (Stone Sculptures)	HOA	HOA	3 Years	HOA
iv.	Retail Center Infrastructure and Mural)	Private	Private	3 Years	Private
v.	Community Center Bicycle Rack	HOA	HOA	3 Years	HOA
2. GHAD Owned Parcels – Landowner Responsibilities					
Pretransfer Period					
a.	Restored Rifle Range Creek Corridor (Parcel "A"), Lot "B", and Parcels "F", "I", "J", "L", "M", "R", "AA", and "DD"				
i.	Gates, Fencing, and Signage	Developer	Private Funding	3 Years	Developer
ii.	Trails – General Maintenance	Developer	Private Funding	3 Years	Developer
iii.	General Maintenance including Graffiti and Litter Removal	Developer	Private Funding	3 Years	Developer
b.	Vegetation Management for Fire Suppression	Developer	Private Funding	3 Years	Developer
c.	Temporary Irrigation and Tree Replanting	Developer	Private Funding	3 Years	Developer
Post Transfer Period					
a.	Undisturbed Open Space/Preserved Oak Woodlands/Preserved Hillside Grasslands and Restored Creek Corridor				
i.	Gates, Fencing, and Signage	GHAD	GHAD Assessment	Perpetual	GHAD; Parcels "A", "I", "J", "R" to be dedicated by Master Developer; Parcels "AA" and "DD" to be dedicated by future builders
ii.	Trails – General Maintenance	GHAD	GHAD Assessment	Perpetual	GHAD; Parcels "A", "I", "J", "R" to be dedicated by Master Developer; Parcels "AA" and "DD" to be dedicated by future builders

FACILITY/FUNCTION		MAINTENANCE ENTITY	FUNDING	MINIMUM TRANSFER OF PLAN OF CONTROL RESPONSIBILITIES FROM DEVELOPER TO THE GHAD	OWNERSHIP
iii.	General Maintenance including Graffiti and Litter Removal	GHAD	GHAD Assessment	Perpetual	GHAD; Parcels "A", "I", "J", "R" to be dedicated by Master Developer; Parcels "AA" and "DD" to be dedicated by future builders
b.	Vegetation Management for Fire Suppression	GHAD	GHAD Assessment	Perpetual	GHAD; Parcels "A", "I", "J", "R" to be dedicated by Master Developer; Parcels "AA" and "DD" to be dedicated by future builders
c.	Temporary Irrigation and Tree Replanting	Natural Lands Manager	Developer	10 Years	GHAD; Parcels "A", "I", "J", "R" to be dedicated by Master Developer; Parcels "AA" and "DD" to be dedicated by future builders

3. Plan of Control - Geologic Hazard Abatement Responsibilities

Pretransfer Period

a.	Landslides, Slope Stability, and Erosion Control	Developer	Private Funding	3 Years	Developer
b.	Water Quality, Detention, Sedimentation Basins, and Integrated Management Practices (IMPs)	Developer	Private Funding	3 Years	Developer
c.	Storm Drain System	Developer	Private Funding	3 Years	Developer
d.	Trails – Slope Stability and Erosion Repair	Developer	Private Funding	3 Years	Developer
e.	Vector Control (For Slope Stability or Erosion Control)	Developer	Private Funding	3 Years	Developer
f.	Surface Drainage Improvements	Developer	Private Funding	3 Years	Developer
g.	Subdrains and Subdrain Outfalls	Developer	Private Funding	3 Years	Developer

FACILITY/FUNCTION	MAINTENANCE ENTITY	FUNDING	MINIMUM TRANSFER OF PLAN OF CONTROL RESPONSIBILITIES FROM DEVELOPER TO THE GHAD	OWNERSHIP
h. Geotechnical Monitoring Instruments	Developer	Private Funding	3 Years	Developer
Post Transfer Period				
a. Landslides, Slope Stability, and Erosion Control	GHAD	GHAD Assessment	Perpetual	GHAD
b. Water Quality, Detention, Sedimentation Basins, and Integrated Management Practices (IMPs)	GHAD	GHAD Assessment	Perpetual	GHAD
c. Storm Drain System	GHAD	GHAD Assessment	Perpetual	GHAD
d. Trails – Slope Stability and Erosion Repair	GHAD	GHAD Assessment	Perpetual	GHAD
e. Vector Control (For Slope Stability or Erosion Control)	GHAD	GHAD Assessment	Perpetual	GHAD
f. Surface Drainage Improvements	GHAD	GHAD Assessment	Perpetual	GHAD
g. Subdrains and Subdrain Outfalls	GHAD	GHAD Assessment	Perpetual	GHAD
h. Geotechnical Monitoring Instruments	GHAD	GHAD Assessment	Perpetual	GHAD

11.0 RIGHT-OF-ENTRY

GHAD officers, employees, consultants, contractors, agents, and representatives shall have the right to enter upon all lands within the GHAD Annexation Area, as described within Exhibits A and B, for the purpose of performing the GHAD Activities. Should the GHAD need to access parcels owned by the Homeowner's Association, or private residential lots to fulfill its duties under the Plan of Control, the 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 public health and safety, in which case no advanced notice is required, but the GHAD shall inform the landowner and/or resident as soon as reasonably possible.

Before any transfer to the GHAD can be effectuated, the owner or owners of property within the GHAD Annexation Area shall cause to be finalized and record a Declaration of Restrictive Covenants, Right of Entry, and Disclosures Regarding Geologic Hazard Abatement GHAD ("Declaration") after recordation of the Parcel Map. The Declaration shall be substantially in the form as the draft Declaration in Exhibit D. The Declaration creates covenants that run with the land and will be binding upon all future owners of property within the GHAD Annexation Area, their successors and assigns.

12.0 GLOSSARY

Board of Directors – The members of the Oakland City Council serving as the Board of Directors of the Oakland Area GHAD

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 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 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.

Geotechnical Exploration Report – ENGEO Geotechnical Exploration Report dated January 30, 2017

GHAD Annexation Area – The parcels included within the limits of the plat and legal description, which is coterminous with the boundaries of Subdivision 8320.

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

GHAD-owned Parcels – Parcels where ownership will be held by the GHAD.

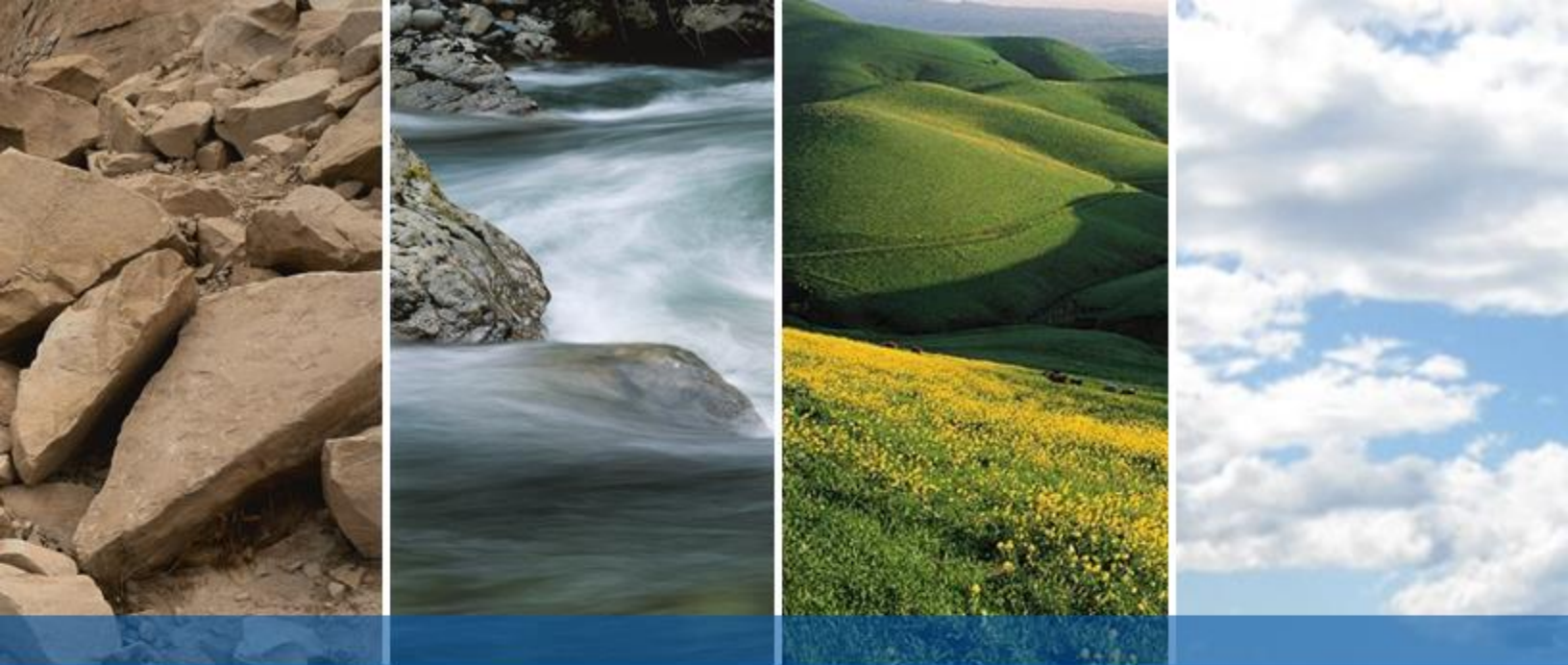
Site Improvements – Structures, public and private roads, sidewalks, utilities, improved trails, gazebos, cabanas, geologic stabilization features, or similar improvements.

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

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

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14. Hart|Howerton, Oak Knoll Development Parcels, All Phases, March 2018.
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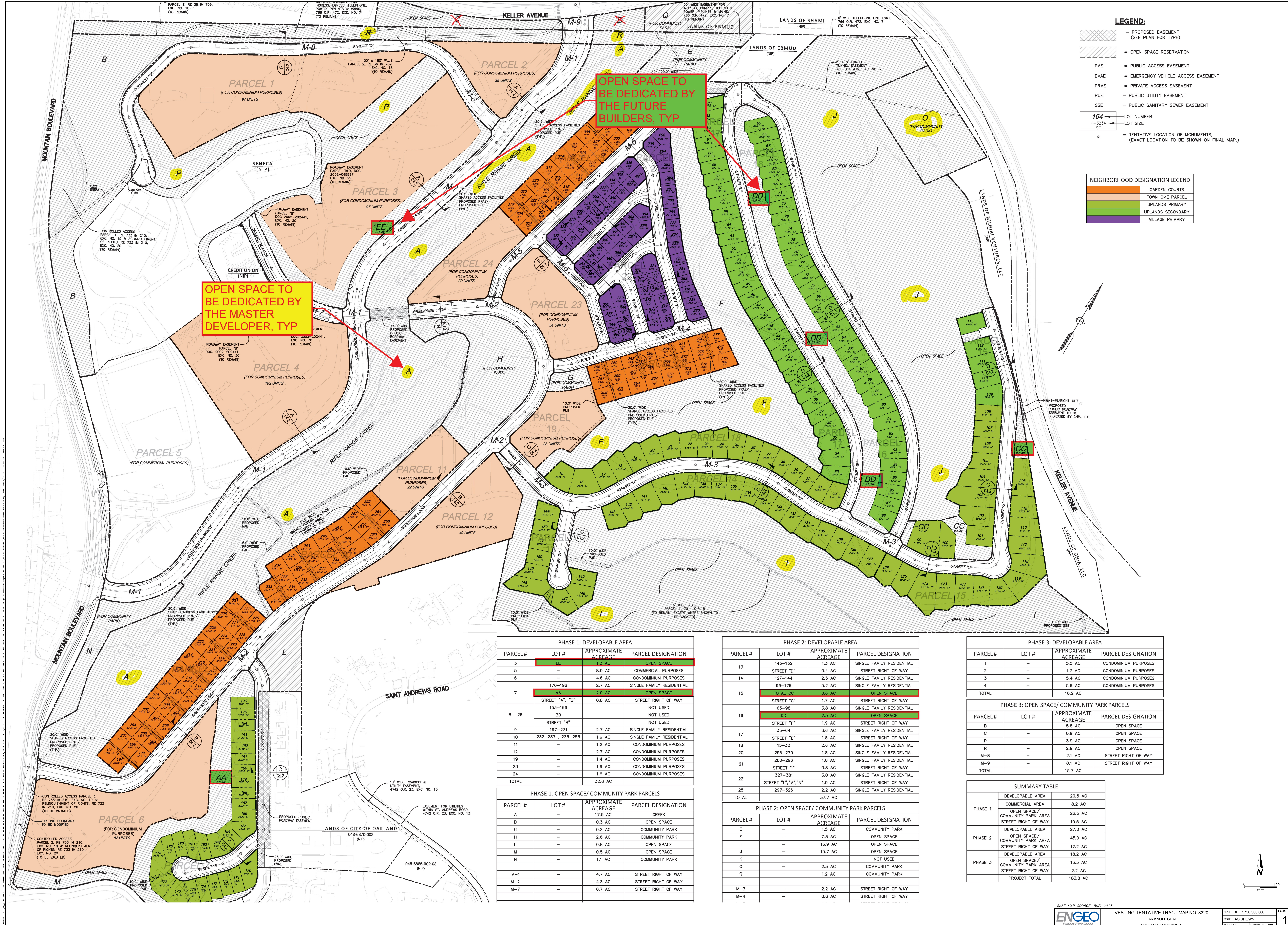


FIGURES

FIGURE 1: Vesting Tentative Tract Map No. 8320

FIGURE 2: Geologic Map

FIGURES 3 - 12: Corrective Grading Plan, Phases 1 and 2



LEGEND:

- PROPOSED EASEMENT (SEE PLAN FOR TYPE)
- OPEN SPACE RESERVATION
- PAE = PUBLIC ACCESS EASEMENT
- EVAE = EMERGENCY VEHICLE ACCESS EASEMENT
- PRAE = PRIVATE ACCESS EASEMENT
- PUE = PUBLIC UTILITY EASEMENT
- SSE = PUBLIC SANITARY SEWER EASEMENT
- 164 = LOT NUMBER
- P=3234 = LOT SIZE
- TENTATIVE LOCATION OF MONUMENTS, (EXACT LOCATION TO BE SHOWN ON FINAL MAP.)

NEIGHBORHOOD DESIGNATION LEGEND

	GARDEN COURTS
	TOWNHOME PARCEL
	UPLANDS PRIMARY
	UPLANDS SECONDARY
	VILLAGE PRIMARY

PHASE 1: DEVELOPABLE AREA

PARCEL #	LOT #	APPROXIMATE ACREAGE	PARCEL DESIGNATION
3	EE	1.3 AC	OPEN SPACE
5	-	8.0 AC	COMMERCIAL PURPOSES
6	-	4.6 AC	CONDOMINIUM PURPOSES
7	170-196	2.7 AC	SINGLE FAMILY RESIDENTIAL
8	AA	2.0 AC	OPEN SPACE
9	STREET "A", "B"	0.8 AC	STREET RIGHT OF WAY
10	153-169	-	NOT USED
11	99	-	NOT USED
12	197-231	2.7 AC	SINGLE FAMILY RESIDENTIAL
13	232-233, 235-255	1.9 AC	SINGLE FAMILY RESIDENTIAL
14	-	1.2 AC	CONDOMINIUM PURPOSES
15	-	2.7 AC	CONDOMINIUM PURPOSES
16	-	1.4 AC	CONDOMINIUM PURPOSES
17	-	1.9 AC	CONDOMINIUM PURPOSES
18	-	1.6 AC	CONDOMINIUM PURPOSES
19	-	32.8 AC	CONDOMINIUM PURPOSES
20	TOTAL	-	-

PHASE 1: OPEN SPACE/ COMMUNITY PARK PARCELS

PARCEL #	LOT #	APPROXIMATE ACREAGE	PARCEL DESIGNATION
A	-	17.5 AC	CREEK
D	-	0.3 AC	OPEN SPACE
G	-	0.2 AC	COMMUNITY PARK
H	-	2.8 AC	COMMUNITY PARK
L	-	0.8 AC	OPEN SPACE
M	-	0.5 AC	OPEN SPACE
N	-	1.1 AC	COMMUNITY PARK
M-1	-	4.7 AC	STREET RIGHT OF WAY
M-2	-	4.3 AC	STREET RIGHT OF WAY
M-7	-	0.7 AC	STREET RIGHT OF WAY

PHASE 2: DEVELOPABLE AREA

PARCEL #	LOT #	APPROXIMATE ACREAGE	PARCEL DESIGNATION
13	145-152	1.3 AC	SINGLE FAMILY RESIDENTIAL
14	STREET "D"	0.4 AC	STREET RIGHT OF WAY
15	127-144	2.5 AC	SINGLE FAMILY RESIDENTIAL
16	99-126	5.2 AC	SINGLE FAMILY RESIDENTIAL
17	TOTAL CC	0.6 AC	OPEN SPACE
18	STREET "C"	1.7 AC	STREET RIGHT OF WAY
19	65-98	3.8 AC	SINGLE FAMILY RESIDENTIAL
20	DD	2.5 AC	OPEN SPACE
21	STREET "H"	1.9 AC	STREET RIGHT OF WAY
22	33-64	3.6 AC	SINGLE FAMILY RESIDENTIAL
23	STREET "E"	1.8 AC	STREET RIGHT OF WAY
24	15-32	2.6 AC	SINGLE FAMILY RESIDENTIAL
25	256-279	1.8 AC	SINGLE FAMILY RESIDENTIAL
26	280-296	1.0 AC	SINGLE FAMILY RESIDENTIAL
27	STREET "I"	0.8 AC	STREET RIGHT OF WAY
28	327-381	3.0 AC	SINGLE FAMILY RESIDENTIAL
29	STREET "L", "M", "N"	1.0 AC	STREET RIGHT OF WAY
30	297-326	2.2 AC	SINGLE FAMILY RESIDENTIAL
31	TOTAL	37.7 AC	-

PHASE 2: OPEN SPACE/ COMMUNITY PARK PARCELS

PARCEL #	LOT #	APPROXIMATE ACREAGE	PARCEL DESIGNATION
E	-	1.5 AC	COMMUNITY PARK
F	-	7.3 AC	OPEN SPACE
I	-	13.9 AC	OPEN SPACE
J	-	15.7 AC	OPEN SPACE
K	-	-	NOT USED
O	-	2.3 AC	COMMUNITY PARK
Q	-	1.2 AC	COMMUNITY PARK
M-3	-	2.2 AC	STREET RIGHT OF WAY
M-4	-	0.8 AC	STREET RIGHT OF WAY

PHASE 3: DEVELOPABLE AREA

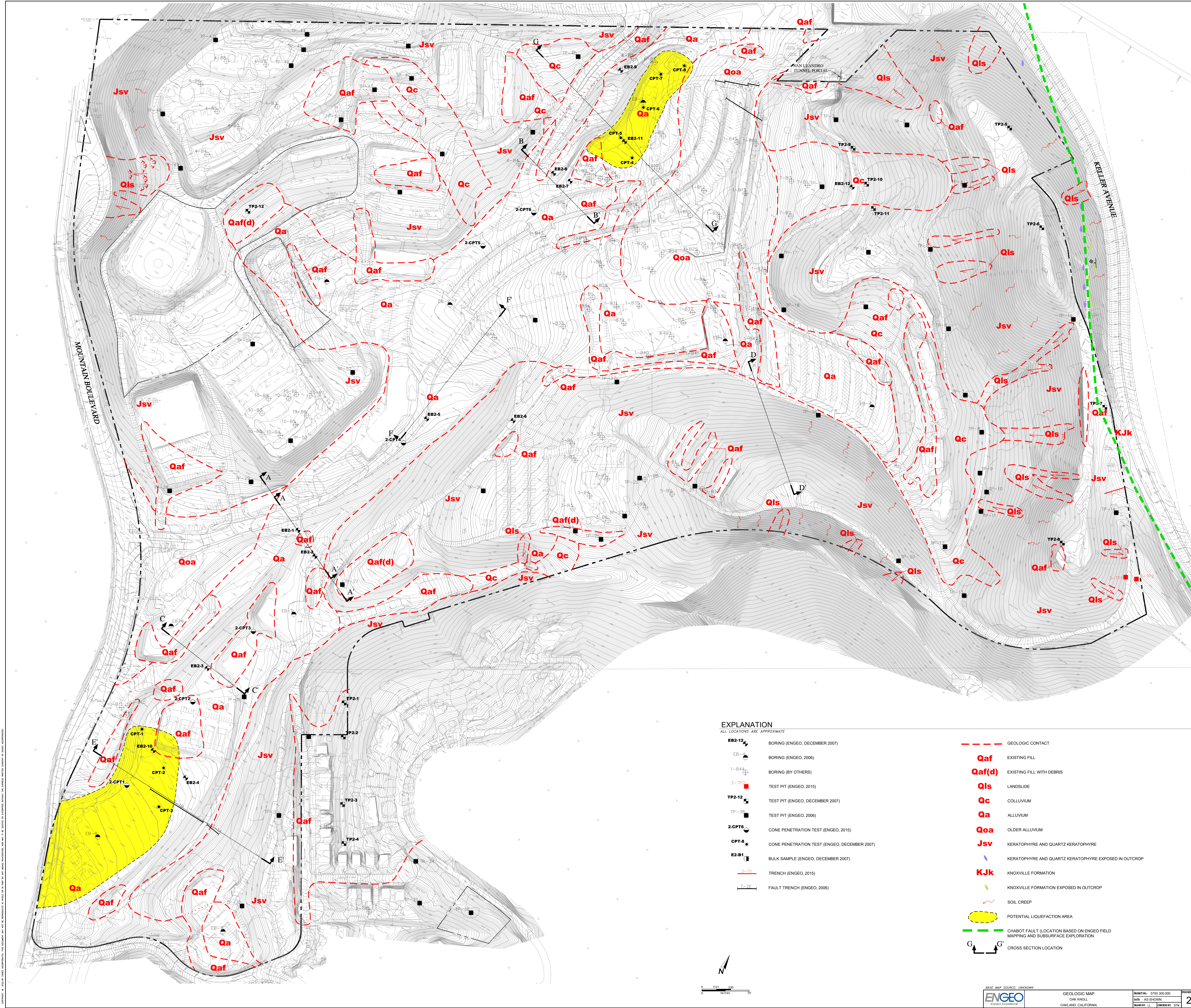
PARCEL #	LOT #	APPROXIMATE ACREAGE	PARCEL DESIGNATION
1	-	5.5 AC	CONDOMINIUM PURPOSES
2	-	1.7 AC	CONDOMINIUM PURPOSES
3	-	5.4 AC	CONDOMINIUM PURPOSES
4	-	5.6 AC	CONDOMINIUM PURPOSES
TOTAL	-	18.2 AC	-

PHASE 3: OPEN SPACE/ COMMUNITY PARK PARCELS

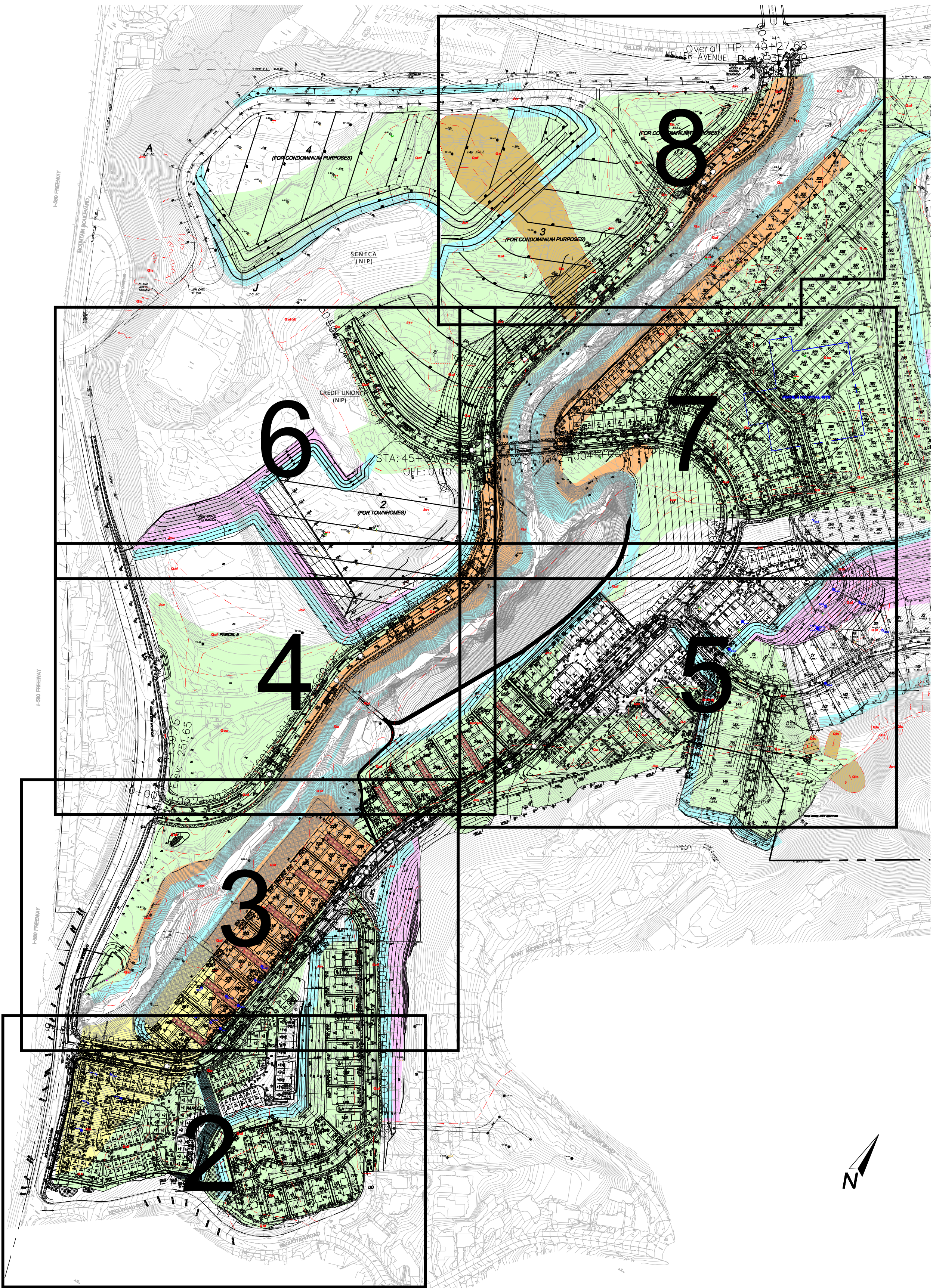
PARCEL #	LOT #	APPROXIMATE ACREAGE	PARCEL DESIGNATION
B	-	5.8 AC	OPEN SPACE
C	-	0.9 AC	OPEN SPACE
P	-	3.9 AC	OPEN SPACE
R	-	2.9 AC	OPEN SPACE
M-8	-	2.1 AC	STREET RIGHT OF WAY
M-9	-	0.1 AC	STREET RIGHT OF WAY
TOTAL	-	15.7 AC	-

SUMMARY TABLE

PHASE	DEVELOPABLE AREA	ACREAGE
PHASE 1	COMMERCIAL AREA	8.2 AC
PHASE 1	OPEN SPACE/ COMMUNITY PARK AREA	26.5 AC
PHASE 1	STREET RIGHT OF WAY	10.5 AC
PHASE 2	DEVELOPABLE AREA	27.0 AC
PHASE 2	OPEN SPACE/ COMMUNITY PARK AREA	45.0 AC
PHASE 2	STREET RIGHT OF WAY	12.2 AC
PHASE 3	DEVELOPABLE AREA	18.2 AC
PHASE 3	OPEN SPACE/ COMMUNITY PARK AREA	13.5 AC
PHASE 3	STREET RIGHT OF WAY	2.2 AC
TOTAL	PROJECT TOTAL	183.8 AC



CORRECTIVE GRADING PLAN
OAK KNOLL - PHASES 1 AND 2
OAKLAND, CALIFORNIA



SITE PLAN AND KEY MAP
NO SCALE

BASE PLAN SOURCE: BKF

SHEET NUMBER	TITLE
3	CORRECTIVE GRADING COVER SHEET
4	CORRECTIVE GRADING PLAN
5	CORRECTIVE GRADING PLAN
6	CORRECTIVE GRADING PLAN
7	CORRECTIVE GRADING PLAN
8	CORRECTIVE GRADING PLAN
9	CORRECTIVE GRADING PLAN
10	CORRECTIVE GRADING PLAN
11	CORRECTIVE GRADING SECTIONS
12	CORRECTIVE GRADING DETAILS

EXPLANATION

ALL LOCATIONS ARE APPROXIMATE

- EB2-12

EB-4

1-B44

3-TP2

TP2-12

TP-38

2-CPT6

CPT-8

2-B2

3-T1

T-2F

G

G'

BORING (ENGE, 2007)

BORING (ENGE, 2006)

BORING (BY OTHERS)

TEST PIT (ENGE, 2015)

TEST PIT (ENGE, 2007)

TEST PIT (ENGE, 2006)

CONE PENETRATION TEST (ENGE, 2015)

CONE PENETRATION TEST (ENGE, 2007)

ROCK CORE (ENGE, 2006)

TRENCH (ENGE, 2015)

FAULT TRENCH (ENGE, 2006)

CROSS SECTION LOCATION
- Qaf

Qaf(d)

Qls

Qc

Qa

Qoa

Jsv

KJk

CR5

L-1

K-11

S2D

SR10

386

C

T

GEOLOGIC CONTACT

EXISTING FILL

EXISTING FILL WITH DEBRIS

LANDSLIDE

COLLUVIUM

ALLUVIUM

OLDER ALLUVIUM

KERATOPHYRE AND QUARTZ KERATOPHYRE

KNOXVILLE FORMATION

SOIL CREEP

REMOVE EXISTING FILL, COLLUVIUM AND SLIDE DEBRIS TO EXPOSE BEDROCK

LIQUEFACTION REMOVAL AREA (ESTIMATED 18 TO 20 FEET DEEP); BLUE CROSS HATCH WHERE COMPLETE DURING 2018 GRADING

REMOVE EXISTING FILL AND COMPRESSIBLE SOIL TO EXPOSE STIFF NATIVE SOIL OR BEDROCK AS DETERMINED BY PROJECT GEOTECHNICAL ENGINEER (ESTIMATED 5 TO 6 FEET DEEP WHERE GREEN, 10 TO 15 FEET DEEP WHERE ORANGE)

KEYWAY INTO STIFF NATIVE SOIL OR BEDROCK AS DETERMINED BY PROJECT GEOTECHNICAL ENGINEER (SHOWING WIDTH AND DEPTH)

SUBDRAIN, ARROW INDICATES DIRECTION OF FLOW; CIRCLE INDICATES OUTLET LOCATION

SLOPE REBUILD

GEOGRID REINFORCED ENGINEERED FILL (TENSAR UX1600) OR APPROVED EQUIVALENT. SEE SECTIONS C AND E ON SHEET 9 FOR DETAILS

SELECT KEYWAY FILL. SEE SECTION B ON SHEET 9 FOR DETAILS

SURFICIAL GEOGRID REINFORCED FILL SLOPE (TENSAR BX1200 OR APPROVED EQUIVALENT) OR SELECT BEDROCK DERIVED ENGINEERED FILL VENEER. SEE DETAILS 3 AND 4 ON SHEET 10

DIFFERENTIAL FILL LOT SHOWING SUBEXCAVATION ELEVATION, SEE DETAIL 7 ON SHEET 10

CUT LOT, SEE DETAIL 8 ON SHEET 10

CUT/FILL TRANSITION LOT, SEE DETAIL 6 ON SHEET 10

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CORRECTIVE GRADING COVER SHEET

OAK KNOLL - PHASES 1 AND 2

OAKLAND, CALIFORNIA

DESIGNED BY: JSW	DRAWN BY: DLB	CHECKED BY: JAM	DATE: APRIL 2019	SCALE: AS SHOWN
PARCELS 6, 7, 11, 12, 19, 23, 24 CIVIL BASE REVISIONS (9/09/20)	LL	LL	LL	BY
PARCEL 6 - CIVIL BASE REVISIONS (7/10/20)	LL	LL	LL	BY
CIVIL BASE REVISIONS	LL	LL	LL	BY
CIVIL BASE REVISIONS	LL	LL	LL	BY
REV.	DATE	DESCRIPTION		

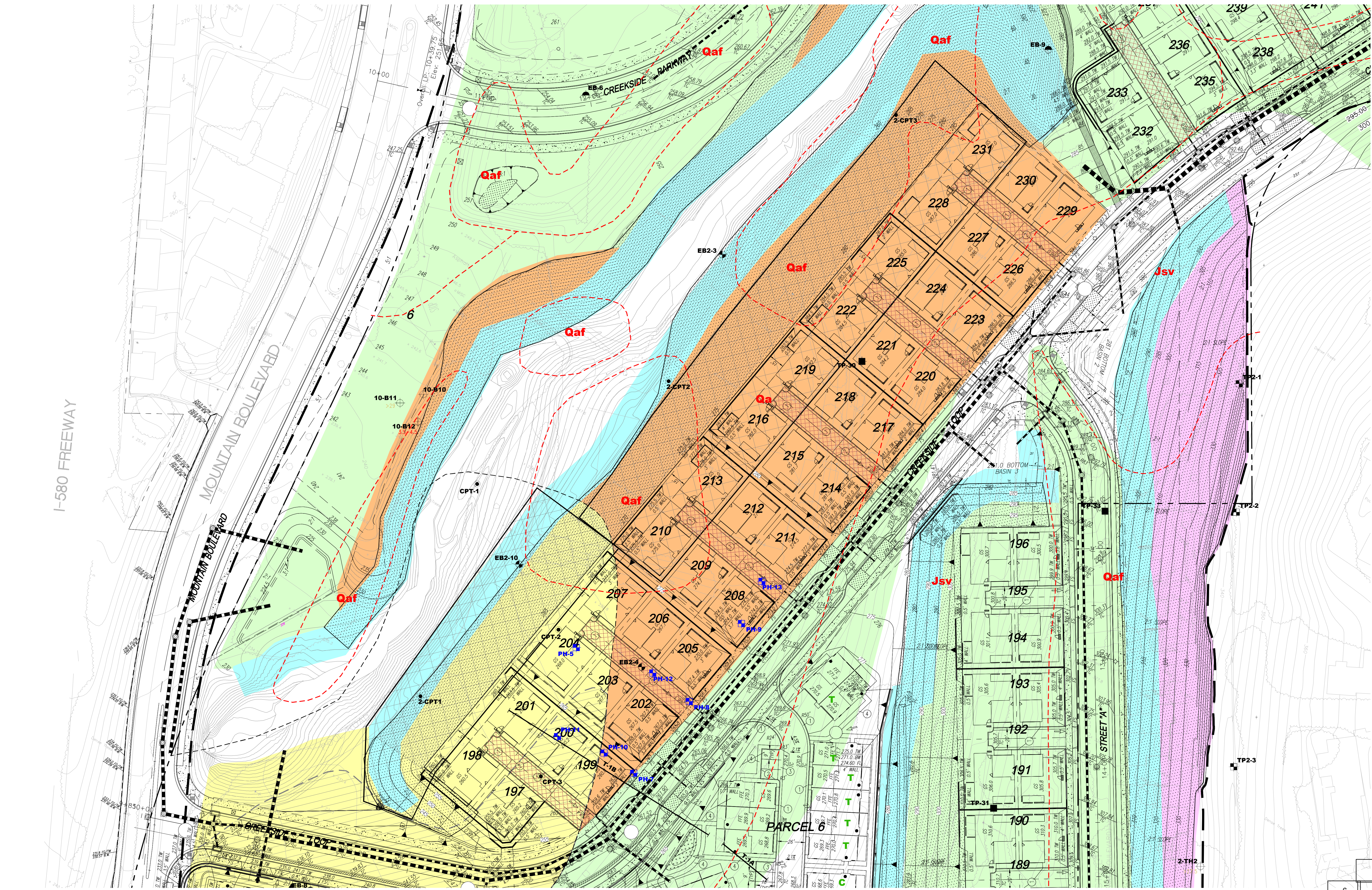
SHEET NUMBER

3

PROJECT NO.
5750.300.000

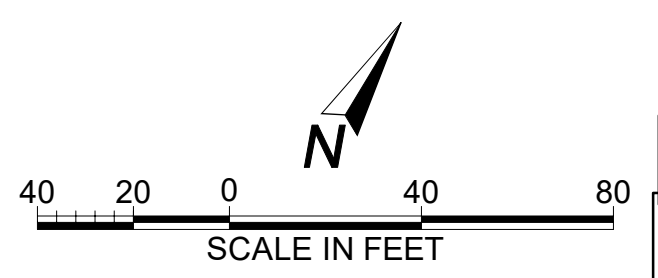


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SEE SHEET 4

SEE SHEET 2



2	3	4	6	8
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SANTA CLARITA, RYDE, NEW ZEALAND

CORRECTIVE GRADING PLAN

OAK KNOLL - PHASES 1 AND 2

OAKLAND, CALIFORNIA

DESIGNED BY: JSW	DRAWN BY: DLB	CHECKED BY: JAM	DATE: APRIL 2019	SCALE: AS SHOWN
PARCELS 6, 7, 11, 12, 19, 23, 24 CIVIL BASE REVISIONS (9/08/20)	LL	LL	LL	BY
PARCEL 6 - CIVIL BASE REVISIONS (7/10/20)	LL	LL	LL	BY
CIVIL BASE REVISIONS	LL	LL	LL	BY
CIVIL BASE REVISIONS	LL	LL	LL	BY
REV.	DATE	DESCRIPTION		

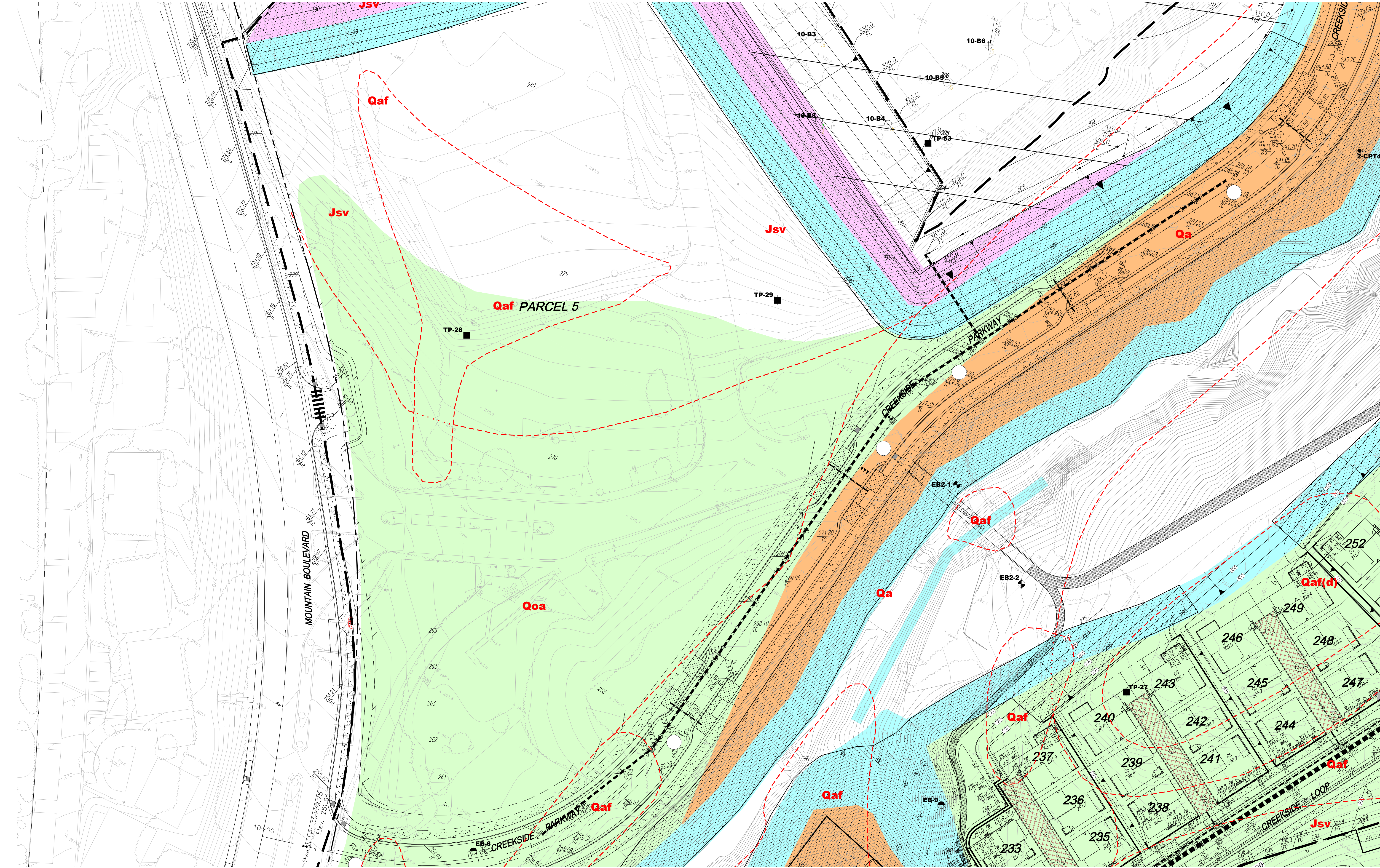
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PROJECT NO.

5750.300.000

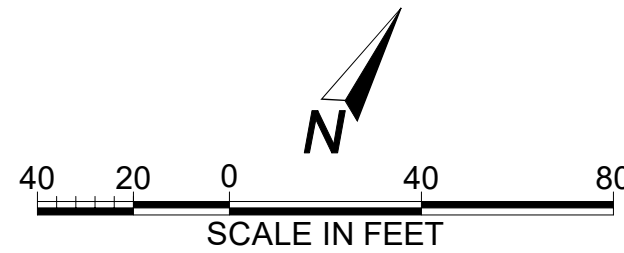
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SEE SHEET 6

SEE SHEET 3

SEE SHEET 5



2	3	4	6	8
			7	
			5	

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CORRECTIVE GRADING PLAN

OAK KNOLL - PHASES 1 AND 2

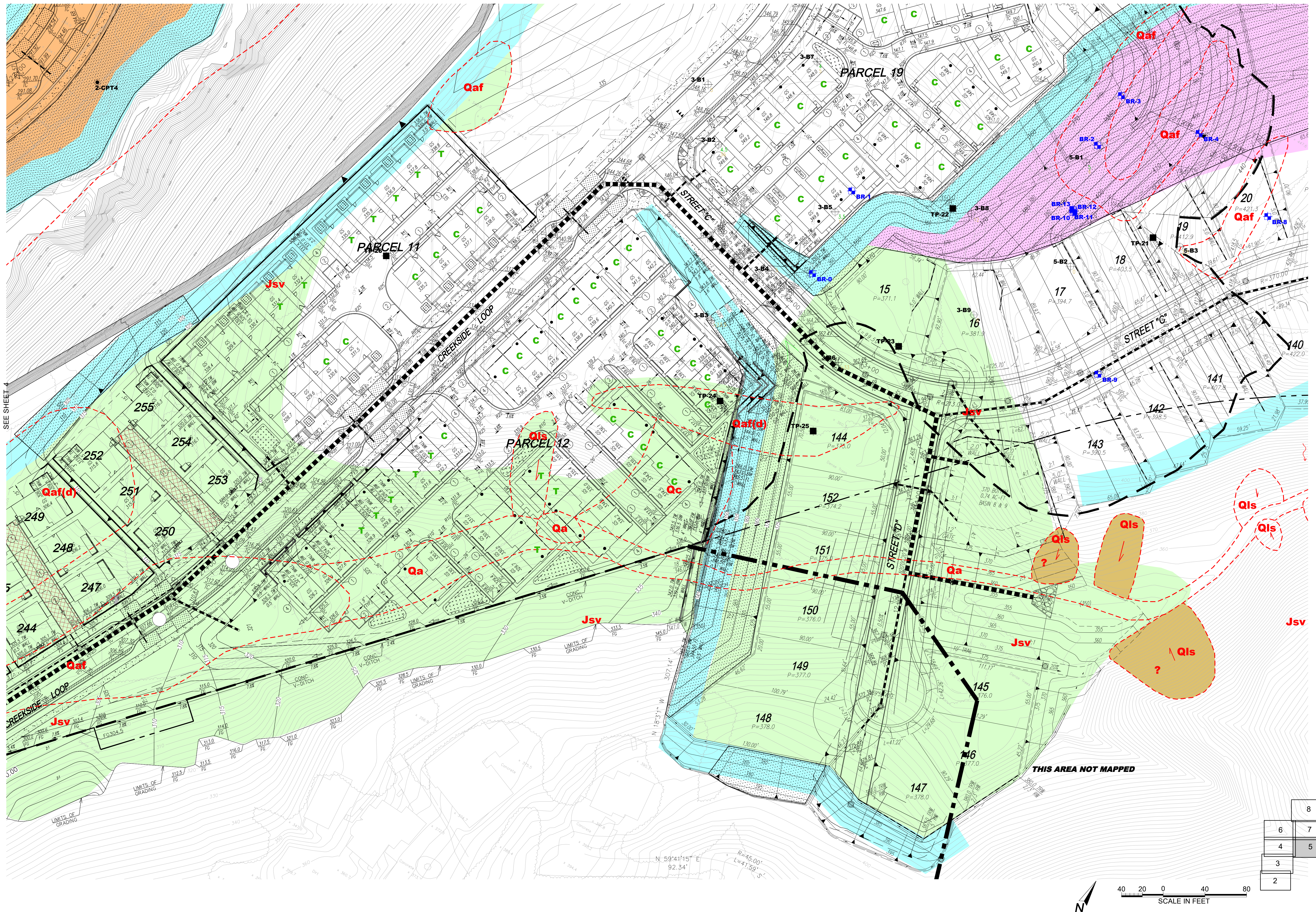
OAKLAND, CALIFORNIA

DESIGNED BY: JSW	DRAWN BY: DLB	CHECKED BY: JAM	DATE: APRIL 2019	SCALE: AS SHOWN
REV.	DATE	DESCRIPTION	BY	
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3	09/02/20	PARCEL 6 - CIVIL BASE REVISIONS (7/10/20)	JV	
2	04/19/19	CIVIL BASE REVISIONS	JSW	
1	10/18/17	CIVIL BASE REVISIONS	LL	

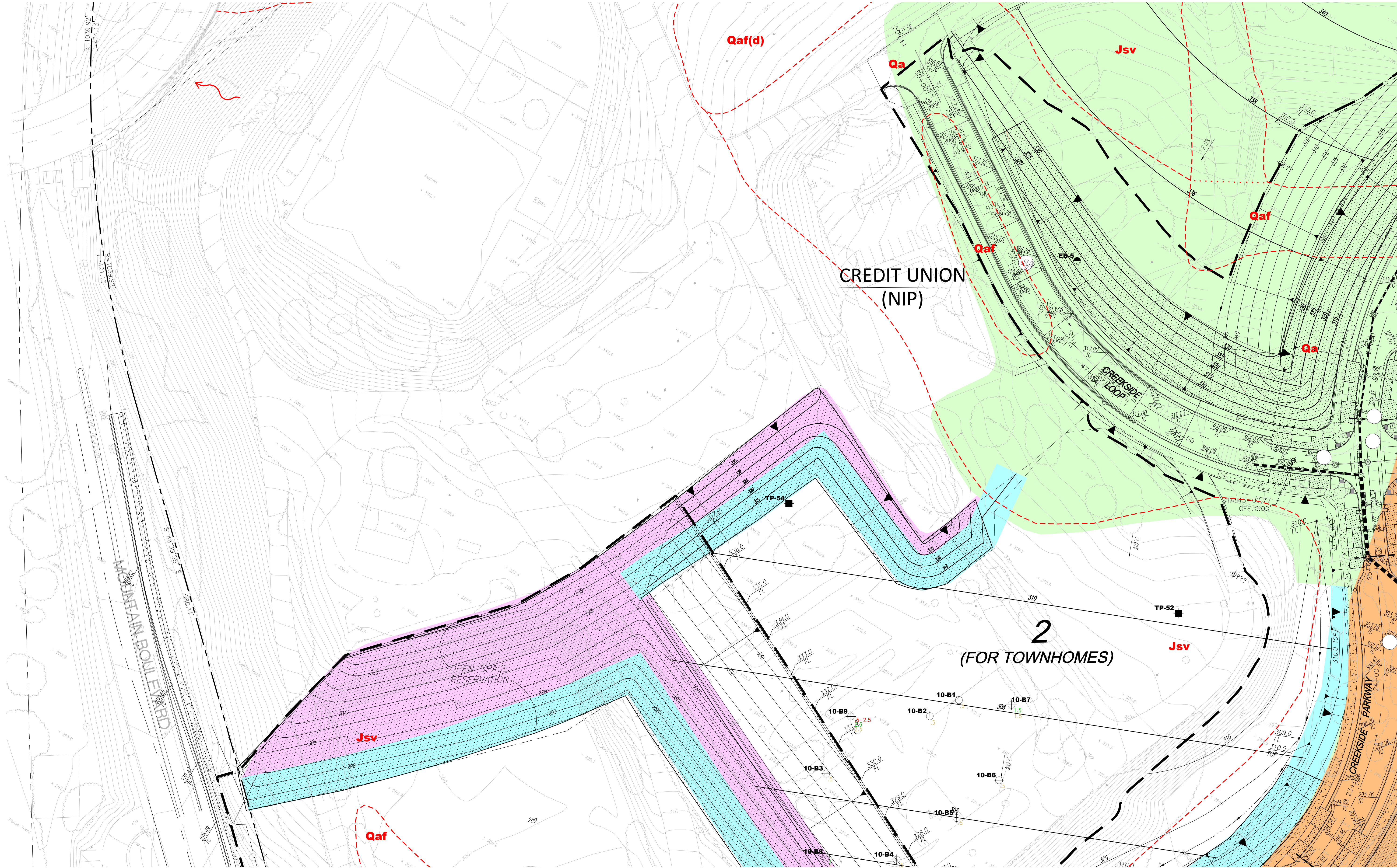
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PROJECT NO.
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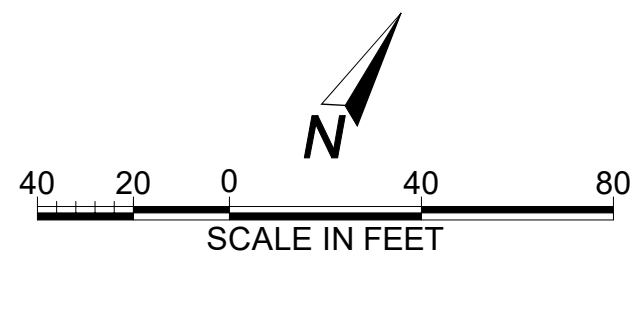


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\\snp0101\Users\Jsw\Drawings\PROJECTS\10\10300000\10300000-0400-10-00-000000.dwg 11-10-00 00:00:00 Plot Date: 11-10-22 Jsw



SEE SHEET 8

SEE SHEET 7



8
7
5
4
3
2

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CORRECTIVE GRADING PLAN

OAK KNOLL - PHASES 1 AND 2

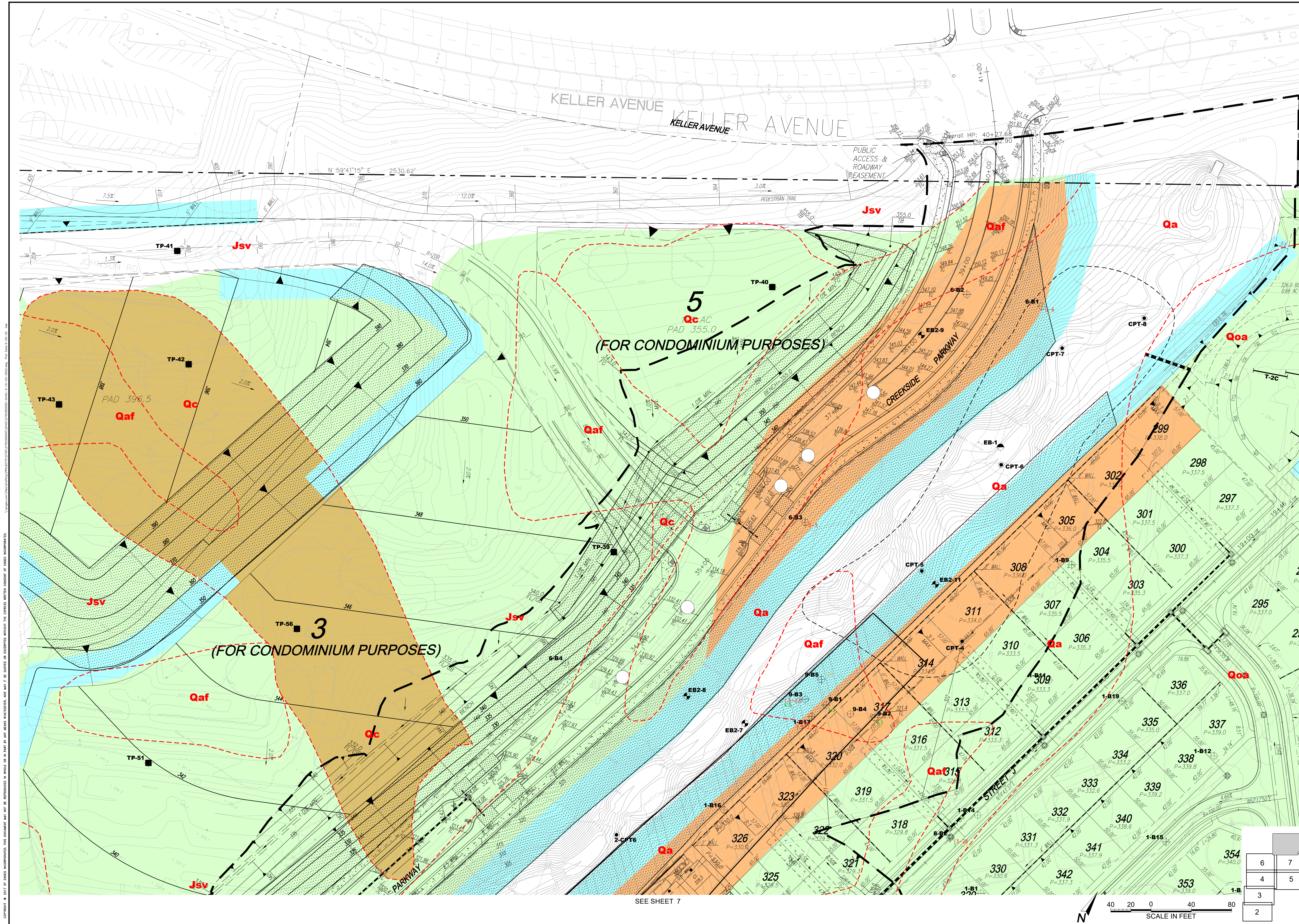
OAKLAND, CALIFORNIA

DESIGNED BY: JSW	DRAWN BY: DLB	CHECKED BY: JAM	DATE: APRIL 2019	SCALE: AS SHOWN
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PARCEL 6 - CIVIL BASE REVISIONS (7/10/20)	LL	LL	LL	LL
CIVIL BASE REVISIONS	LL	LL	LL	LL
CIVIL BASE REVISIONS	LL	LL	LL	LL
REV.	DATE	DESCRIPTION	BY	DATE

SHEET NUMBER

8

PROJECT NO.
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CORRECTIVE GRADING PLAN
OAK KNOLL - PHASES 1 AND 2
OAKLAND, CALIFORNIA

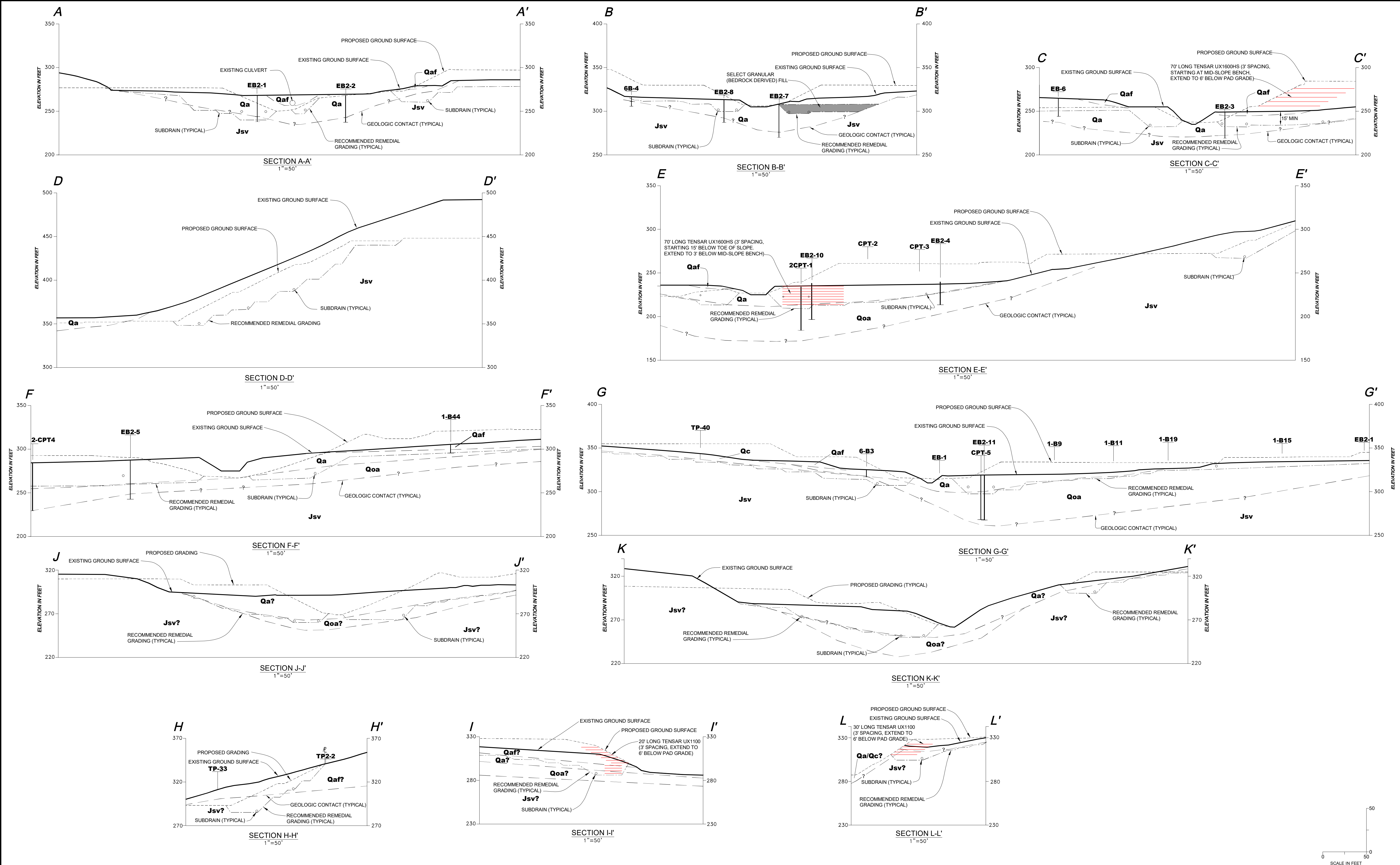
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3	09/02/20	PARCEL 6 - CIVIL BASE REVISIONS (7/10/20)							
2	04/19/19	CIVIL BASE REVISIONS							
1	10/18/17	CIVIL BASE REVISIONS							

6	7
4	5
3	
2	

SHEET NUMBER
10

PROJECT NO.
5750.300.000

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EXPLANATION			
Qaf	EXISTING FILL		
Qa	ALLUVIUM		
Qoa	PLEISTOCENE ALLUVIUM		
Jsv	KERATOPHYRE		
EB-6	BORING (ENGEO, 2006)		
1-B44	BORING (BY OTHERS)		
2-CPT4	CONE PENETRATION TEST (ENGEO, 2015)		
CPT-5	CONE PENETRATION TEST (ENGEO, 2007)		



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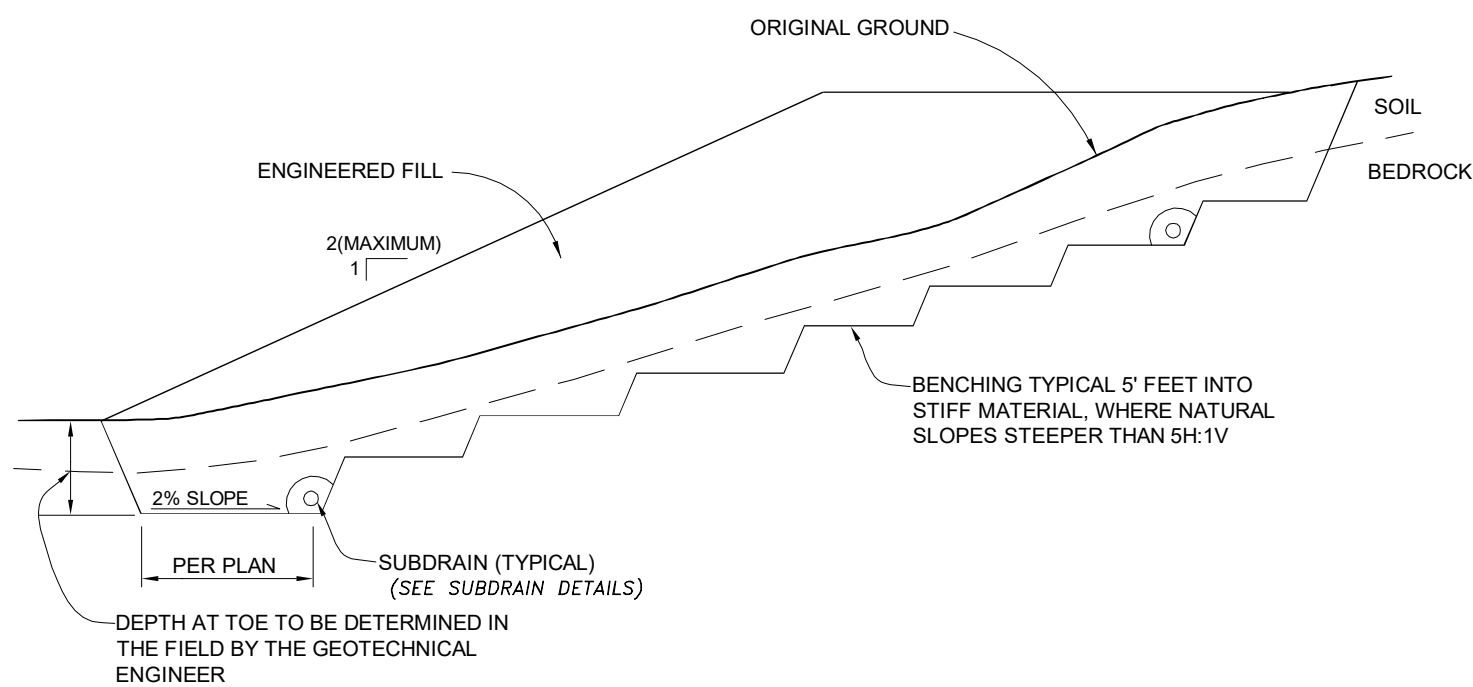
CORRECTIVE GRADING SECTIONS
OAK KNOLL - PHASES 1 AND 2
OAKLAND, CALIFORNIA

DESIGNED BY: JBR
DRAWN BY: DLB
CHECKED BY: JAM
DATE: MARCH 2017
SCALE: AS SHOWN

REV.	DATE	DESCRIPTION	BY

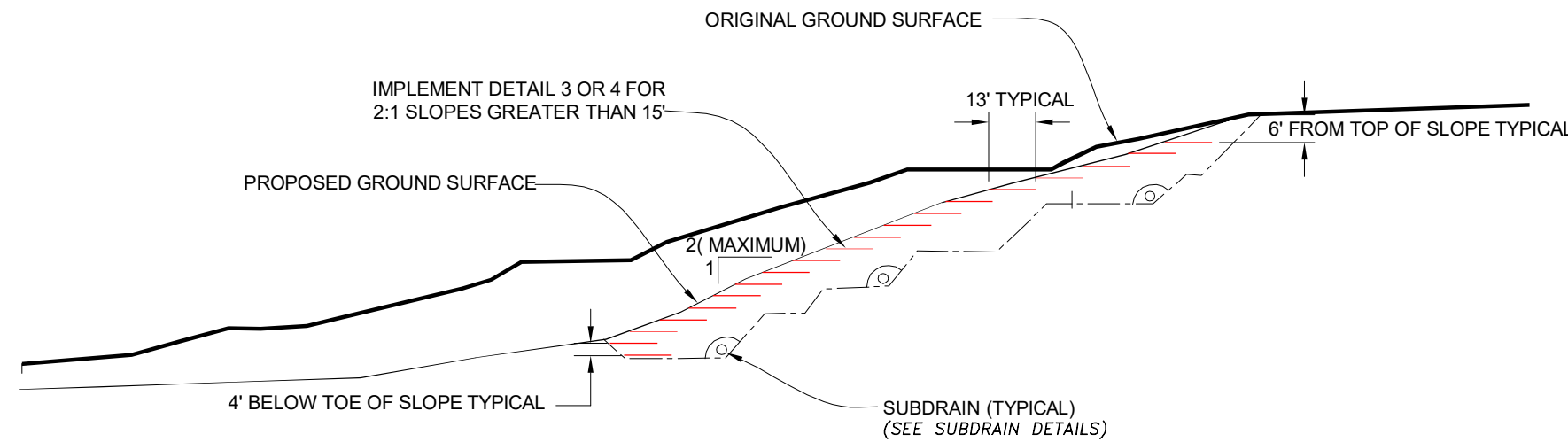
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PROJECT NO.
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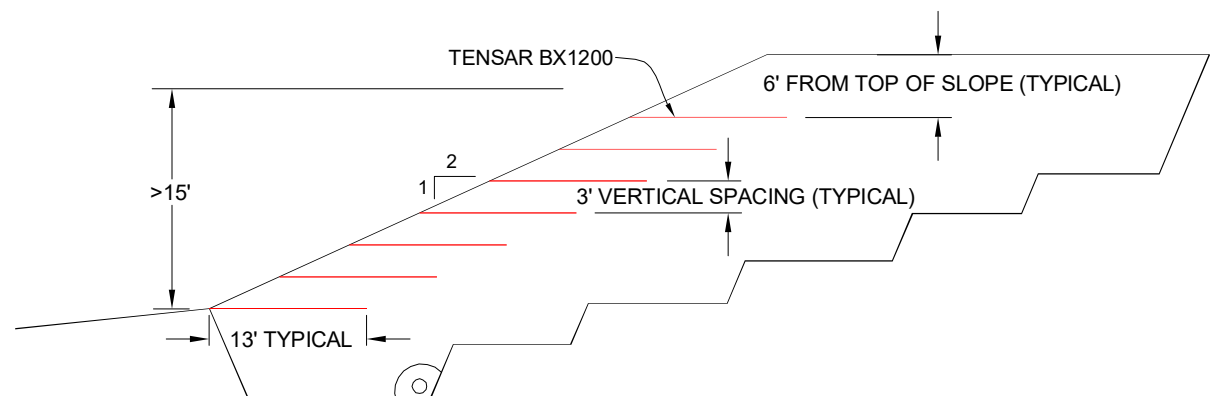
FOR SLOPE HEIGHT AND MAXIMUM SLOPE GRADIENT, REFER TO GRADED SLOPES SECTION OF THE TEXT

1 TYPICAL KEYWAY SECTION
NO SCALE



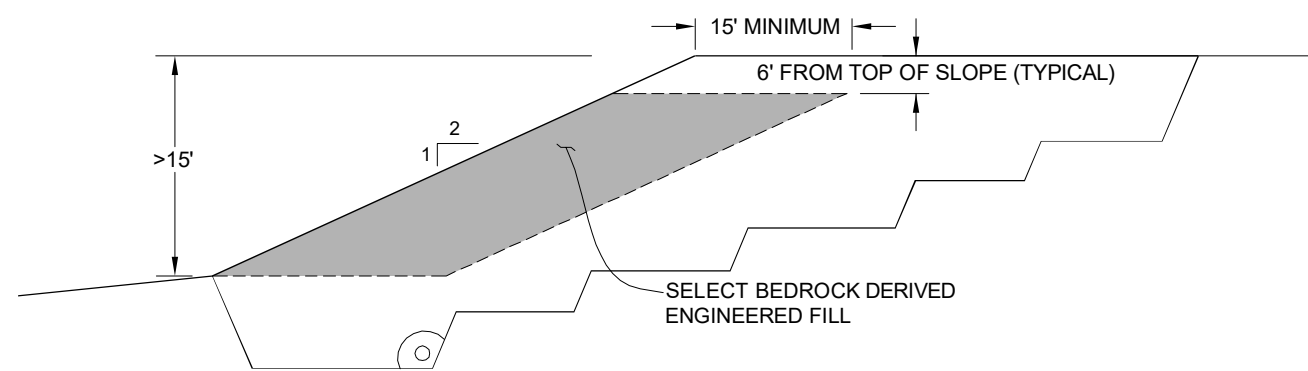
FOR SLOPE HEIGHT AND MAXIMUM SLOPE GRADIENT, REFER TO GRADED SLOPES SECTION OF THE TEXT

2 TYPICAL CUT SLOPE REBUILD
NO SCALE



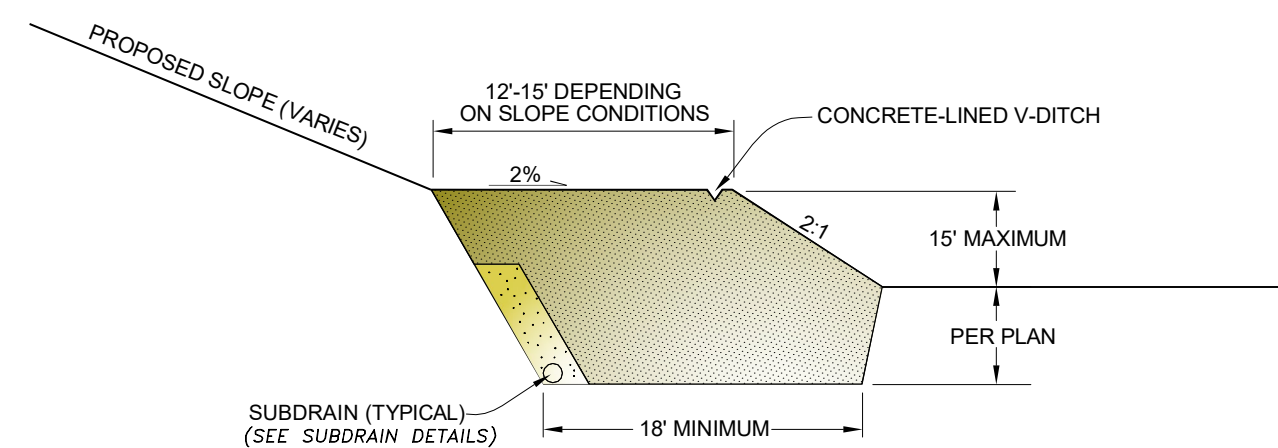
FOR SLOPE HEIGHT AND MAXIMUM SLOPE GRADIENT, REFER TO GRADED SLOPES SECTION OF THE TEXT (REFER TO PLANS AND SECTIONS C-C' AND E-E' FOR GLOBAL STABILITY GEOGRID REQUIREMENT AREAS)

3 SURFICIAL GEOGRID REINFORCED FILL SLOPE VENEER
NO SCALE



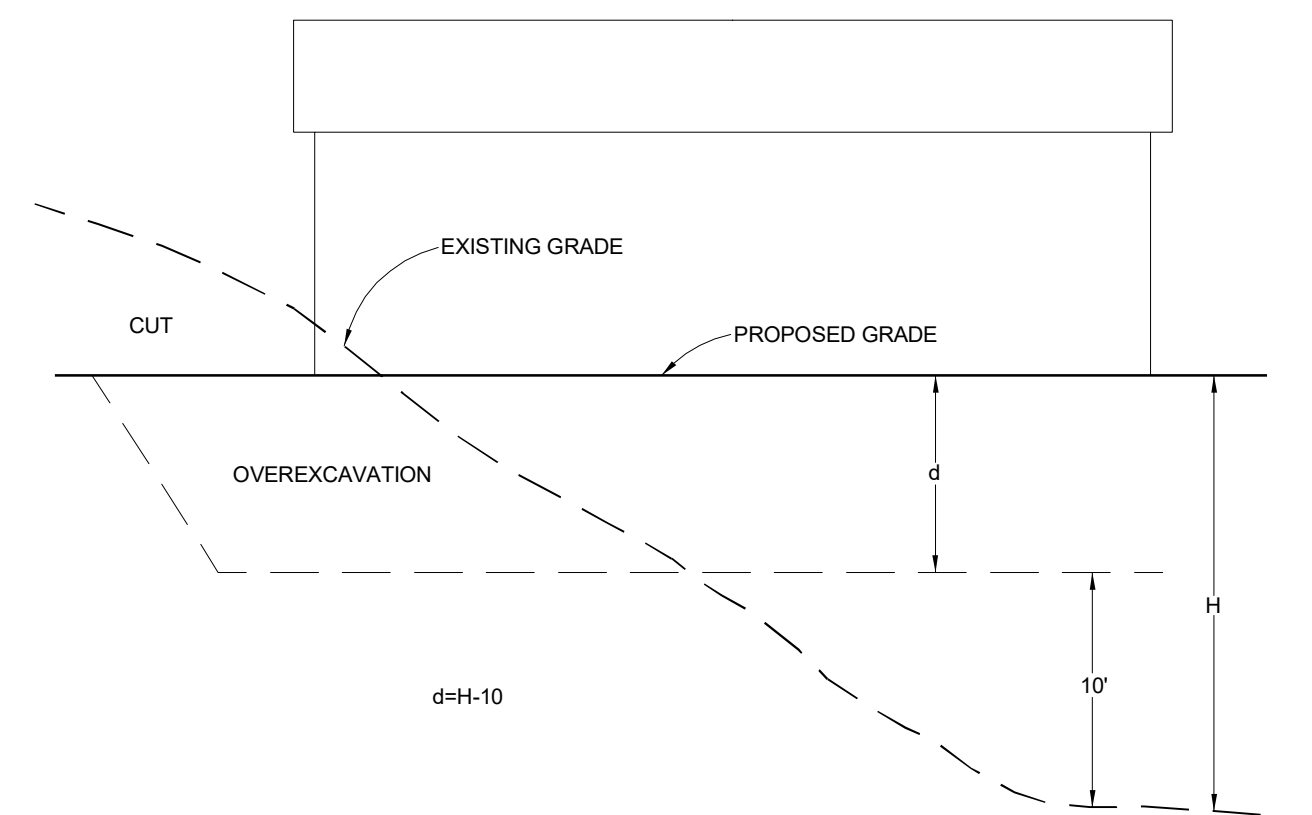
FOR SLOPE HEIGHT AND MAXIMUM SLOPE GRADIENT, REFER TO GRADED SLOPES SECTION OF THE TEXT

4 SURFICIAL SELECT GRANULAR FILL SLOPE VENEER
NO SCALE

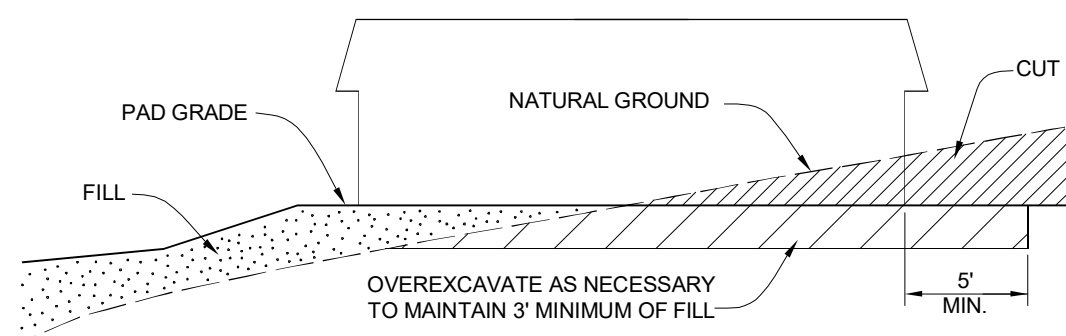


ACTUAL SIZE AND DEPTH OF KEYWAY TO BE DETERMINED IN THE FIELD BY THE GEOTECHNICAL ENGINEER

5 TYPICAL DEBRIS BENCH DETAIL
NO SCALE

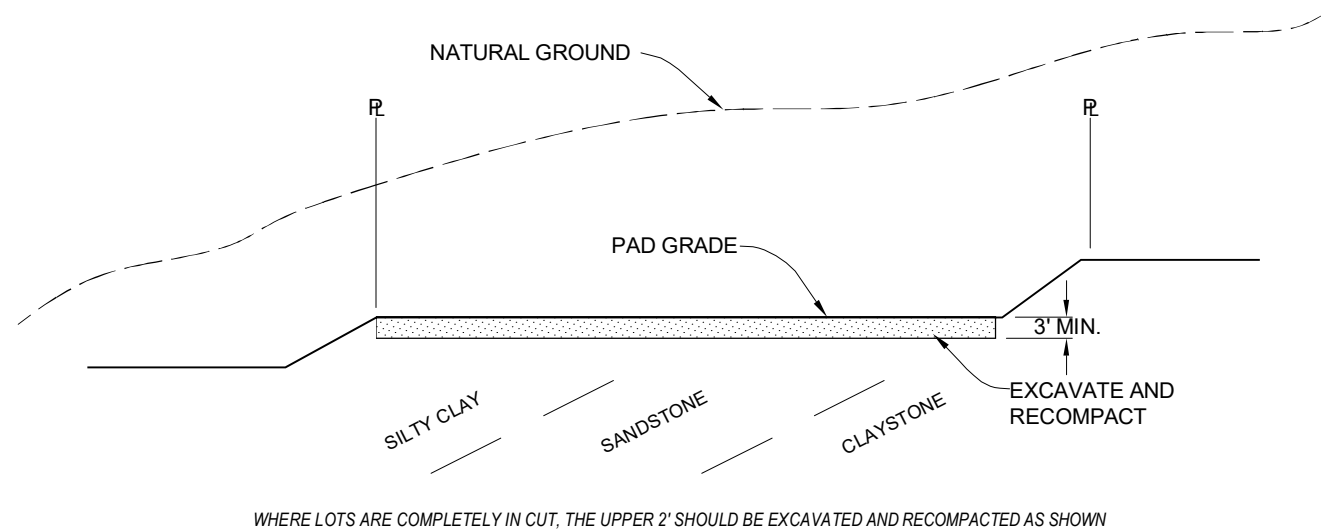


7 DIFFERENTIAL FILL LOT
NO SCALE



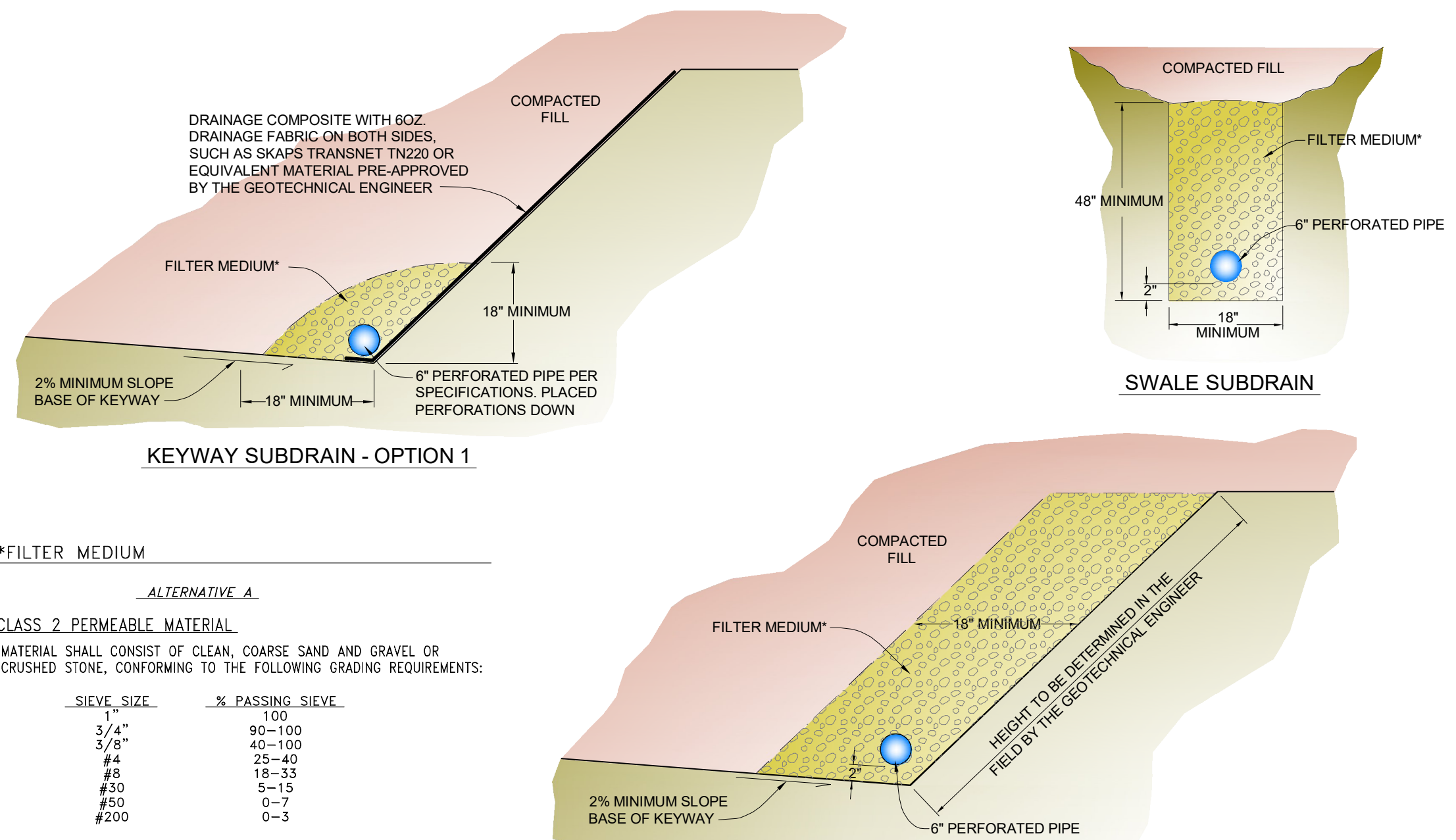
WHERE LOTS ARE PARTIALLY IN FILL AND PARTIALLY IN CUT, THE CUT PORTION MUST BE OVEREXCAVATED AS SHOWN

6 CUT/FILL LOT
NO SCALE



WHERE LOTS ARE COMPLETELY IN CUT, THE UPPER 2' SHOULD BE EXCAVATED AND RECOMPACTED AS SHOWN

8 CUT LOT
NO SCALE



*FILTER MEDIUM

ALTERNATIVE A

CLASS 2 PERMEABLE MATERIAL

MATERIAL SHALL CONSIST OF CLEAN, COARSE SAND AND GRAVEL OR CRUSHED STONE, CONFORMING TO THE FOLLOWING GRADING REQUIREMENTS:

SIEVE SIZE	% PASSING SIEVE
1	100
3/4"	90-100
3/8"	40-100
#4	25-40
#8	18-33
#30	5-15
#50	0-7
#200	0-3

ALTERNATIVE B

CLEAN CRUSHED ROCK OR GRAVEL WRAPPED IN FILTER FABRIC

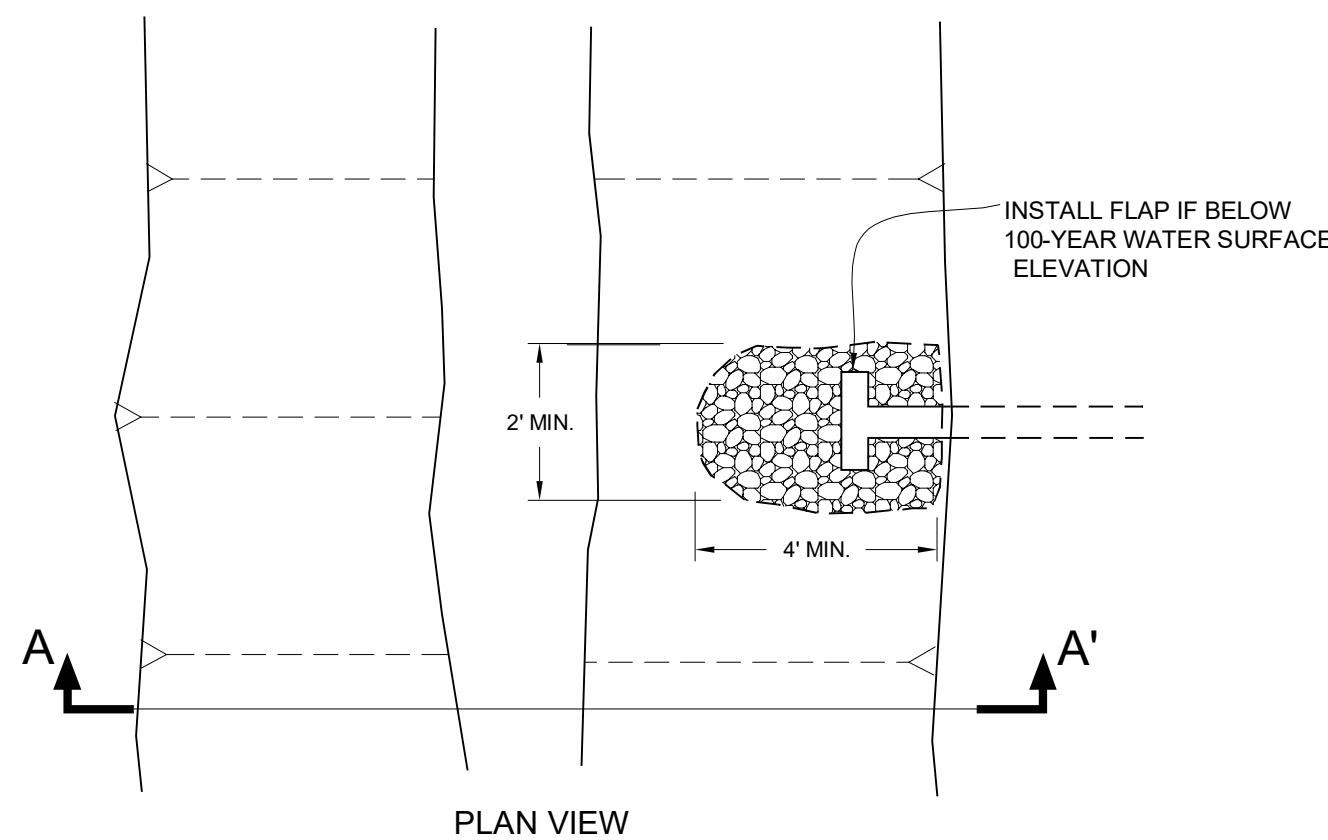
ALL FILTER FABRIC SHALL MEET THE FOLLOWING MINIMUM AVERAGE ROLL VALUES UNLESS OTHERWISE SPECIFIED BY ENGEO:

GRAB STRENGTH (ASTM D-4632)	180 lbs
MASS PER UNIT AREA (ASTM D-4751)	6 oz/yd ²
APPARENT OPENING SIZE (ASTM D-4751)	70-100 U.S. STD. SIEVE
FLOW RATE (ASTM D-4491)	80 gal/min/ft
PUNCTURE STRENGTH (ASTM D-4833)	80 lbs

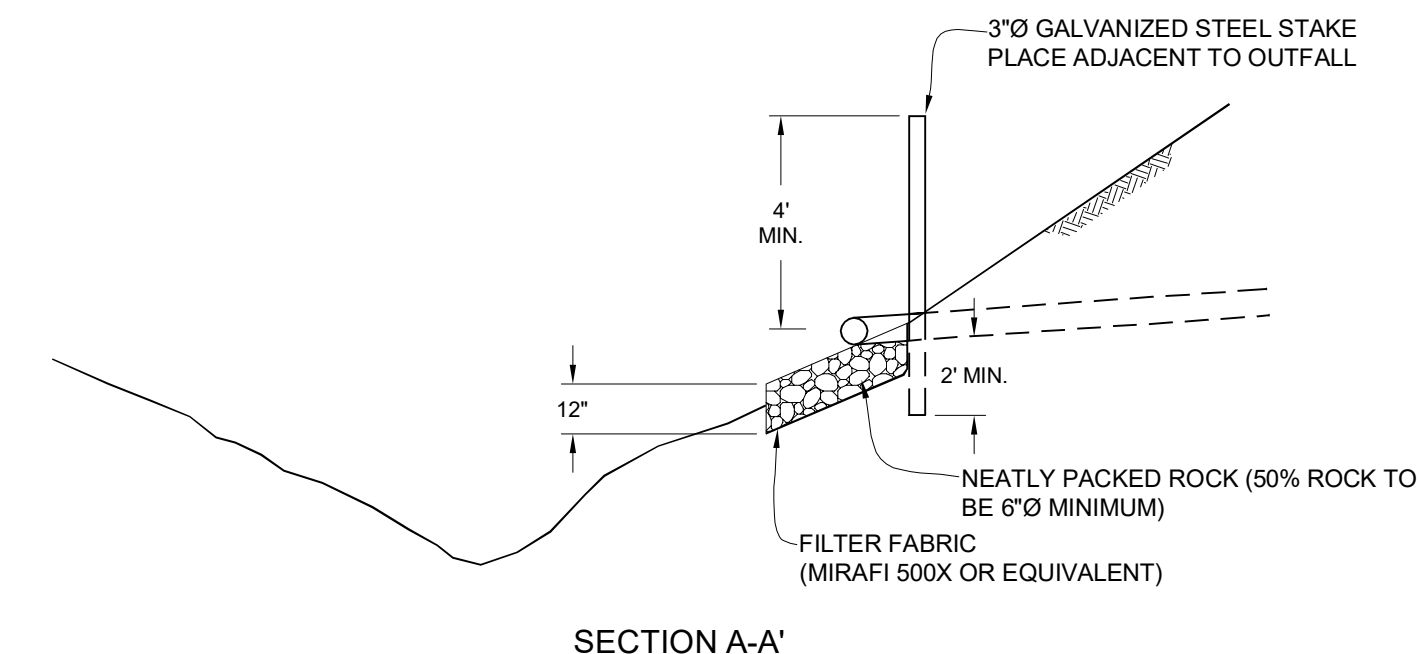
NOTES:

1. ALL PIPE JOINTS SHALL BE GLUED
2. ALL PERFORATED PIPE PLACED PERFORATIONS DOWN
3. 1% FALL (MINIMUM) ON ALL TRENCHES AND DRAIN LINES

9 TYPICAL KEYWAY SUBDRAIN DETAILS
NO SCALE



10 TYPICAL GEOTECHNICAL SUBDRAIN OUTFALL - OPEN SPACE LOCATIONS
NO SCALE



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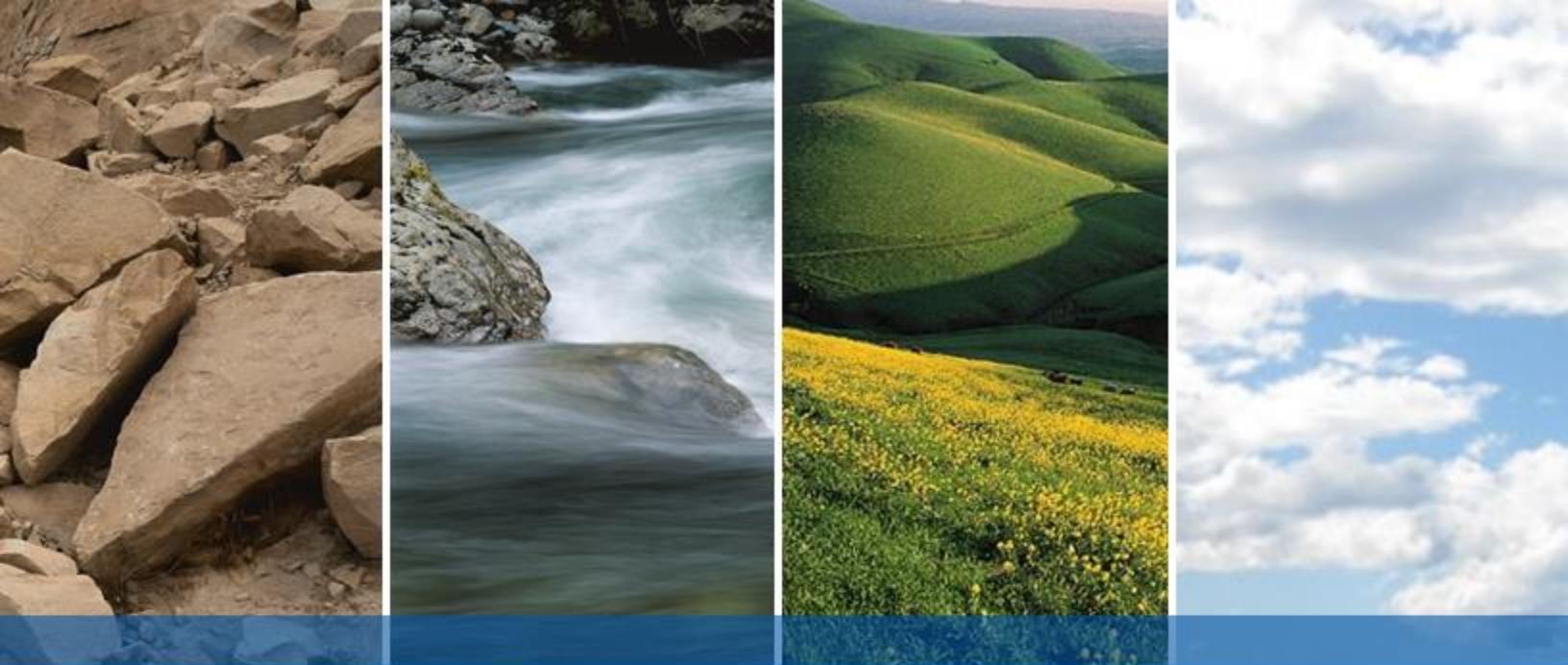
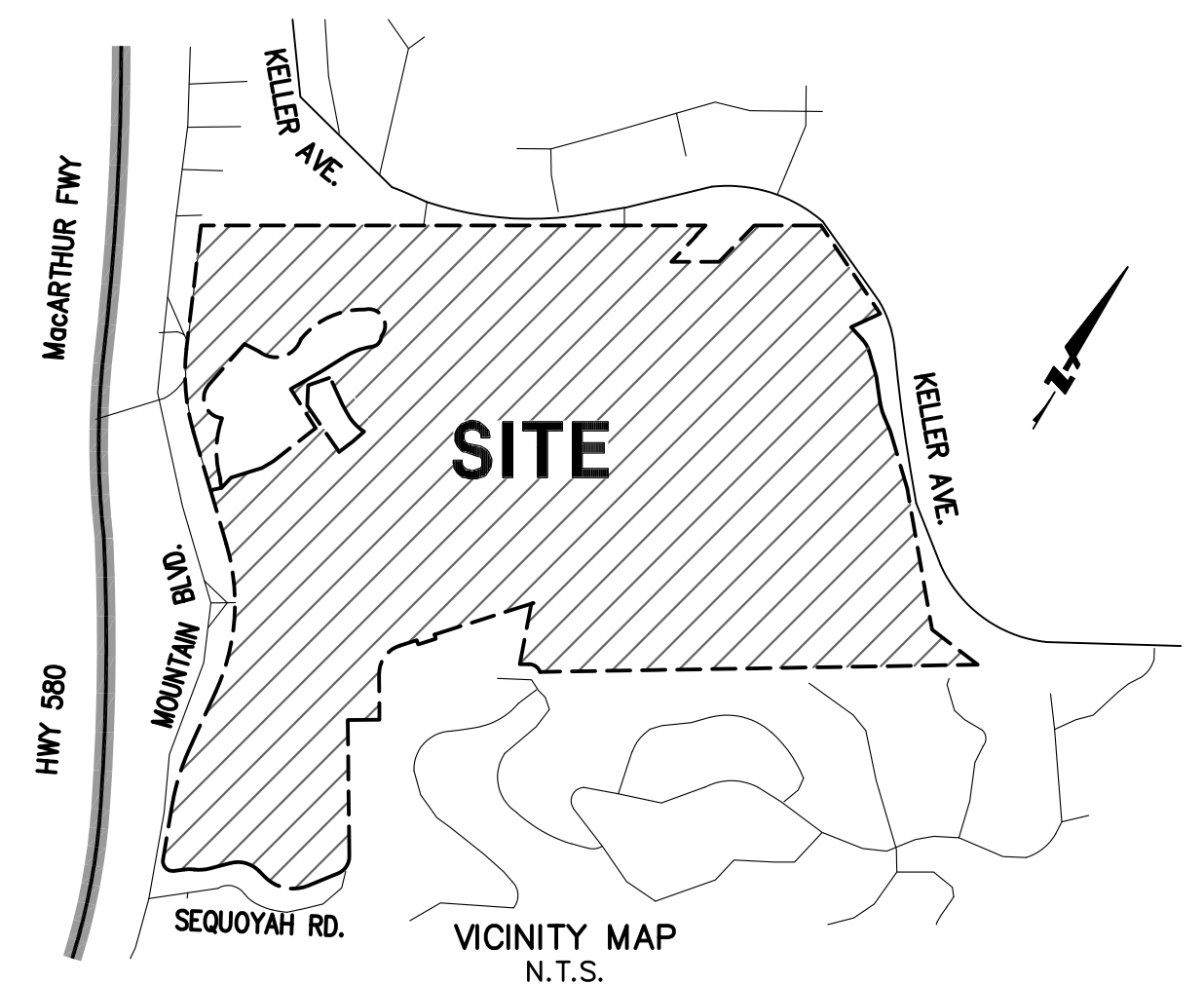
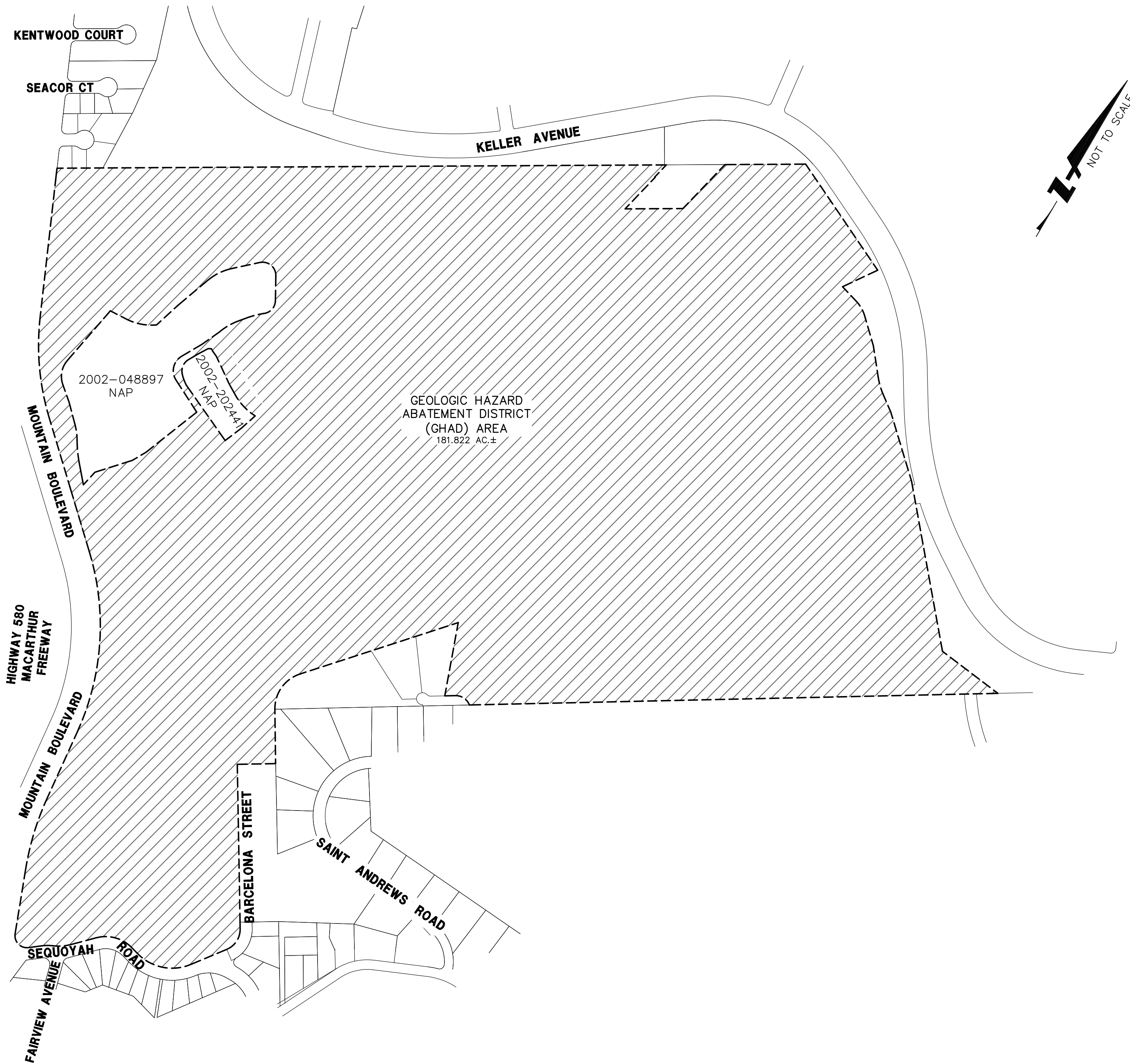


EXHIBIT A

**OAK KNOLL
PLAT FOR SUBDIVISION 8320**



LEGEND

---	DISTRICT BOUNDARY - CITY OF OAKLAND GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD)
---	ADJACENT LOT LINES
NAP	NOT A PART
APN	ASSESSOR PARCEL NUMBER
GHAD	GEOLOGIC HAZARD ABATEMENT DISTRICT

APN TABLE

GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD):
 043A-4675-003-23(PORION) & 048-6870-001
 043A-4675-003-23(PORION)
 043A-4675-003-23(PORION)
 043A-4675-047-01

NOTES:

FOR PARTICULARS OF LINES AND DIMENSIONS OF PARCELS, REFERENCE IS MADE TO THE MAPS AND DEEDS OF RECORD IN THE OFFICIAL RECORDS OF THE COUNTY OF ALAMEDA. THOSE MAPS AND DEEDS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH PARCELS.

PROPOSED BOUNDARIES OF THE OAK KNOLL
 DEVELOPMENT WITHIN THE OAKLAND AREA GEOLOGIC
 HAZARD ABATEMENT DISTRICT (GHAD)
 CITY OF OAKLAND, COUNTY OF ALAMEDA,
 STATE OF CALIFORNIA

LYING ENTIRELY WITHIN THE CITY OF OAKLAND
 ALAMEDA COUNTY, CALIFORNIA

SCALE:



1730 N. FIRST STREET
 SUITE 600
 SAN JOSE, CA 95112
 408-467-9100
 www.bkf.com

BKF NO. 20056154

SHEET 1 OF 2

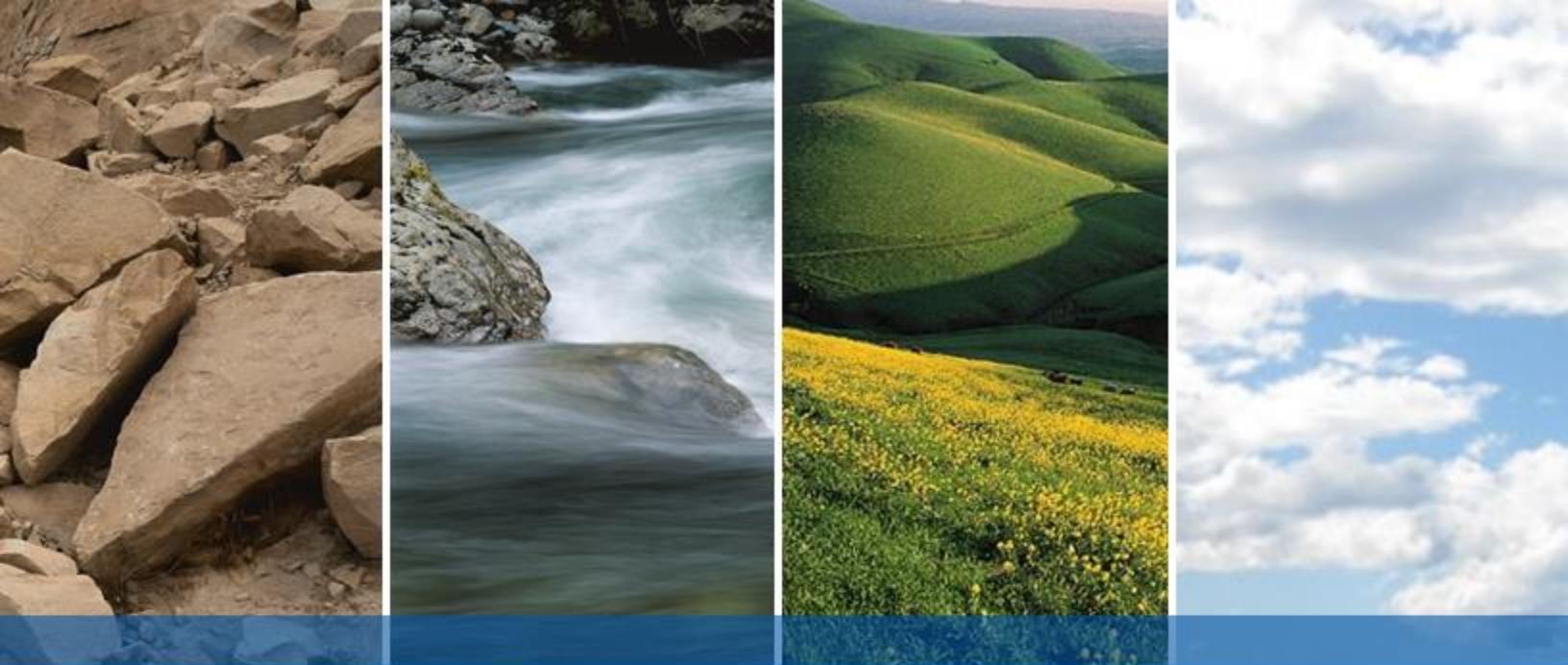


EXHIBIT B

**OAK KNOLL
LEGAL DESCRIPTION FOR SUBDIVISION 8320**

LEGAL DESCRIPTION

GEOLOGIC HAZARD ABATEMENT AREA

REAL PROPERTY IN THE CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF PARCEL 1 OF THAT CERTAIN QUITCLAIM DEED FROM THE UNITED STATES OF AMERICA, ACTING BY AND THROUGH THE DEPARTMENT OF THE NAVY TO SUNCAL OAK KNOLL, LLC, A DELAWARE LIMITED LIABILITY COMPANY, RECORDED MARCH 30, 2006 UNDER RECORDER'S SERIES NO. 2006-123016, AND ALL OF PARCEL D, PARCEL MAP 2783, FILED SEPTEMBER 12, 1979, BOOK 113 OF PARCEL MAPS, PAGE 3, OFFICIAL RECORDS OF ALAMEDA COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF SAID PARCEL 1 (SERIES NO. 2006-123016), ALSO BEING A POINT ON THE NORTHEASTERLY LINE OF MOUNTAIN BOULEVARD;

THENCE NORTH 59°41'25" EAST, 1,869.01 FEET;

THENCE NORTH 59°40'59" EAST, 658.56 FEET;

THENCE SOUTH 13°43'14" WEST, 69.55 FEET;

THENCE CONTINUING SOUTHERLY ALONG SAID COURSE, SOUTH 13°43'14" WEST, 0.11 FEET;

THENCE CONTINUING SOUTHERLY ALONG SAID COURSE, SOUTH 13°43'14" WEST, 182.66 FEET;

THENCE NORTH 59°40'59" EAST, 240.00 FEET;

THENCE NORTH 13°43'14" EAST, 252.32 FEET;

THENCE NORTH 59°40'59" EAST, 337.86 FEET;

THENCE SOUTH 64°09'34" EAST, 531.94 FEET;

THENCE SOUTH 34°53'14" WEST, 160.90 FEET;

THENCE SOUTH 73°22'52" EAST, 82.69 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 150.00 FEET;

THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 27°09'49", FOR AN ARC LENGTH OF 71.11 FEET;

THENCE SOUTH 46°13'03" EAST, 128.99 FEET;

THENCE SOUTH 38°45'13" EAST, 130.97 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, HAVING A RADIUS OF 300.00 FEET;

THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 14°33'36", FOR AN ARC LENGTH OF 76.24 FEET;

THENCE SOUTH 53°18'49" EAST, 78.88 FEET;

THENCE SOUTH 46°44'54" EAST, 299.25 FEET;

THENCE SOUTH 40°17'41" EAST, 717.29 FEET;

THENCE SOUTH 82°48'36" EAST, 288.28 FEET;

THENCE SOUTH 58°44'27" WEST, 2,192.59 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, HAVING A RADIUS OF 60.00 FEET, CONCAVE SOUTH, FROM SAID POINT A RADIAL LINE BEARS SOUTH 39°17'57" WEST;

THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 70°33'39", FOR AN ARC LENGTH OF 73.89 FEET;

THENCE SOUTH 58°44'18" WEST, 44.48 FEET;

THENCE NORTH 19°32'30" WEST, 308.93 FEET;

THENCE SOUTH 42°00'40" WEST, 691.45 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, HAVING A RADIUS OF 149.99 FEET;

THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 73°16'21", FOR AN ARC LENGTH OF 191.81 FEET;

THENCE SOUTH 58°44'27" WEST, 1.91 FEET;

THENCE SOUTH 31°15'06" EAST, 225.60 FEET;

GEOLOGIC HAZARD ABATEMENT AREA (CONTINUED)

THENCE SOUTH 58°58'58" WEST, 159.05 FEET;

THENCE SOUTH 31°00'27" EAST, 682.52 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 90.63 FEET;

THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 68°15'33", FOR AN ARC LENGTH OF 107.97 FEET;

THENCE SOUTH 37°15'06" WEST, 161.82 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 199.99 FEET;

THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 68°22'08", FOR AN ARC LENGTH OF 238.64 FEET;

THENCE NORTH 74°22'45" WEST, 36.53 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, HAVING A RADIUS OF 149.99 FEET;

THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 60°32'35", FOR AN ARC LENGTH OF 158.49 FEET;

THENCE SOUTH 45°04'40" WEST, 108.28 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 199.99 FEET;

THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 21°36'53", FOR AN ARC LENGTH OF 75.45 FEET TO THE BEGINNING OF A REVERSE CURVE, HAVING A RADIUS OF 199.99 FEET, FROM SAID POINT A RADIAL LINE BEARS SOUTH 23°18'27" EAST;

THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 14°31'29", FOR AN ARC LENGTH OF 50.70 FEET;

THENCE SOUTH 52°10'04" WEST, 51.36 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 50.00 FEET;

THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 107°06'14", FOR AN ARC LENGTH OF 93.47 FEET;

THENCE NORTH 20°43'42" WEST, 5.41 FEET;

THENCE CONTINUING NORTHERLY ALONG SAID COURSE, NORTH 20°43'42" WEST, 268.86 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1,139.93 FEET;

THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 15°08'59", FOR AN ARC LENGTH OF 301.41 FEET;

THENCE NORTH 05°34'42" WEST, 307.87 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, HAVING A RADIUS OF 1,059.93 FEET;

THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 41°06'19", FOR AN ARC LENGTH OF 760.42 FEET;

THENCE NORTH 46°41'01" WEST, 280.88 FEET;

THENCE CONTINUING NORTHWESTERLY ALONG SAID COURSE, NORTH 46°41'01" WEST, 303.91 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 1,039.93 FEET;

THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 23°08'25", FOR AN ARC LENGTH OF 420.00 FEET;

THENCE NORTH 23°32'36" WEST, 571.83 FEET;

THENCE CONTINUING NORTHWESTERLY ALONG SAID COURSE, NORTH 23°32'36" WEST, 50.35 FEET TO THE POINT OF BEGINNING.

CONTAINING 191.006 ACRES, MORE OR LESS.

EXCLUDING THEREFROM, THE FOLLOWING TWO AREAS: ALL OF PARCEL A, DESCRIBED AND SHOWN ON THAT CERTAIN QUITCLAIM DEED FROM THE UNITED STATES OF AMERICA, ACTING BY AND THROUGH THE DEPARTMENT OF THE NAVY TO SEA WEST COAST GUARD FEDERAL CREDIT UNION, RECORDED MAY 7, 2002 UNDER RECORDER'S SERIES NO. 2002-202441, AND ALL OF PARCEL ONE, DESCRIBED AND SHOWN ON THAT CERTAIN QUITCLAIM DEED FROM THE UNITED STATES OF AMERICA, ACTING BY AND THROUGH THE SECRETARY OF EDUCATION TO THE SENECA RESIDENTIAL AND DAY TREATMENT CENTER FOR CHILDREN, RECORDED JANUARY 30, 2002 UNDER RECORDER'S SERIES NO. 2002-048897, OFFICIAL RECORDS OF ALAMEDA COUNTY MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PARCEL A (2002-202441): BEGINNING AT THE MOST SOUTHERLY CORNER OF SAID PARCEL A (SERIES NO. 2002-202441);

THENCE NORTH 64°52'25" WEST, 94.13 FEET;

THENCE NORTH 87°32'26" WEST, 24.05 FEET;

GEOLOGIC HAZARD ABATEMENT AREA (CONTINUED)

THENCE NORTH 62°17'04" WEST, 7.08 FEET;

THENCE NORTH 64°19'22" WEST, 72.96 FEET;

THENCE NORTH 59°45'37" WEST, 84.81 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 157.99 FEET;

THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 18°58'00", FOR AN ARC LENGTH OF 52.30 FEET TO THE BEGINNING OF A COMPOUND CURVE, HAVING A RADIUS OF 52.99 FEET, FROM SAID POINT A RADIAL LINE BEARS NORTH 49°12'23" EAST;

THENCE NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 66°47'17", FOR AN ARC LENGTH OF 61.77 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, HAVING A RADIUS OF 691.15 FEET, CONCAVE SOUTHEAST, FROM SAID POINT A RADIAL LINE BEARS SOUTH 64°00'19" EAST;

THENCE NORTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 08°11'24", FOR AN ARC LENGTH OF 98.79 FEET TO THE BEGINNING OF A COMPOUND CURVE, HAVING A RADIUS OF 14.00 FEET, FROM SAID POINT A RADIAL LINE BEARS SOUTH 55°48'55" EAST;

THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 112°11'31", FOR AN ARC LENGTH OF 27.41 FEET;

THENCE SOUTH 65°26'03" EAST, 25.62 FEET;

THENCE SOUTH 54°52'37" EAST, 125.64 FEET;

THENCE SOUTH 58°56'49" EAST, 51.20 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, HAVING A RADIUS OF 245.98 FEET;

THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 28°33'54", FOR AN ARC LENGTH OF 122.63 FEET;

THENCE SOUTH 18°18'13" WEST, 75.94 FEET;

THENCE SOUTH 22°43'50" WEST, 85.18 FEET TO THE POINT OF BEGINNING.

CONTAINING 1.2644 ACRES, MORE OR LESS.

PARCEL 1 (2002-048897): BEGINNING AT THE NORTHWESTERN CORNER OF SAID PARCEL ONE (SERIES NO. 2002-048897), SAID CORNER BEING SOUTH 50°20'15"EAST, 630.01 FEET FROM THE NORTHWESTERN CORNER OF OAK KNOLL, NAVAL REGIONAL MEDICAL FACILITY PROPERTY AS SHOWN ON THE MAP ENTITLED, "RECORD OF SURVEY NO. R/S 1444" FILED AUGUST, 1997 IN BOOK 21 OF RECORDS OF SURVEYS AT PAGE 69, ALAMEDA COUNTY RECORDS;

THENCE NORTH 87°11'15" EAST, 83.85 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, HAVING A RADIUS OF 229.98 FEET, CONCAVE NORTH, FROM SAID POINT A RADIAL LINE BEARS NORTH 04°50'37" WEST;

THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 30°27'12", FOR AN ARC LENGTH OF 122.24 FEET;

THENCE NORTH 17°31'17" EAST, 123.48 FEET;

THENCE NORTH 20°03'04" EAST, 158.65 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 229.98 FEET;

THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 27°43'21", FOR AN ARC LENGTH OF 111.28 FEET;

THENCE NORTH 47°46'25" EAST, 118.38 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, HAVING A RADIUS OF 55.00 FEET, CONCAVE SOUTH, FROM SAID POINT A RADIAL LINE BEARS SOUTH 42°56'24" EAST;

THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 103°46'15", FOR AN ARC LENGTH OF 99.61 FEET;

THENCE SOUTH 29°15'09" EAST, 104.02 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, HAVING A RADIUS OF 53.14 FEET, CONCAVE WEST, FROM SAID POINT A RADIAL LINE BEARS SOUTH 59°49'24" WEST;

THENCE SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 88°16'37", FOR AN ARC LENGTH OF 81.87 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, HAVING A RADIUS OF 349.98 FEET, CONCAVE SOUTHEAST, FROM SAID POINT A RADIAL LINE BEARS SOUTH 39°33'22" EAST;

THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 09°46'00", FOR AN ARC LENGTH OF 59.66 FEET;

GEOLOGIC HAZARD ABATEMENT AREA (CONTINUED)

THENCE SOUTH 40°43'02" WEST, 41.71 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, HAVING A RADIUS OF 272.70 FEET;

THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 20°53'53", FOR AN ARC LENGTH OF 99.46 FEET;

THENCE SOUTH 24°25'37" WEST, 86.32 FEET;

THENCE SOUTH 29°51'48" WEST, 97.93 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, HAVING A RADIUS OF 70.00 FEET;

THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 92°42'05", FOR AN ARC LENGTH OF 113.25 FEET;

THENCE SOUTH 62°50'17" EAST, 159.17 FEET;

THENCE SOUTH 21°41'53" WEST, 268.92 FEET;

THENCE SOUTH 29°21'05" WEST, 65.42 FEET;

THENCE SOUTH 42°25'18" WEST, 162.70 FEET;

THENCE SOUTH 12°34'46" WEST, 70.72 FEET;

THENCE NORTH 40°42'30" WEST, 94.15 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 499.96 FEET;

THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 10°43'17", FOR AN ARC LENGTH OF 93.56 FEET TO THE BEGINNING OF A REVERSE CURVE, HAVING A RADIUS OF 249.98 FEET, FROM SAID POINT A RADIAL LINE BEARS SOUTH 60°00'47" WEST;

THENCE NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 14°58'49", FOR AN ARC LENGTH OF 65.36 FEET;

THENCE NORTH 44°58'02" WEST, 96.36 FEET;

THENCE NORTH 49°30'00" WEST, 77.11 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 100.99 FEET;

THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 60°26'53", FOR AN ARC LENGTH OF 106.55 FEET;

THENCE NORTH 10°56'53" EAST, 224.06 FEET TO THE BEGINNING OF A CURVE TO THE LEFT, HAVING A RADIUS OF 499.96 FEET;

THENCE ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 05°28'28", FOR AN ARC LENGTH OF 47.77 FEET TO THE POINT OF BEGINNING.

CONTAINING 7.9199 ACRES, MORE OR LESS.

PROPOSED BOUNDARIES OF THE OAK KNOLL DEVELOPMENT WITHIN THE OAKLAND AREA GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD) CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA

LYING ENTIRELY WITHIN THE CITY OF OAKLAND ALAMEDA COUNTY, CALIFORNIA

SCALE:



1730 N. FIRST STREET
SUITE 600
SAN JOSE, CA 95112
408-467-9100
www.bkf.com

BKF NO. 20056154

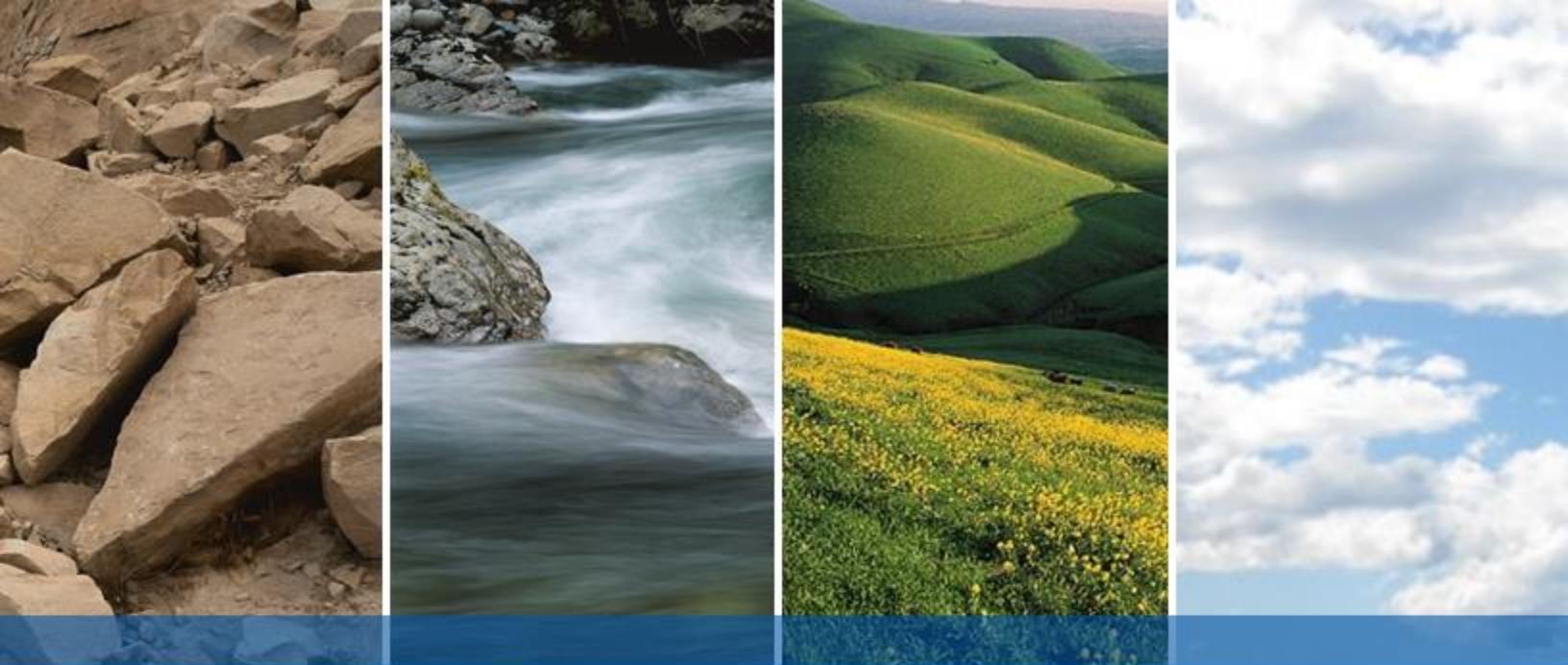


EXHIBIT C

GHAD-RELATED CONDITIONS OF APPROVAL

COA No. 22 – Off-site Transportation Improvements and Capital Improvements:

- a. Applicant shall design and install the off-site intersection improvements described as intersections #2, 3, 12, 13, 16, 38, and 40 in the Final EIR, provided that Caltrans and City issue all necessary permits for such improvements.
- b. Applicant shall complete installation of all such off-site improvements in accordance with the timing provisions as set forth in the EIR. The EIR's timing requirements are expressed below, in terms of Equivalent Housing Units ("EHU's"), defined in Exhibit A to these Conditions.
 - i. #2: I-580 Eastbound On-Ramp/Seminary Avenue/Kuhnle Avenue (390th EHU)
 - ii. #3: I-580 Westbound Off-Ramp/Seminary Avenue/Kuhnle Avenue (940th EHU)
 - iii. #12: I-580 Eastbound Off Ramp/Fontaine Street/Keller Avenue (280th EHU)
 - iv. #13: Mountain Boulevard/Keller Avenue (60th EHU)
 - v. #16: I-580 Westbound Off Ramp/Mountain Boulevard/Shone Avenue (500th EHU)
 - vi. #38: Improvements to Golf Links Road/I-580 Eastbound off ramp/98th Avenue (230th EHU)
 - vii. #40: Mountain Boulevard/Golf Links Road/I-580 WB Ramp (230th EHU)
- c. Applicant shall design and install public parks and trails in accordance with this Approval and shall dedicate such parks and trails, as well as certain open space areas ("Parks and Open Space Facilities") to the City or the **Geologic Hazard Abatement District ("GHAD")** in accordance with Exhibit B.
- d. These off-site transportation improvements and onsite parks and open space facilities are considered "developer constructed facilities" (i.e., transportation or capital facilities that would otherwise be funded in whole or in part by the City's Transportation and Capital Improvements Impact Fee program (Oakland Municipal Code section 15.74). The Applicant is eligible to seek a Credit and Reimbursement Agreement (Agreement) with the City (pursuant to Municipal Code section 15.74.120), whereby the Applicant may receive credit against the amount of the impact fee due, and possibly reimbursement from impact fees paid by other development projects. The applicant is also eligible to apply to the City Administrator for reductions or waivers of the impact fees (pursuant to Municipal Code section 15.74.080), whereby the City Administrator may find the Project will not generate a need for transportation or capital improvements infrastructure or the need will be limited so as to justify a reduced impact fee, because the Project will instead provide for these transportation or capital infrastructure improvements.

COA No. 50 – Construction, Ownership, and Maintenance of Certain Improvements:

Ownership and maintenance of certain improvements will be as set forth in the "Oak Knoll Development Ownership, Funding Sources and Maintenance Responsibilities" ("Oak Knoll Matrix") attached hereto as Exhibit B. The Applicant shall dedicate, and the City shall accept, all facilities designated for City of Oakland ownership on Exhibit B, including but not limited to public parks and trails, public roads, bio-retention swales and stormdrains. For parks to be dedicated to the City, park improvement plans shall be subject to review by the Bureau of Planning. Except for public parks, Applicant shall retain the right to maintain ornamental landscaping on any City-owned property, including but not limited to street trees, street planters, and decorative signage. Prior to the approval of the first final map for the Project:

- a. Formation of Community Facilities District: City shall establish a community facilities district ("CFD") pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the "CFD Act"). The CFD will include within its boundaries all of the Oak Knoll Development Project. All costs of forming and implementing such CFD, including, without limitation, costs for consultants, elections, and any legal challenge, shall be at Applicant's sole costs, and the Project Applicant shall make an initial advance payment to the City for formation costs of the CFD, and shall advance additional amounts within fifteen (15) business days after the written request by the City, subject to reimbursement out of the proceeds of bonds or facilities special

taxes collected in the CFD. All contractors and consultants paid or reimbursed by the CFD or the City shall be subject to the direction of the City. Until the maintenance CFD is formed and funded as set forth below, the Applicant shall be responsible for the maintenance of the improvements. The CFD will contain two separate special taxes, described as follows:

i. *Facilities Special Tax.* The facilities special tax shall be levied to finance the construction and acquisition of the Facilities (defined below) and to secure bonds issued to finance the construction and acquisition of the Facilities. The facilities special tax will be pre-payable and will escalate annually by 2%.

ii. *Services Special Tax.* The services special tax shall be levied to finance the maintenance of the Maintained Facilities (defined below). The services special tax will be levied in perpetuity and will not be pre-payable. The services special tax will escalate annually by 2%.

"f. *Issuance of CFD Bonds.* City, on behalf of the CFD, intends to issue one or more series of CFD Bonds for purposes of financing the Facilities. Project Applicant may submit written requests that City issue CFD Bonds, specifying requested issuance dates, amounts, and main financing terms. Following Project Applicant's request, Project Applicant and City will meet with City's public financing consultants to determine reasonable and appropriate issuance dates, amounts, and main financing terms that are consistent with these conditions of development and the CFD Goals. The CFD Bonds shall be issued pursuant to an indenture, trust agreement, or fiscal agent agreement (however denominated, an "Indenture") between the CFD and a fiscal agent or trustee (however denominated, the "Fiscal Agent"). CFD Bonds will have a term of not less than thirty (30) years and not more than thirty-five (35) years unless Project Applicant and City agree otherwise.

g. *Maintenance of Facilities.* The RMA will provide that the services special taxes will be used to finance the Maintained Facilities. The annual amount of the services special taxes to be levied will depend on the budgetary process described below:

i. *Services special taxes shall be levied to create a reserve fund to provide for restoration, maintenance, replacement repair or other work associated with the Maintained Facilities.*

ii. *The Project Applicant shall provide start-up funds for the CFD in an amount to be determined by the City Engineer in accordance with the approved capital development and maintenance plan, which shall be provided no later than recordation of the first final map for the Project. The Project Applicant shall also assume financial responsibility for all related work for a warranty period determined by the Public Works Director.*

iii. *The services special taxes shall be authorized to finance both on-going maintenance activities as well as a plan for unexpected maintenance and events, including events or damages that could occur as the result of site improvements associated with geotechnical, drainage or related matters. This work shall be based on the final grading, site soils conditions and specifications for improvements unless otherwise covered by the GHAD.*

iv. *The services budget shall separately identify the projected costs associated with standard annual operation, administration and maintenance work on the Maintained Facilities; long-term operation and maintenance including life cycle replacement costs of major features including but not limited to the Roadway and Pedestrian Bridge; and the reserve fund debt service requirements described in item 1 above.*

COA No. 51 – Annexation of Project Area into Oakland Area Geologic Hazard Abatement District (GHAD) At Developer's request and sole cost, the City shall annex all of the properties within the boundary of the Project into the **Oakland Area Geologic Hazard Abatement District ("GHAD")** and shall cooperate in the preparation of all documents and plans necessary for the **GHAD's** ownership and maintenance of the open space facilities within the Project, as set forth in Exhibit B, including but not limited to any Resolution(s) of Annexation, Engineer's Report(s) and Plan(s) of Control. To the extent the City is the fee owner of the parcels to be included within the **GHAD**, City shall fully cooperate with the

*Developer in the annexation of these parcels into the **GHAD** and with the implementation of all of the GHAD's operations and activities. The Applicant shall dedicate to the **GHAD** all facilities and land areas indicated to be owned in fee by the **GHAD** on Exhibit B, subject to a reservation of rights by Applicant for the purpose of maintenance of ornamental landscaping.*

COA No. 73 - Creek Maintenance: After Creek Restoration and Ongoing

*Upon sign-off of the creek restoration by the Regulatory Agencies, the project applicant and successors shall submit a creek maintenance plan to ensure the successful and ongoing long-term maintenance of the creek parcels including the creek channel, and banks, stability, erosion, and infrastructure (bridges, culverts, stormwater facilities, etc.) Long-term creek maintenance shall be guaranteed through the formation of a **Geologic Hazard Abatement District** or other means approved by the Bureau of Planning, Engineering Services, and Watershed Division.*



EXHIBIT D

**DECLARATION OF RESTRICTIVE COVENANTS,
RIGHT OF ENTRY, AND DISCLOSURES**

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

This Declaration of Disclosures, Right of Entry and Restrictive Covenants Regarding Oakland Area Geologic Hazard Abatement District (the "Declaration") is made this ____ day of _____, 20__ (the "Effective Date"), by Oak Knoll Venture Acquisition, LLC, a _____ ("Declarant").

RECITALS

A. Declarant is the owner of that certain real property located in Oakland, State of California, more particularly described as all of that certain real property shown in Final Map, Subdivision _____, filed on _____, 20__, in Book _____ of Maps, at pages _____, all in the Official Records of Alameda County, California (the "Property").

B. The City of Oakland approved a subdivision on the Property, which includes 349 detached single-family residences, 569 condominium units, a community center, and a retail center. A condition of approval of the tentative map for Subdivision _____ was that the Property be included within a Geologic Hazard Abatement District ("GHAD") to ensure proactive and effective maintenance of all subdrain facilities.

C. Under the authority of California Public Resources Code section 26500, et seq., the Oakland City Council on July 18, 2006 adopted Resolution No. 80058 forming and establishing the Oakland Area Geologic Hazard Abatement District to prevent, mitigate, abate or control potential geologic hazards within the boundaries of the GHAD. On _____, 20__, the Oakland Area GHAD adopted Resolution No. _____, approving of the assessment to the Property as described in the Plan of Control.

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 Oakland Area GHAD: The Declarant hereby gives notice and discloses that the Property is a part of the Oakland Area GHAD. The Board of Directors of the Oakland Area GHAD are the members of the Oakland City Council. Pursuant to the Plan of Control for the Oakland Area Geological Hazard Abatement District as it may be amended from time to time (the "Plan of Control"), the Declarant and the Oakland Area 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 Oakland Area GHAD include the power to assess lot owners within the Property for the purposes set out in the Plan of Control. An assessment was authorized by the Oakland Area GHAD to be imposed on the Property pursuant to adopted Resolution _____.
2. Right of Entry: The Declarant by executing and recording this Declaration hereby contractually affords Oakland Area 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 Oakland Area

GHAD need to access private residential lots to fulfill its duties under the Plan of Control, the Oakland Area 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 Oakland Area 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: The Declarant hereby grants the Oakland Area GHAD a perpetual easement for the purposes and responsibilities set out in the Plan of Control and for maintaining certain site improvements as legally described in Exhibit A, and depicted in Exhibit B 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 Oakland Area GHAD of its responsibilities and rights, the process by which is articulated in the Plan of Control. The Oakland Area GHAD has no maintenance responsibilities whatsoever to the Declarant or Property until and unless the Oakland Area 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, all of 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 Oakland Area GHAD and its directors, officers, employees, agents, contractors, and representatives and the heirs, personal representatives, successors and assigns of each of them (collectively, "Oakland Area 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 Oakland Area 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 Oakland Area GHAD.

Executed as of the Effective Date.

Declarant:

By: _____
Its: _____

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed to the Oakland Area 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 County of Oakland Area, as grantee, consents to recordation of said "Declaration of Disclosures, Right of Entry and Restrictive Covenants".

Oakland Area GHAD Manager

Date:

Oakland Area GHAD Clerk and Attorney

OAK KNOLL VENTURE ACQUISITION, LLC,
By:

Its: Owner

