

# OAKLEY



CALIFORNIA

Agenda Date: 08/08/2017  
Agenda Item: 3.12

## STAFF REPORT

Approved and Forwarded to City Council:

  
Bryan H. Montgomery, City Manager

**Date:** Tuesday, August 8, 2017  
**To:** Bryan H. Montgomery, City Manager  
**From:** Kevin Rohani, Public Works Director/City Engineer  
**SUBJECT:** Annexation No. 8 (3530 Main Street) to the City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services)

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### Background and Analysis

On January 10, 2017, the City Council adopted the Resolution approving the Design Review (DR 03-16) for a new façade and remodel of an existing 717 square-foot building and a 705 square-foot addition to the rear of the building, Variance (VA 02-16) for a reduction in the rear yard setback on a 0.04-Acre site (APN 037-160-033) located at 3530 Main street and an Amendment to the Real Property Purchase Agreement dated June 28, 2016.

The Conditions of Approval for 3530 Main Street require the property owner(s) to augment their development project's financial impact on the City's park, streetlighting, landscape and stormwater service budgets. On January 12, 2016, the Oakley City Council formed the City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services) ("CFD No. 2015-2"). CFD No. 2015-2 authorizes the annual levy of a special tax on parcels located within the CFD No. 2015-2 to augment their financial impact to the City's park, streetlighting, landscape and stormwater service budgets. The property owner(s) for 3530 Main Street has requested that the City assist them with the annexing of their development into CFD No. 2015-2 to satisfy their conditions of approval.

Prior to tonight's City Council meeting, the property owner(s) for 3530 Main Street executed the attached Unanimous Approval Form. This form constitutes unanimous approval and a unanimous vote by the property owner in favor of annexing their property to CFD No. 2015-2, including the subsequent annual levy of special taxes to augment their development project's financial impact on the City's park, streetlighting, landscape and stormwater service budgets.

**Fiscal Impact**

There will be no financial impact to the City's General Fund. The applicants have funded all costs associated with the annexation of their development project to CFD No. 2015-2. The FY 2017-18 special tax rates per commercial acre are as follows:

<b>FY 2017-18 Special Tax Rates per acre</b>	
<b>Special Tax Component</b>	<b>FY 2017-18 Maximum Annual Special Tax Rates</b>
Regional Park Maintenance Tax	\$395.12
Community Parks Maintenance Tax	\$872.55
Street Lighting Maintenance Tax	\$172.27
Total	<b>\$1,439.94</b>

Therefore, successful annexation into CFD 2015-2 could provide up to \$57.60 (in FY 2017-18 dollars) in revenue annually from the 3530 Main Street parcel. The taxes will be collected on the property tax rolls commencing in FY 2017-18.

**Recommendation**

The conditions of approval for 3530 Main Street require the property owner to augment their development project's financial impact on the City's park, streetlighting, landscape and stormwater service budgets. Staff recommends that the City Council:

1. Adopt a Resolution Approving the Annexation (Annexation No. 8) of Property Located in the Future Annexation Area of the City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services)

**Conclusion**

Staff recommends that the City Council adopt the Resolution Approving the Annexation (Annexation No. 8) of Property Located in the Future Annexation Area of the City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services).

## **Attachments**

1. Unanimous Approval of Annexation to a Community Facilities District and Related Matters - City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services);
  - a. Exhibit A: Description of Services;
  - b. Exhibit B: Cost Estimate; and
  - c. Exhibit C: Supplement to the Rate and Method of Apportionment of Special Tax – Tax Zone No. 9;
2. Resolution Approving the Annexation (Annexation No. 8) of Property Located in the Future Annexation Area of the City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services);
3. Map – Annexation No. 8 to City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services); and
4. Amendment No. 8 to Notice of Special Tax Lien - City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services).

**UNANIMOUS APPROVAL  
of Annexation to a Community Facilities District  
and Related Matters**

**CITY OF OAKLEY  
Community Facilities District No. 2015-2  
(Parks, Street Light, Landscape and Stormwater Services)**

**Annexation No. 8 – Tax Zone No. 9**

*August 8*, 2017

To the Honorable City Council,  
City of Oakley  
3231 Main Street  
Oakley, CA 94561

Members of the City Council:

This constitutes the Unanimous Approval (the "Unanimous Approval") of the record owner(s) (the "Property Owner") of the fee title to the real property identified below (the "Property") contemplated by Section 53339.3 et seq. of the Mello-Roos Community Facilities Act of 1982, as amended (the "Act") to annexation of the Property to the "City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services)" (the "CFD"), and it states as follows:

**1. Property Owner.** This Unanimous Approval is submitted by the Property Owner as the record owner(s) of fee title to the Property. The Property Owner has supplied to the City current evidence of its ownership of fee title to the Property.

**2. Approval of Annexation.** This Unanimous Approval constitutes the unanimous approval and unanimous vote by the Property Owner in favor of the annexation of the Property to the CFD. The CFD was formed to finance the municipal services (the "Services") described in Exhibit A hereto and made a part hereof.

**3. Approval of Special Tax and the Services.** This Unanimous Approval constitutes the unanimous approval and unanimous vote by the Property Owner in favor of the levy of special taxes (the "Special Taxes") on the Property to finance the Services. The Special Taxes will be levied according to the "Supplement to the Rate and Method of Apportionment of Special Tax – Tax Zone No. 9" attached hereto as

Exhibit C and made a part hereof (the "Rate and Method"). The cost estimate for the Services is attached hereto as Exhibit B.

**4. Waivers and Vote.** The Property Owner hereby confirms that this Unanimous Approval constitutes its approval and unanimous vote as described herein and as contemplated by Section 53339.3 et seq. of the Act and Article XIII A of the California Constitution. The Property Owner hereby waives all other rights with respect to the annexation of the Property, the levy of the Special Taxes on the Property and the other matters covered in this Unanimous Approval.

**5. Recordation of Amendment to Notice of Special Tax Lien.** The Notice of Special Tax Lien for the CFD was recorded in the Office of the County Recorder of the County of Contra Costa, State of California on January 19, 2016, as Document No. 20160009045. The Property Owner hereby authorizes and directs the City Clerk to execute and cause to be recorded in the office of the County Recorder of the County of Contra Costa an amendment to the Notice of Special Tax Lien for the CFD as required by Section 3117.5 of the California Streets and Highways Code. The amendment to the Notice of Special Tax Lien shall include the Rate and Method as an exhibit thereto.

**6. Authority Warranted.** The Property Owner warrants to the City that the presentation of this Unanimous Approval, any votes, consents or waivers contained herein, and other actions mandated by the City for the annexation of the Property to the CFD shall not constitute or be construed as events of default or delinquencies under any existing or proposed financing documents entered into or to be entered into by the Property Owner for the Property, including any "due-on-encumbrance" clauses under any existing security instruments secured by the Property.

**7. Due Diligence and Disclosures.** The Property Owner agrees to cooperate with the City and its attorneys and consultants and to provide all information and disclosures required by the City about the Special Taxes to purchasers of the Property or any part of it.

**8. Agreements.** The Property Owner further agrees to execute such additional or supplemental agreements as may be required by the City to provide for any of the actions and conditions described in this Unanimous Approval, including any cash deposit required to pay for the City's costs in annexing the Property to the CFD.

**9. The Property.** The Property is identified as follows:

Assessor's Parcel No.: 037-160-033

Acres: 0.04 acres

By executing this Unanimous Approval, the Property Owner agrees to all of the above.

Annexation No: 8 - Tax Zone No. 9

Property Owner

By: Frederick Del Barba

Shirley Del Barba  
Name: FREDERICK DEL BARBA  
SHIRLEY DEL BARBA

Title: Owner

Notice Address: 4631 Rose Ave

Daly, CA 94561

## EXHIBIT A

### **CITY OF OAKLEY Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services)**

#### DESCRIPTION OF SERVICES

The captioned Community Facilities District will finance, in whole or in part, the following services ("services" shall have the meaning given that term in the Mello-Roos Community Facilities Act of 1982), including all related administrative costs, expenses and related reserves for replacement of vehicles, equipment and facilities:

##### Regional Parks

Maintenance, including servicing, repair, replacement and removal of regional parks (includes park amenities such as buildings, sports fields, sports courts, playground equipment, play courts, play structures, picnic tables, lighting, drinking fountains, barbeques, etc.), both (i) in the CFD and (ii) outside the CFD but within the boundaries of the City if the City has concluded that such maintenance would benefit the CFD. Maintenance also includes cleaning and removal of graffiti, and associated electric, water and other utility costs.

##### Community Parks

Maintenance, including servicing, repair, replacement and removal of community parks (includes park amenities such as buildings, sports fields, sports courts, playground equipment, play courts, play structures, picnic tables, lighting, drinking fountains, barbeques, etc.), both (i) in the CFD and (ii) outside the CFD but within the boundaries of the City if the City has concluded that such maintenance would benefit the CFD. Maintenance also includes cleaning and removal of graffiti, and associated electric, water and other utility costs.

##### Street Lighting

Maintenance, including servicing, repair, replacement and removal of street lights (includes poles, fixtures, bulbs, conduits, equipment, including guys, anchors, posts, pedestals and metering devices, etc.), both (i) in the CFD and (ii) outside the CFD but within the boundaries of the City if the City has concluded that such maintenance would benefit the CFD. Maintenance also includes cleaning and removal of graffiti, and associated electric and other utility costs.

In addition, the following costs will also be financed by the special taxes levied within the CFD and be allocated to each improvement described above based upon their pro-

rata share of needed administrative costs, operating reserves and capital reserves, and actual or estimated delinquencies.

1. Administrative Expenses including the costs incurred to determine, levy and collect the special taxes, including compensation of City employees for administrative work performed in relation to the CFD, the fees of consultants and legal counsel, the costs of collecting installments of the special taxes upon the general tax rolls, preparation of required reports, and any other costs incurred in the administration of the CFD by the City;
2. Any amounts needed for operating reserves and capital reserves; and
3. Any amounts needed to cure actual or estimated delinquencies in special taxes for the current or previous fiscal years.



**EXHIBIT B**

**CITY OF OAKLEY  
Community Facilities District No. 2015-2  
(Parks, Street Light, Landscape and Stormwater Services)**

**Cost Estimate  
(FY 2017-18 Dollars)**

<b>Special Tax Component</b>	<b>FY 2017-18 Special Tax Requirement</b>
Regional Park Maintenance Tax	\$15.80
Community Parks Maintenance Tax	\$34.90
Street Lighting Maintenance Tax	\$6.90
Total	\$57.60

## EXHIBIT C

### **CITY OF OAKLEY Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services)**

#### **SUPPLEMENT TO THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX – Tax Zone No. 9**

Special Taxes in the City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services) (the “CFD” or “CFD No. 2015-2”) shall be levied and collected according to the tax liability determined by the Administrator through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 2015-2, unless exempted by law or by the provisions of Section E herein, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 2015-2, unless a separate Rate and Method of Apportionment of Special Tax is adopted for such annexation area.

Property annexed to City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services) pursuant to Annexation No. 8 will be annexed to Tax Zone No. 9 per the Supplement to the Rate and Method of Apportionment of Special Tax shown below.

#### **A. DEFINITIONS**

The terms hereinafter set forth have the following meanings:

“**Accessory Unit**” means a second residential unit of reduced size (e.g., granny cottage, etc.) that shares a Parcel with a Residential Unit.

“**Acre**” or “**Acreage**” means the land area of an Assessor’s Parcel as shown on an Assessor’s Parcel Map, or if the land area is not shown on an Assessor’s Parcel Map, the land area shown on the applicable Final Map or other recorded County parcel map.

“**Act**” means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 (commencing with Section 53311), Division 2, of Title 5 of the Government Code of the State of California.

“**Administrative Expenses**” means the following actual or reasonably estimated costs directly related to the administration of CFD No. 2015-2: the costs of computing the Special Tax and preparing the annual Special Tax collection schedules (whether by the City or any designee thereof or both); the costs of collecting the Special Taxes; the costs to the City, CFD No. 2015-2, or any designee thereof of

complying with disclosure requirements associated with the Act; the costs associated with preparing Special Tax disclosure statements and responding to public inquiries, protests, or appeals regarding the Special Taxes; and the City's annual administration fees and third party expenses. Administrative Expenses shall also include amounts estimated or advanced by the City or CFD No. 2015-2 for any other administrative purposes of CFD No. 2015-2, including attorney's fees, costs associated with annexations to CFD No. 2015-2, and other costs related to commencing and pursuing to completion any foreclosure of delinquent Special Taxes.

**"Administrator"** means an official of the City, or any designee thereof, responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Tax.

**"Assessor's Parcel"** or **"Parcel"** means a lot or parcel shown on an Assessor's Parcel Map with an assigned Assessor's Parcel Number.

**"Assessor's Parcel Map"** means an official map of the County Assessor designating parcels by Assessor's Parcel Number.

**"Assessor's Parcel Number"** or **"APN"** means a unique number assigned to an Assessor's Parcel by the County Assessor for purposes of identifying a property.

**"Authorized Services"** means the public services authorized to be funded by CFD No. 2015-2 as set forth in the documents adopted by the Council when CFD No. 2015-2 was formed.

**"Building Permit"** means a building permit issued by the City and having a building structure improvement valuation over \$50,000. Building Permits for the construction of ancillary structures such as fences, swimming pools, retaining walls, etc. are excluded.

**"CFD" or "CFD No. 2015-2"** means the City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services).

**"City"** means the City of Oakley.

**"City Landscape Maintenance Standards"** means the then applicable landscape maintenance standards or then applicable level of service for then applicable landscape maintenance contracts executed by the City that are in effect and relate to similar landscaping improvements.

**"City Manager"** means the City Manager of the City of Oakley.

**“Commercial Unit”** means an individual building structure for commercial uses as defined per the County Assessor (e.g., grocery stores, shopping centers, motel, hotel, service stations, and offices).

**“Condominium Parcel”** means a Parcel designated by the County Assessor as having a condominium, townhome, cluster home and co-op land use.

**“Council”** means the City Council of the City of Oakley, acting as the legislative body for CFD No. 2015-2.

**“County”** means the County of Contra Costa.

**“County Assessor”** means the Contra Costa County Assessor.

**“County Land Use Code”** means the land use code assigned to an Assessor’s Parcel as indicated in the records of the County Assessor.

**“Developed Property”** means, in any Fiscal Year, all Parcels of Taxable Property for which a Building Permit was issued by the City for construction of a residential structure or a non-residential structure on or prior to June 30 of the preceding Fiscal Year. In the absence of a Building Permit, any Parcel of Taxable Property shall be classified as “Developed Property” if it has been occupied by a user as determined by the Administrator on or prior to June 30 of the preceding Fiscal Year.

**“Final Map” or “Parcel Map”** means a final map approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410, *et seq.*) that creates individual lots on which a Building Permit can be issued for construction of Residential Units without further subdivision of the lots.

**“Fiscal Year”** means the period starting on July 1 and ending on the following June 30.

**“Industrial”** means an individual building structure for industrial uses as defined per the County Assessor (e.g., research and development, mini-warehouse, etc.).

**“Institutional”** means an individual building structure for institutional uses as defined per the County Assessor (e.g., churches, hospitals, assisted living, schools, etc.).

**“Land Use Classification”** means the current or intended use of a Taxable Parcel as determined by the Taxable Parcel’s County Land Use Code.

**“Maximum Special Tax”** means, for each Special Tax Component, the maximum Special Tax, determined in accordance with Section C herein, which can be levied in any Fiscal Year.

**“Mixed Use Parcel”** means a Parcel designated by the County Assessor as having a multiple land uses such as residential land uses and commercial land uses, or multi-family land uses and commercial land uses.

**“Multi-Family Parcel”** means a Parcel designated by the County Assessor as having a multi-family residential land uses which includes duplexes, triplexes, fourplexes and apartments,

**“Non-Residential Parcel”** means for each Fiscal Year, all Assessor Parcels designated by the County Assessor with a County Land Use Code of Commercial, Industrial, or Institutional. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign a Land Use Classification to the Taxable Parcel described in Section C below.

**“Non-Residential Parcel – In Compliance”** this definition only applies for the purpose of calculating the annual neighborhood landscape maintenance tax component and means for each Fiscal Year, an Assessor Parcel designated by the County Assessor with a County Land Use Code of Commercial, Industrial, or Institutional for which the Property Owner of the Commercial, Industrial, or Institutional Parcel has notified the City in writing by the preceding February 1<sup>st</sup> that it wishes to maintain its parcel’s frontage landscaping during the immediate following fiscal year and the City Manager or his/her designee has determined that the Property Owner has maintained its Parcel’s frontage landscaping in previous Fiscal Years to City Landscape Maintenance Standards. In addition, in order for any Commercial, Industrial, or Institutional Parcel to be defined as a Non-Residential Parcel – In Compliance, all Non-Residential Parcels within a Tax Zone of CFD No. 2015-2 must also be defined as Non-Residential Parcel – In Compliance.

**“Non-Residential Parcel – Out of Compliance”** this definition only applies for the purpose of calculating the annual neighborhood landscape maintenance tax component and means for each Fiscal Year, an Assessor Parcel designated by the County Assessor with a County Land Use Code of Commercial, Industrial, or Institutional for which the Property Owner of the Non-Residential Parcel has not notified the City in writing by the preceding February 1<sup>st</sup> that it wishes to maintain its parcel’s frontage landscaping during the immediate following fiscal year and the City Manager or his/her designee has determined that the Property Owner has not maintained its Parcel’s frontage landscaping in previous Fiscal Years to City Landscape Maintenance Standards. In addition, if any Non-Residential Parcel is defined as a Non-Residential Parcel – Out of Compliance, then all Non-Residential Parcels within a Tax Zone CFD No. 2015-2 will also be defined as Non-Residential Parcel – Out of Compliance.

**“Property Owner”** means the Property Owner of record per current County Assessor records unless more current information is available such as recorded deed of sale, etc.

**“Proportionately”** means, for Developed Property, that the ratio of the actual annual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor’s Parcels of Developed Property. For Undeveloped Property, “Proportionately” means that the ratio of the actual annual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor’s Parcels of Undeveloped Property.

**“Public Property”** means, for each Fiscal Year: (i) any property within the boundaries of CFD No. 2015-2 that is owned by or irrevocably offered for dedication to the federal government, the State of California, the City or any other public agency; provided, however, that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act (as such section may be amended or replaced) shall be taxed and classified in accordance with its use; or (ii) any property within the boundaries of CFD No. 2015-2 that is encumbered by an unmanned utility easement making impractical its utilization for other than the purpose set forth in the easement.

**“Residential Unit”** means an individual building structure for residential or multi-family residential uses as defined per the County Assessor. An Accessory Unit that shares a Parcel with a Residential Unit shall not be considered a separate Residential Unit for purposes of this RMA.

**“RMA”** means this Rate and Method of Apportionment of Special Tax.

**“Single-Family Parcel”** means a Parcel designated by the County Assessor as having a single-family residential land use. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign a Land Use Classification to the Taxable Parcel described in Section C below.

**“Special Tax”** means any tax levied within CFD No. 2015-2 to pay the Special Tax Requirement, and includes each Special Tax Component.

**“Special Tax Component”** means one of the following components of the Special Tax: Community Park Maintenance Tax, Street Lighting Maintenance Tax, Neighborhood Parks and Landscape Maintenance Tax, or Stormwater Maintenance Tax.

**“Special Tax Requirement”** means, for each Special Tax Component, the amount of revenue needed in any Fiscal Year to pay for the following: (i) Authorized Services related to the Special Tax Component; (ii) Administrative Expenses attributable to the Special Tax Component; and (iii) amounts needed to cover any delinquencies in the payment of the Special Tax Component which occurred in the previous Fiscal Year or, based on delinquency rates in prior years, may be expected to occur in the Fiscal Year in which the Special Tax will be collected.

**“Taxable Property” or “Taxable Parcels”** means all Assessors’ Parcels within the boundaries of CFD No. 2015-2 that are not exempt from the Special Tax pursuant to law or Section E herein.

**“Tax Zone”** means a mutually exclusive geographic area within which the Special Tax may be levied pursuant to this RMA. All of the property within CFD No. 2015-2 at the time of CFD Formation is within Tax Zone 1. Additional Tax Zones may be created when property is annexed to CFD No. 2015-2, and a separate Maximum Special Tax shall be identified for property within the new Tax Zone at the time of such annexation. The Assessor’s Parcels included within a new Tax Zone established when such Parcels are annexed to CFD No. 2015-2 shall be identified by Assessor’s Parcel Number in the Unanimous Approval Form that is signed by the owner(s) of the Parcels at the time of annexation.

**“Unanimous Approval Form”** means that form executed by the record owner of fee title to a Parcel or Parcels annexed into CFD No. 2015-2 that constitutes the property owner’s approval and unanimous vote in favor of annexing into CFD No. 2015-2, the levy of the Special Tax against his/her Parcel or Parcels pursuant to this RMA.

**“Undeveloped Property”** means, in any Fiscal Year, all Parcels of Taxable Property in CFD No. 2015-2 that are not classified as Developed Property.

## **B. DATA FOR ANNUAL TAX LEVY**

Each Fiscal Year, the Administrator shall identify the current Assessor’s Parcel Numbers for all Parcels of Taxable Property within CFD No. 2015-2. The Administrator shall also determine: (i) whether each Assessor’s Parcel of Taxable Property is Developed Property or Undeveloped Property, and (ii) the Special Tax Requirement for each Special Tax Component for the then-current Fiscal Year. Each Special Tax Component shall be levied only to pay for the related Special Tax Requirement.

In any Fiscal Year, if it is determined that (i) a Final Map or Parcel Map for a portion of property in CFD No. 2015-2 was recorded after the last date upon which the County Assessor will incorporate the newly-created Parcels into the then current tax roll, (ii) because of the date the Final Map or Parcel Map was recorded, the County Assessor does not yet recognize the new Parcels that will be created by the Final Map or Parcel Map, and (iii) one or more of the newly-created Parcels would

meet the definition of Developed Property, the Administrator shall calculate the Special Tax for the property affected by recordation of the Final Map or Parcel Map by determining the Special Tax that applies separately to each new Parcel that will be created by that Final Map or Parcel Map, then applying the sum of the individual Special Taxes to the Parcel that was subdivided by recordation of the Final Map or Parcel Map.

**C. MAXIMUM SPECIAL TAXES**

**1. Developed Property** - The Fiscal Year 2017-18 Maximum Special Tax for each Special Tax Component for all Parcels of Developed Property shall be as shown in Table 1 below:

<b>Table 1: Developed Property</b>		
<b>Special Tax Component</b>	<b>Land Use Classification</b>	<b>FY 2017-18 Maximum Tax</b>
Regional Park Maintenance Tax	Single-Family Parcel	\$131.71 per Parcel
Regional Park Maintenance Tax	Condominium Parcel	\$98.78 per Parcel
Regional Park Maintenance Tax	Multi-Family Parcel	\$65.85 per Unit
Regional Park Maintenance Tax	Non-Residential Parcel	\$395.12 per Acre
Community Parks Maintenance Tax	Single-Family Parcel	\$290.85 per Parcel
Community Parks Maintenance Tax	Condominium Parcel	\$218.13 per Parcel
Community Parks Maintenance Tax	Multi-Family Parcel	\$145.43 per Unit
Community Parks Maintenance Tax	Non-Residential Parcel	\$872.55 per Acre
Street Lighting Maintenance Tax	Single-Family Parcel	\$57.42 per Parcel
Street Lighting Maintenance Tax	Condominium Parcel	\$43.07 per Parcel
Street Lighting Maintenance Tax	Multi-Family Parcel	\$28.72 per Unit
Street Lighting Maintenance Tax	Non-Residential Parcel	\$172.27 per Acre

Mixed Use Parcels will have their Maximum Tax calculated each Fiscal Year based upon their combined uses on the Parcel. For example, if a one acre parcel has commercial on the ground floor and 50 condominiums on the second floor the property owner will be charged the Non-Residential Parcel rate for one acre and the Condominium Parcel Rate for the 50 condominiums.



**2. Undeveloped Property** - The Fiscal Year 2017-18 Maximum Special Tax for each Special Tax Component for all Parcels of Undeveloped Property shall be as shown in Table 2 below:

<b>Table 2: Undeveloped Property</b>		
<b>Special Tax Component</b>	<b>Land Use Classification</b>	<b>FY 2017-18 Maximum Tax</b>
Regional Park Maintenance Tax	Single-Family Parcel	\$395.12 per Acre
Regional Park Maintenance Tax	Condominium Parcel	\$296.34 per Acre
Regional Park Maintenance Tax	Multi-Family Parcel	\$197.56 per Acre
Regional Park Maintenance Tax	Non-Residential Parcel	\$197.56 per Acre
Community Parks Maintenance Tax	Single-Family Parcel	\$872.55 per Acre
Community Parks Maintenance Tax	Condominium Parcel	\$654.41 per Acre
Community Parks Maintenance Tax	Multi-Family Parcel	\$436.28 per Acre
Community Parks Maintenance Tax	Non-Residential Parcel	\$436.28 per Acre
Street Lighting Maintenance Tax	Single-Family Parcel	\$172.27 per Acre
Street Lighting Maintenance Tax	Condominium Parcel	\$129.20 per Acre
Street Lighting Maintenance Tax	Multi-Family Parcel	\$86.14 per Acre
Street Lighting Maintenance Tax	Non-Residential Parcel	\$86.14 per Acre

**3. Escalation of Maximum Special Tax**

On July 1, 2018, and each July 1 thereafter, the Maximum Special Tax for each Special Tax Component for the current Fiscal Year for Developed Property and Undeveloped Property shall be increased from the Maximum Special Tax for the respective Special Tax Component for the previous Fiscal Year by Consumer Price Index – All Urban Consumers (San Francisco-Oakland-San Jose, CA) (from February) with a minimum annual increase of three (3.00%) percent and a maximum annual increase of five (5.00%) percent for any given year.

#### **D. METHOD OF LEVY AND COLLECTION OF SPECIAL TAXES**

Each Fiscal Year, the Administrator shall determine the Special Tax Requirement for each Special Tax Component for that Fiscal Year and levy each Special Tax Component on all Parcels of Taxable Property as follows:

- Step 1:** Each Special Tax Component shall be levied Proportionately on each Parcel of Developed Property up to 100% of the Maximum Special Tax for each Parcel of Developed Property for such Fiscal Year until the amount levied is equal to the Special Tax Requirement for such Special Tax Component;
- Step 2:** If additional revenue is needed after Step 1, each Special Tax Component shall be levied Proportionately on each Parcel of Undeveloped Property up to 100% of the Maximum Special Tax for each Parcel of Undeveloped Property for such Fiscal Year until the amount levied, when combined with the amount of the Special Tax Component levied pursuant to Step 1, is equal to the Special Tax Requirement for such Special Tax Component.

The Special Tax for CFD No. 2015-2 shall be collected at the same time and in the same manner as ordinary ad valorem property taxes provided, however, that the City may (under the authority of Government Code Section 53340) collect Special Taxes at a different time or in a different manner if necessary to meet the financial obligations of CFD No. 2015-2, and the Special Tax shall be subject to foreclosure if delinquent regardless of the manner in which it was collected.

#### **E. EXEMPTIONS**

No Special Tax shall be levied on Parcels of Public Property or any privately owned Parcels that are non-developable, such as common areas, wetlands, and open space, parks, etc. except as otherwise provided in this RMA and in the Act.

#### **F. INTERPRETATION OF SPECIAL TAX FORMULA**

The City reserves the right to make minor administrative and technical changes to this document that does not materially affect the rate and method of apportioning Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the City's discretion. Interpretations may be made by the City through a resolution of the Council for purposes of clarifying any vagueness or ambiguity in this RMA.

#### **G. TERM OF THE SPECIAL TAX**

The Special Tax shall be levied in perpetuity as necessary to pay the Special Tax Requirement.

## **H. REPEAL OF THE SPECIAL TAX**

CFD No. 2015-2 was established to levy the Special Tax to finance the Authorized Services as a condition of the entitlement to develop the Developed Property in CFD No. 2015-2. If the levy of the Special Tax is repealed by initiative or any other action participated in by the owners of Parcels in CFD No. 2015-2, the City shall cease to levy the Special Tax and shall cease to be obligated to provide the Authorized Services for which the Special Tax was levied.

## **I. SEVERABILITY**

The invalidity or unenforceability of any provisions of this Rate and Method of Apportionment of Special Tax shall not affect the validity or enforceability of any other provision of this Rate and Method of Apportionment of Special Tax, which shall remain in full force and effect.

**UNANIMOUS APPROVAL  
of Annexation to a Community Facilities District  
and Related Matters**

**CITY OF OAKLEY  
Community Facilities District No. 2015-2  
(Parks, Street Light, Landscape and Stormwater Services)**

**Annexation No. 8 – Tax Zone No. 9**

August 8, 2017

To the Honorable City Council,  
City of Oakley  
3231 Main Street  
Oakley, CA 94561

Members of the City Council:

This constitutes the Unanimous Approval (the "Unanimous Approval") of the record owner(s) (the "Property Owner") of the fee title to the real property identified below (the "Property") contemplated by Section 53339.3 et seq. of the Mello-Roos Community Facilities Act of 1982, as amended (the "Act") to annexation of the Property to the "City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services)" (the "CFD"), and it states as follows:

**1. Property Owner.** This Unanimous Approval is submitted by the Property Owner as the record owner(s) of fee title to the Property. The Property Owner has supplied to the City current evidence of its ownership of fee title to the Property.

**2. Approval of Annexation.** This Unanimous Approval constitutes the unanimous approval and unanimous vote by the Property Owner in favor of the annexation of the Property to the CFD. The CFD was formed to finance the municipal services (the "Services") described in Exhibit A hereto and made a part hereof.

**3. Approval of Special Tax and the Services.** This Unanimous Approval constitutes the unanimous approval and unanimous vote by the Property Owner in favor of the levy of special taxes (the "Special Taxes") on the Property to finance the Services. The Special Taxes will be levied according to the "Supplement to the Rate and Method of Apportionment of Special Tax – Tax Zone No. 9" attached hereto as

Exhibit C and made a part hereof (the "Rate and Method"). The cost estimate for the Services is attached hereto as Exhibit B.

**4. Waivers and Vote.** The Property Owner hereby confirms that this Unanimous Approval constitutes its approval and unanimous vote as described herein and as contemplated by Section 53339.3 et seq. of the Act and Article XIII A of the California Constitution. The Property Owner hereby waives all other rights with respect to the annexation of the Property, the levy of the Special Taxes on the Property and the other matters covered in this Unanimous Approval.

**5. Recordation of Amendment to Notice of Special Tax Lien.** The Notice of Special Tax Lien for the CFD was recorded in the Office of the County Recorder of the County of Contra Costa, State of California on January 19, 2016, as Document No. 20160009045. The Property Owner hereby authorizes and directs the City Clerk to execute and cause to be recorded in the office of the County Recorder of the County of Contra Costa an amendment to the Notice of Special Tax Lien for the CFD as required by Section 3117.5 of the California Streets and Highways Code. The amendment to the Notice of Special Tax Lien shall include the Rate and Method as an exhibit thereto.

**6. Authority Warranted.** The Property Owner warrants to the City that the presentation of this Unanimous Approval, any votes, consents or waivers contained herein, and other actions mandated by the City for the annexation of the Property to the CFD shall not constitute or be construed as events of default or delinquencies under any existing or proposed financing documents entered into or to be entered into by the Property Owner for the Property, including any "due-on-encumbrance" clauses under any existing security instruments secured by the Property.

**7. Due Diligence and Disclosures.** The Property Owner agrees to cooperate with the City and its attorneys and consultants and to provide all information and disclosures required by the City about the Special Taxes to purchasers of the Property or any part of it.

**8. Agreements.** The Property Owner further agrees to execute such additional or supplemental agreements as may be required by the City to provide for any of the actions and conditions described in this Unanimous Approval, including any cash deposit required to pay for the City's costs in annexing the Property to the CFD.

**9. The Property.** The Property is identified as follows:

Assessor's Parcel No.: 037-160-033

Acres: 0.04 acres

By executing this Unanimous Approval, the Property Owner agrees to all of the above.

Annexation No: 8 - Tax Zone No. 9

Property Owner

By: Juli Del Barba Favalor

Name: Juli Del Barba Favalor

Title: owner 1/2

Notice Address: \_\_\_\_\_

300 Brownstone Rd

Oakley CA 94561

## EXHIBIT A

### **CITY OF OAKLEY Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services)**

#### DESCRIPTION OF SERVICES

The captioned Community Facilities District will finance, in whole or in part, the following services ("services" shall have the meaning given that term in the Mello-Roos Community Facilities Act of 1982), including all related administrative costs, expenses and related reserves for replacement of vehicles, equipment and facilities:

##### Regional Parks

Maintenance, including servicing, repair, replacement and removal of regional parks (includes park amenities such as buildings, sports fields, sports courts, playground equipment, play courts, play structures, picnic tables, lighting, drinking fountains, barbeques, etc.), both (i) in the CFD and (ii) outside the CFD but within the boundaries of the City if the City has concluded that such maintenance would benefit the CFD. Maintenance also includes cleaning and removal of graffiti, and associated electric, water and other utility costs.

##### Community Parks

Maintenance, including servicing, repair, replacement and removal of community parks (includes park amenities such as buildings, sports fields, sports courts, playground equipment, play courts, play structures, picnic tables, lighting, drinking fountains, barbeques, etc.), both (i) in the CFD and (ii) outside the CFD but within the boundaries of the City if the City has concluded that such maintenance would benefit the CFD. Maintenance also includes cleaning and removal of graffiti, and associated electric, water and other utility costs.

##### Street Lighting

Maintenance, including servicing, repair, replacement and removal of street lights (includes poles, fixtures, bulbs, conduits, equipment, including guys, anchors, posts, pedestals and metering devices, etc.), both (i) in the CFD and (ii) outside the CFD but within the boundaries of the City if the City has concluded that such maintenance would benefit the CFD. Maintenance also includes cleaning and removal of graffiti, and associated electric and other utility costs.

In addition, the following costs will also be financed by the special taxes levied within the CFD and be allocated to each improvement described above based upon their pro-

rata share of needed administrative costs, operating reserves and capital reserves, and actual or estimated delinquencies.

1. Administrative Expenses including the costs incurred to determine, levy and collect the special taxes, including compensation of City employees for administrative work performed in relation to the CFD, the fees of consultants and legal counsel, the costs of collecting installments of the special taxes upon the general tax rolls, preparation of required reports, and any other costs incurred in the administration of the CFD by the City;
2. Any amounts needed for operating reserves and capital reserves; and
3. Any amounts needed to cure actual or estimated delinquencies in special taxes for the current or previous fiscal years.



**EXHIBIT B**

**CITY OF OAKLEY  
Community Facilities District No. 2015-2  
(Parks, Street Light, Landscape and Stormwater Services)**

**Cost Estimate  
(FY 2017-18 Dollars)**

<b>Special Tax Component</b>	<b>FY 2017-18 Special Tax Requirement</b>
Regional Park Maintenance Tax	\$15.80
Community Parks Maintenance Tax	\$34.90
Street Lighting Maintenance Tax	\$6.90
Total	\$57.60

## EXHIBIT C

### **CITY OF OAKLEY Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services)**

#### **SUPPLEMENT TO THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX – Tax Zone No. 9**

Special Taxes in the City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services) (the “CFD” or “CFD No. 2015-2”) shall be levied and collected according to the tax liability determined by the Administrator through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 2015-2, unless exempted by law or by the provisions of Section E herein, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 2015-2, unless a separate Rate and Method of Apportionment of Special Tax is adopted for such annexation area.

Property annexed to City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services) pursuant to Annexation No. 8 will be annexed to Tax Zone No. 9 per the Supplement to the Rate and Method of Apportionment of Special Tax shown below.

#### **A. DEFINITIONS**

The terms hereinafter set forth have the following meanings:

“**Accessory Unit**” means a second residential unit of reduced size (e.g., granny cottage, etc.) that shares a Parcel with a Residential Unit.

“**Acre**” or “**Acreage**” means the land area of an Assessor’s Parcel as shown on an Assessor’s Parcel Map, or if the land area is not shown on an Assessor’s Parcel Map, the land area shown on the applicable Final Map or other recorded County parcel map.

“**Act**” means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 (commencing with Section 53311), Division 2, of Title 5 of the Government Code of the State of California.

“**Administrative Expenses**” means the following actual or reasonably estimated costs directly related to the administration of CFD No. 2015-2: the costs of computing the Special Tax and preparing the annual Special Tax collection schedules (whether by the City or any designee thereof or both); the costs of collecting the Special Taxes; the costs to the City, CFD No. 2015-2, or any designee thereof of

complying with disclosure requirements associated with the Act; the costs associated with preparing Special Tax disclosure statements and responding to public inquiries, protests, or appeals regarding the Special Taxes; and the City's annual administration fees and third party expenses. Administrative Expenses shall also include amounts estimated or advanced by the City or CFD No. 2015-2 for any other administrative purposes of CFD No. 2015-2, including attorney's fees, costs associated with annexations to CFD No. 2015-2, and other costs related to commencing and pursuing to completion any foreclosure of delinquent Special Taxes.

**"Administrator"** means an official of the City, or any designee thereof, responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Tax.

**"Assessor's Parcel"** or **"Parcel"** means a lot or parcel shown on an Assessor's Parcel Map with an assigned Assessor's Parcel Number.

**"Assessor's Parcel Map"** means an official map of the County Assessor designating parcels by Assessor's Parcel Number.

**"Assessor's Parcel Number"** or **"APN"** means a unique number assigned to an Assessor's Parcel by the County Assessor for purposes of identifying a property.

**"Authorized Services"** means the public services authorized to be funded by CFD No. 2015-2 as set forth in the documents adopted by the Council when CFD No. 2015-2 was formed.

**"Building Permit"** means a building permit issued by the City and having a building structure improvement valuation over \$50,000. Building Permits for the construction of ancillary structures such as fences, swimming pools, retaining walls, etc. are excluded.

**"CFD" or "CFD No. 2015-2"** means the City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services).

**"City"** means the City of Oakley.

**"City Landscape Maintenance Standards"** means the then applicable landscape maintenance standards or then applicable level of service for then applicable landscape maintenance contracts executed by the City that are in effect and relate to similar landscaping improvements.

**"City Manager"** means the City Manager of the City of Oakley.

**“Commercial Unit”** means an individual building structure for commercial uses as defined per the County Assessor (e.g., grocery stores, shopping centers, motel, hotel, service stations, and offices).

**“Condominium Parcel”** means a Parcel designated by the County Assessor as having a condominium, townhome, cluster home and co-op land use.

**“Council”** means the City Council of the City of Oakley, acting as the legislative body for CFD No. 2015-2.

**“County”** means the County of Contra Costa.

**“County Assessor”** means the Contra Costa County Assessor.

**“County Land Use Code”** means the land use code assigned to an Assessor’s Parcel as indicated in the records of the County Assessor.

**“Developed Property”** means, in any Fiscal Year, all Parcels of Taxable Property for which a Building Permit was issued by the City for construction of a residential structure or a non-residential structure on or prior to June 30 of the preceding Fiscal Year. In the absence of a Building Permit, any Parcel of Taxable Property shall be classified as “Developed Property” if it has been occupied by a user as determined by the Administrator on or prior to June 30 of the preceding Fiscal Year.

**“Final Map” or “Parcel Map”** means a final map approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410, *et seq.*) that creates individual lots on which a Building Permit can be issued for construction of Residential Units without further subdivision of the lots.

**“Fiscal Year”** means the period starting on July 1 and ending on the following June 30.

**“Industrial”** means an individual building structure for industrial uses as defined per the County Assessor (e.g., research and development, mini-warehouse, etc.).

**“Institutional”** means an individual building structure for institutional uses as defined per the County Assessor (e.g., churches, hospitals, assisted living, schools, etc.).

**“Land Use Classification”** means the current or intended use of a Taxable Parcel as determined by the Taxable Parcel’s County Land Use Code.

**“Maximum Special Tax”** means, for each Special Tax Component, the maximum Special Tax, determined in accordance with Section C herein, which can be levied in any Fiscal Year.

**“Mixed Use Parcel”** means a Parcel designated by the County Assessor as having a multiple land uses such as residential land uses and commercial land uses, or multi-family land uses and commercial land uses.

**“Multi-Family Parcel”** means a Parcel designated by the County Assessor as having a multi-family residential land uses which includes duplexes, triplexes, fourplexes and apartments,

**“Non-Residential Parcel”** means for each Fiscal Year, all Assessor Parcels designated by the County Assessor with a County Land Use Code of Commercial, Industrial, or Institutional. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign a Land Use Classification to the Taxable Parcel described in Section C below.

**“Non-Residential Parcel – In Compliance”** this definition only applies for the purpose of calculating the annual neighborhood landscape maintenance tax component and means for each Fiscal Year, an Assessor Parcel designated by the County Assessor with a County Land Use Code of Commercial, Industrial, or Institutional for which the Property Owner of the Commercial, Industrial, or Institutional Parcel has notified the City in writing by the preceding February 1<sup>st</sup> that it wishes to maintain its parcel’s frontage landscaping during the immediate following fiscal year and the City Manager or his/her designee has determined that the Property Owner has maintained its Parcel’s frontage landscaping in previous Fiscal Years to City Landscape Maintenance Standards. In addition, in order for any Commercial, Industrial, or Institutional Parcel to be defined as a Non-Residential Parcel – In Compliance, all Non-Residential Parcels within a Tax Zone of CFD No. 2015-2 must also be defined as Non-Residential Parcel – In Compliance.

**“Non-Residential Parcel – Out of Compliance”** this definition only applies for the purpose of calculating the annual neighborhood landscape maintenance tax component and means for each Fiscal Year, an Assessor Parcel designated by the County Assessor with a County Land Use Code of Commercial, Industrial, or Institutional for which the Property Owner of the Non-Residential Parcel has not notified the City in writing by the preceding February 1<sup>st</sup> that it wishes to maintain its parcel’s frontage landscaping during the immediate following fiscal year and the City Manager or his/her designee has determined that the Property Owner has not maintained its Parcel’s frontage landscaping in previous Fiscal Years to City Landscape Maintenance Standards. In addition, if any Non-Residential Parcel is defined as a Non-Residential Parcel – Out of Compliance, then all Non-Residential Parcels within a Tax Zone CFD No. 2015-2 will also be defined as Non-Residential Parcel – Out of Compliance.

**“Property Owner”** means the Property Owner of record per current County Assessor records unless more current information is available such as recorded deed of sale, etc.

**“Proportionately”** means, for Developed Property, that the ratio of the actual annual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor’s Parcels of Developed Property. For Undeveloped Property, “Proportionately” means that the ratio of the actual annual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor’s Parcels of Undeveloped Property.

**“Public Property”** means, for each Fiscal Year: (i) any property within the boundaries of CFD No. 2015-2 that is owned by or irrevocably offered for dedication to the federal government, the State of California, the City or any other public agency; provided, however, that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act (as such section may be amended or replaced) shall be taxed and classified in accordance with its use; or (ii) any property within the boundaries of CFD No. 2015-2 that is encumbered by an unmanned utility easement making impractical its utilization for other than the purpose set forth in the easement.

**“Residential Unit”** means an individual building structure for residential or multi-family residential uses as defined per the County Assessor. An Accessory Unit that shares a Parcel with a Residential Unit shall not be considered a separate Residential Unit for purposes of this RMA.

**“RMA”** means this Rate and Method of Apportionment of Special Tax.

**“Single-Family Parcel”** means a Parcel designated by the County Assessor as having a single-family residential land use. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign a Land Use Classification to the Taxable Parcel described in Section C below.

**“Special Tax”** means any tax levied within CFD No. 2015-2 to pay the Special Tax Requirement, and includes each Special Tax Component.

**“Special Tax Component”** means one of the following components of the Special Tax: Community Park Maintenance Tax, Street Lighting Maintenance Tax, Neighborhood Parks and Landscape Maintenance Tax, or Stormwater Maintenance Tax.

**“Special Tax Requirement”** means, for each Special Tax Component, the amount of revenue needed in any Fiscal Year to pay for the following: (i) Authorized Services related to the Special Tax Component; (ii) Administrative Expenses attributable to the Special Tax Component; and (iii) amounts needed to cover any delinquencies in the payment of the Special Tax Component which occurred in the previous Fiscal Year or, based on delinquency rates in prior years, may be expected to occur in the Fiscal Year in which the Special Tax will be collected.

**“Taxable Property” or “Taxable Parcels”** means all Assessors’ Parcels within the boundaries of CFD No. 2015-2 that are not exempt from the Special Tax pursuant to law or Section E herein.

**“Tax Zone”** means a mutually exclusive geographic area within which the Special Tax may be levied pursuant to this RMA. All of the property within CFD No. 2015-2 at the time of CFD Formation is within Tax Zone 1. Additional Tax Zones may be created when property is annexed to CFD No. 2015-2, and a separate Maximum Special Tax shall be identified for property within the new Tax Zone at the time of such annexation. The Assessor’s Parcels included within a new Tax Zone established when such Parcels are annexed to CFD No. 2015-2 shall be identified by Assessor’s Parcel Number in the Unanimous Approval Form that is signed by the owner(s) of the Parcels at the time of annexation.

**“Unanimous Approval Form”** means that form executed by the record owner of fee title to a Parcel or Parcels annexed into CFD No. 2015-2 that constitutes the property owner’s approval and unanimous vote in favor of annexing into CFD No. 2015-2, the levy of the Special Tax against his/her Parcel or Parcels pursuant to this RMA.

**“Undeveloped Property”** means, in any Fiscal Year, all Parcels of Taxable Property in CFD No. 2015-2 that are not classified as Developed Property.

## **B. DATA FOR ANNUAL TAX LEVY**

Each Fiscal Year, the Administrator shall identify the current Assessor’s Parcel Numbers for all Parcels of Taxable Property within CFD No. 2015-2. The Administrator shall also determine: (i) whether each Assessor’s Parcel of Taxable Property is Developed Property or Undeveloped Property, and (ii) the Special Tax Requirement for each Special Tax Component for the then-current Fiscal Year. Each Special Tax Component shall be levied only to pay for the related Special Tax Requirement.

In any Fiscal Year, if it is determined that (i) a Final Map or Parcel Map for a portion of property in CFD No. 2015-2 was recorded after the last date upon which the County Assessor will incorporate the newly-created Parcels into the then current tax roll, (ii) because of the date the Final Map or Parcel Map was recorded, the County Assessor does not yet recognize the new Parcels that will be created by the Final Map or Parcel Map, and (iii) one or more of the newly-created Parcels would

meet the definition of Developed Property, the Administrator shall calculate the Special Tax for the property affected by recordation of the Final Map or Parcel Map by determining the Special Tax that applies separately to each new Parcel that will be created by that Final Map or Parcel Map, then applying the sum of the individual Special Taxes to the Parcel that was subdivided by recordation of the Final Map or Parcel Map.

**C. MAXIMUM SPECIAL TAXES**

**1. Developed Property** - The Fiscal Year 2017-18 Maximum Special Tax for each Special Tax Component for all Parcels of Developed Property shall be as shown in Table 1 below:

<b>Table 1: Developed Property</b>		
<b>Special Tax Component</b>	<b>Land Use Classification</b>	<b>FY 2017-18 Maximum Tax</b>
Regional Park Maintenance Tax	Single-Family Parcel	\$131.71 per Parcel
Regional Park Maintenance Tax	Condominium Parcel	\$98.78 per Parcel
Regional Park Maintenance Tax	Multi-Family Parcel	\$65.85 per Unit
Regional Park Maintenance Tax	Non-Residential Parcel	\$395.12 per Acre
Community Parks Maintenance Tax	Single-Family Parcel	\$290.85 per Parcel
Community Parks Maintenance Tax	Condominium Parcel	\$218.13 per Parcel
Community Parks Maintenance Tax	Multi-Family Parcel	\$145.43 per Unit
Community Parks Maintenance Tax	Non-Residential Parcel	\$872.55 per Acre
Street Lighting Maintenance Tax	Single-Family Parcel	\$57.42 per Parcel
Street Lighting Maintenance Tax	Condominium Parcel	\$43.07 per Parcel
Street Lighting Maintenance Tax	Multi-Family Parcel	\$28.72 per Unit
Street Lighting Maintenance Tax	Non-Residential Parcel	\$172.27 per Acre

Mixed Use Parcels will have their Maximum Tax calculated each Fiscal Year based upon their combined uses on the Parcel. For example, if a one acre parcel has commercial on the ground floor and 50 condominiums on the second floor the property owner will be charged the Non-Residential Parcel rate for one acre and the Condominium Parcel Rate for the 50 condominiums.



**2. Undeveloped Property** - The Fiscal Year 2017-18 Maximum Special Tax for each Special Tax Component for all Parcels of Undeveloped Property shall be as shown in Table 2 below:

<b>Special Tax Component</b>	<b>Land Use Classification</b>	<b>FY 2017-18 Maximum Tax</b>
Regional Park Maintenance Tax	Single-Family Parcel	\$395.12 per Acre
Regional Park Maintenance Tax	Condominium Parcel	\$296.34 per Acre
Regional Park Maintenance Tax	Multi-Family Parcel	\$197.56 per Acre
Regional Park Maintenance Tax	Non-Residential Parcel	\$197.56 per Acre
Community Parks Maintenance Tax	Single-Family Parcel	\$872.55 per Acre
Community Parks Maintenance Tax	Condominium Parcel	\$654.41 per Acre
Community Parks Maintenance Tax	Multi-Family Parcel	\$436.28 per Acre
Community Parks Maintenance Tax	Non-Residential Parcel	\$436.28 per Acre
Street Lighting Maintenance Tax	Single-Family Parcel	\$172.27 per Acre
Street Lighting Maintenance Tax	Condominium Parcel	\$129.20 per Acre
Street Lighting Maintenance Tax	Multi-Family Parcel	\$86.14 per Acre
Street Lighting Maintenance Tax	Non-Residential Parcel	\$86.14 per Acre

**3. Escalation of Maximum Special Tax**

On July 1, 2018, and each July 1 thereafter, the Maximum Special Tax for each Special Tax Component for the current Fiscal Year for Developed Property and Undeveloped Property shall be increased from the Maximum Special Tax for the respective Special Tax Component for the previous Fiscal Year by Consumer Price Index – All Urban Consumers (San Francisco-Oakland-San Jose, CA) (from February) with a minimum annual increase of three (3.00%) percent and a maximum annual increase of five (5.00%) percent for any given year.

**D. METHOD OF LEVY AND COLLECTION OF SPECIAL TAXES**

Each Fiscal Year, the Administrator shall determine the Special Tax Requirement for each Special Tax Component for that Fiscal Year and levy each Special Tax Component on all Parcels of Taxable Property as follows:

**Step 1:** Each Special Tax Component shall be levied Proportionately on each Parcel of Developed Property up to 100% of the Maximum Special Tax for each Parcel of Developed Property for such Fiscal Year until the amount levied is equal to the Special Tax Requirement for such Special Tax Component;

**Step 2:** If additional revenue is needed after Step 1, each Special Tax Component shall be levied Proportionately on each Parcel of Undeveloped Property up to 100% of the Maximum Special Tax for each Parcel of Undeveloped Property for such Fiscal Year until the amount levied, when combined with the amount of the Special Tax Component levied pursuant to Step 1, is equal to the Special Tax Requirement for such Special Tax Component.

The Special Tax for CFD No. 2015-2 shall be collected at the same time and in the same manner as ordinary ad valorem property taxes provided, however, that the City may (under the authority of Government Code Section 53340) collect Special Taxes at a different time or in a different manner if necessary to meet the financial obligations of CFD No. 2015-2, and the Special Tax shall be subject to foreclosure if delinquent regardless of the manner in which it was collected.

**E. EXEMPTIONS**

No Special Tax shall be levied on Parcels of Public Property or any privately owned Parcels that are non-developable, such as common areas, wetlands, and open space, parks, etc. except as otherwise provided in this RMA and in the Act.

**F. INTERPRETATION OF SPECIAL TAX FORMULA**

The City reserves the right to make minor administrative and technical changes to this document that does not materially affect the rate and method of apportioning Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the City's discretion. Interpretations may be made by the City through a resolution of the Council for purposes of clarifying any vagueness or ambiguity in this RMA.

**G. TERM OF THE SPECIAL TAX**

The Special Tax shall be levied in perpetuity as necessary to pay the Special Tax Requirement.

#### **H. REPEAL OF THE SPECIAL TAX**

CFD No. 2015-2 was established to levy the Special Tax to finance the Authorized Services as a condition of the entitlement to develop the Developed Property in CFD No. 2015-2. If the levy of the Special Tax is repealed by initiative or any other action participated in by the owners of Parcels in CFD No. 2015-2, the City shall cease to levy the Special Tax and shall cease to be obligated to provide the Authorized Services for which the Special Tax was levied.

#### **I. SEVERABILITY**

The invalidity or unenforceability of any provisions of this Rate and Method of Apportionment of Special Tax shall not affect the validity or enforceability of any other provision of this Rate and Method of Apportionment of Special Tax, which shall remain in full force and effect.

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION APPROVING THE ANNEXATION (ANNEXATION NO. 8) OF  
PROPERTY LOCATED IN THE FUTURE ANNEXATION AREA OF**

**CITY OF OAKLEY  
Community Facilities District No. 2015-2  
(Parks, Street Light, Landscape and Stormwater Services)**

**RESOLVED** by the City Council (the "Council") of the City of Oakley (the "City"), County of Contra Costa, State of California, that:

**WHEREAS**, this Council has adopted a resolution entitled "Resolution of Formation of Community Facilities District" (the "Resolution of Formation"), ordering the formation of the (i) the "City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services)" (the "CFD") and (ii) the "City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services) (Future Annexation Area)," authorizing the levy of a special tax on property within the CFD, and preliminarily establishing an appropriations limit for the CFD, all pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act").

**WHEREAS**, under the Resolution of Formation and a resolution calling special election heretofore adopted by this Council, the propositions of the levy of the special tax and the establishment of the appropriations limit were submitted to the qualified electors of the CFD as required by the Act.

**WHEREAS**, on January 12, 2016, a special election was held among the landowner voters within the CFD, wherein such propositions were approved by the two-thirds vote required by the Act, as confirmed by resolution of this Council.

**WHEREAS**, on January 19, 2016, a notice of special tax lien (the "Notice of Special Tax Lien") was recorded with the Contra Costa County Recorder's office, thereby giving notice that the lien to secure payment of the Special Tax was imposed on the land in the CFD.

**WHEREAS**, the owner (the "Property Owner") of County Assessor Parcel Number (APN) 037-160-033 located within the Future Annexation Area (the "Property") has agreed to mitigate certain impacts of the proposed development of the Property by paying for certain services financed by the CFD.

**WHEREAS**, pursuant to the Act, the Property Owner has executed a Unanimous Approval constituting a unanimous approval and unanimous vote by the Property Owner in favor of the annexation of the Property to the CFD and the levy of the Special Tax.

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED**, as follows:

1. **Recitals.** The foregoing recitals are all true and correct.
2. **Approval of Annexation.** The City Council hereby determines that APN 037-160-033 is annexed into Tax Zone No. 9 of the CFD.
3. **Amendment to Notice of Special Tax Lien.** The City Council hereby directs the Clerk of the City Council to record an Amendment to Notice of Special Tax Lien, evidencing that APN 037-160-033 is added to the CFD.
4. **Boundaries Described.** The revised boundaries of the CFD including APN 037-160-033 are described in an amended boundary map, which this City Council hereby directs the City Clerk to record with the Contra Costa County Recorder's office.
5. **General Authority; Ratification of Previous Actions.** The officers of the City are hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to consummate the transactions described herein or to otherwise effectuate the purposes of this resolution. Any actions previously taken by such officers that are consistent with the purposes of this resolution are hereby ratified and confirmed.
6. **Effective Date.** This Resolution shall take effect upon its adoption.

**PASSED AND ADOPTED** by the City Council of the City of Oakley at a meeting held on the August 8, 2017 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTENTIONS:

APPROVED:

\_\_\_\_\_  
Sue Higgins, Mayor

ATTEST:

\_\_\_\_\_  
Libby Vreonis, City Clerk

\_\_\_\_\_  
Date

**ANNEXATION MAP No. 8 TO  
CITY OF OAKLEY COMMUNITY FACILITIES DISTRICT No. 2015-2  
(PARKS, STREET LIGHTS, LANDSCAPE MAINTENANCE AND STORMWATER)  
CITY OF OAKLEY  
CONTRA COSTA COUNTY, STATE OF CALIFORNIA**

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF OAKLEY THIS  
DAY OF \_\_\_\_\_, 2017.

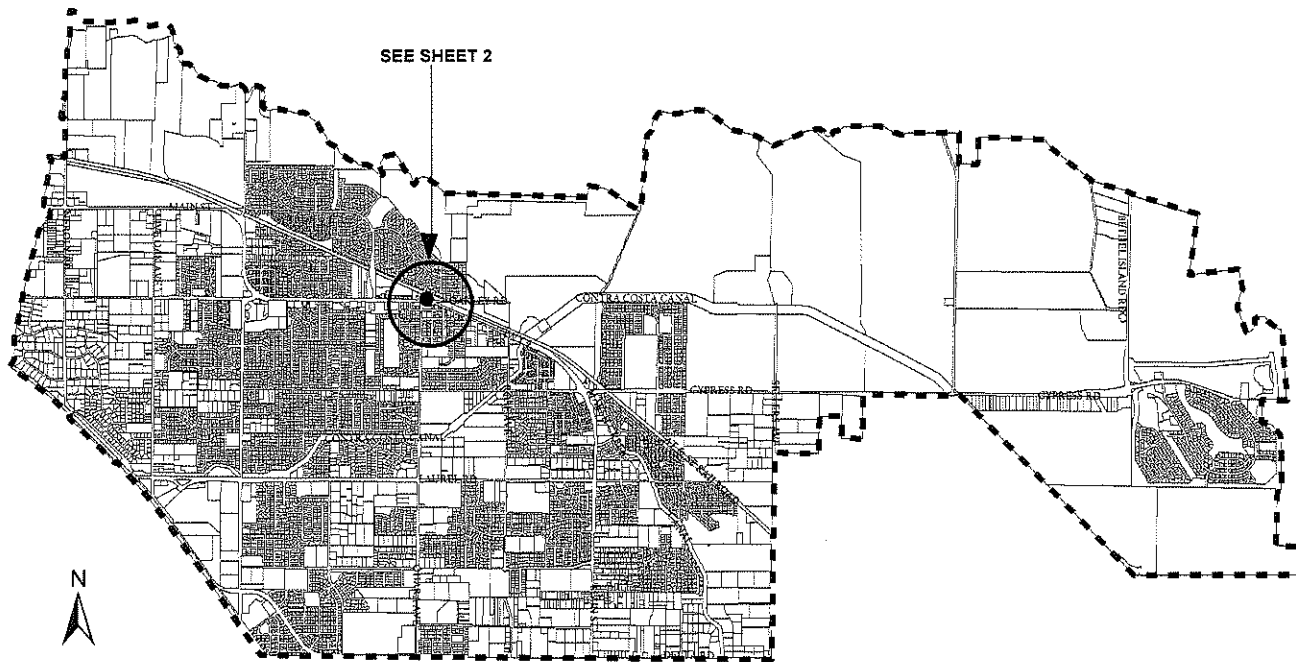
LIBBY VREONIS, CITY CLERK  
CITY OF OAKLEY  
CONTRA COSTA COUNTY  
STATE OF CALIFORNIA

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING ANNEXATION No. 8 TO CITY OF OAKLEY COMMUNITY FACILITIES DISTRICT No. 2015-2 (PARKS, STREET LIGHTS, LANDSCAPE MAINTENANCE AND STORMWATER), CITY OF OAKLEY, CONTRA COSTA COUNTY, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF OAKLEY, AT A REGULAR MEETING THEREOF, HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017, BY ITS RESOLUTION No. \_\_\_\_\_

LIBBY VREONIS, CITY CLERK  
CITY OF OAKLEY  
CONTRA COSTA COUNTY  
STATE OF CALIFORNIA




FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017, AT THE HOUR OF \_\_\_\_\_ M IN BOOK \_\_\_\_\_ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE \_\_\_\_\_, DOCUMENT No. \_\_\_\_\_ IN THE OFFICE OF THE COUNTY RECORDER IN CONTRA COSTA COUNTY, STATE OF CALIFORNIA.

COUNTY RECORDER  
CONTRA COSTA COUNTY  
STATE OF CALIFORNIA



**Annexation No. 8 - Tax Zone No. 9**

**LEGEND**

-  Future Annexation Area, City of Oakley Boundary
-  CFDA No. 2015-2 Annexation Area No. 8
-  Parcel Lines



**NOTE:**

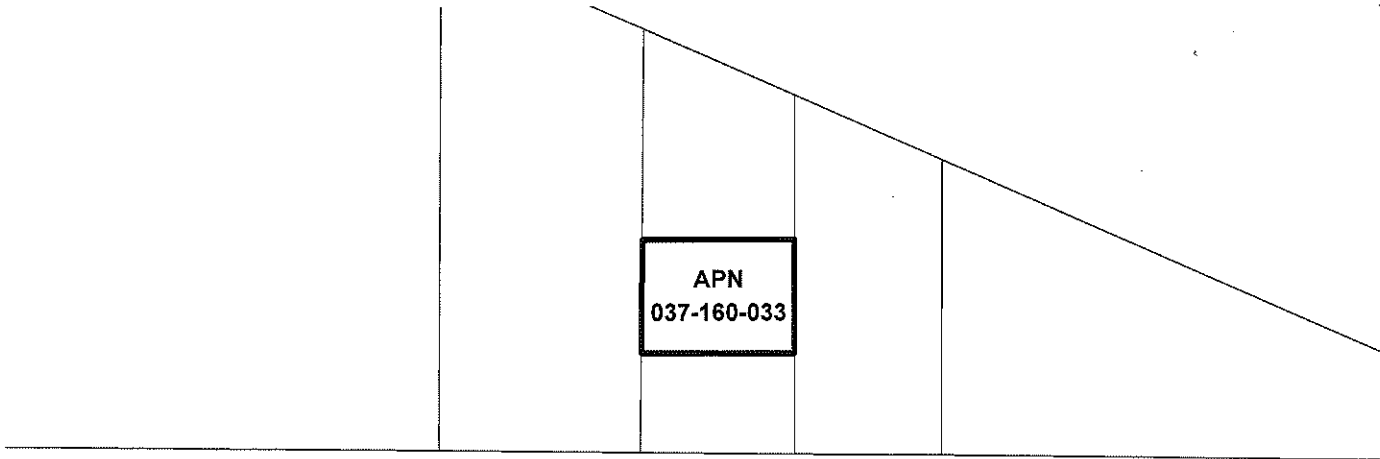
THIS ANNEXATION MAP ANNEXES TERRITORY TO CITY OF OAKLEY COMMUNITY FACILITIES DISTRICT No. 2015-2 (PARKS, STREET LIGHTS, LANDSCAPE MAINTENANCE AND STORMWATER), CITY OF OAKLEY, CONTRA COSTA COUNTY, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA, ON THE 9TH DAY OF NOVEMBER, 2015 IN BOOK 85 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICT AT PAGE 20.

ASSESSOR PARCELS WITHIN BOUNDARY: FOR PARTICULARS OF LINES AND DIMENSIONS OF PARCELS, REFERENCE IS MADE TO THE ASSESSOR PARCEL MAPS OF CONTRA COSTA COUNTY FOR ASSESSOR PARCEL NUMBER 037-160-033.

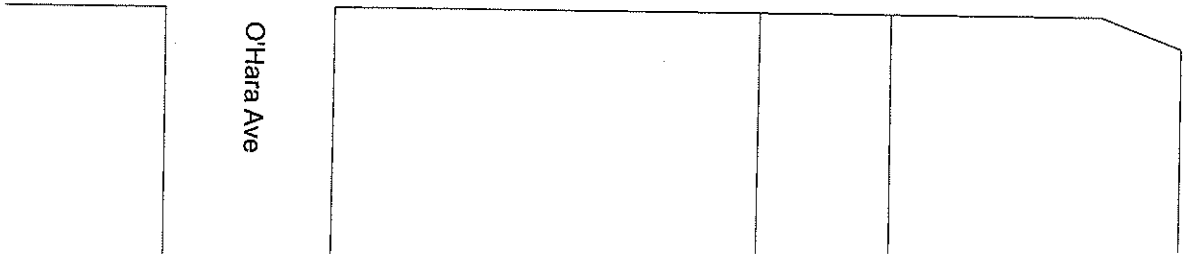
ANNEXATION MAP No. 8 TO  
CITY OF OAKLEY COMMUNITY FACILITIES DISTRICT No. 2015-2  
(PARKS, STREET LIGHTS, LANDSCAPE MAINTENANCE AND STORMWATER)

CITY OF OAKLEY  
CONTRA COSTA COUNTY, STATE OF CALIFORNIA

Annexation No. 8 - Tax Zone No. 9





Main St



10 5 0 10 20 Feet

**Legend**

-  CFD No. 2015-2 Annexation Area No. 8
-  Parcel Lines

**RECORDING REQUESTED BY AND  
AFTER RECORDATION RETURN TO:**

City Clerk  
City of Oakley  
City Hall  
3231 Main Street  
Oakley, California 94561

**AMENDMENT NO. 8 TO  
NOTICE OF SPECIAL TAX LIEN**

**CITY OF OAKLEY  
Community Facilities District No. 2015-2  
(Parks, Street Light, Landscape and Stormwater Services)**

**Annexation No. 8 - Tax Zone No. 9**

Pursuant to the requirements of Section 3117.5 of the Streets and Highways Code of California and the Mello-Roos Community Facilities Act of 1982, as amended, section 53311, et seq., of the California Government Code (the "Act"), the undersigned City Clerk of the City of Oakley (the "City"), County of Contra Costa, State of California, hereby gives notice that a lien to secure payment of a special tax, which the City is authorized to levy, is hereby imposed on the property described herein. The special tax secured by this lien is authorized to be levied for the purpose of paying for certain municipal services set forth in that certain Notice of Special Tax Lien heretofore recorded in the Office of the County Recorder of the County of Contra Costa, State of California on January 19, 2016, as Document No. 20160009045, to which reference is hereby made and the provisions of which are hereby incorporated by this reference.

This Amendment No. 8 to Notice of Special Tax Lien amends the Notice of Special Tax Lien to add to the territory of the City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services) (the "CFD"). The territory included in the existing CFD is set forth in the map of the CFD heretofore recorded as Document No. 15-234174 in the Office of the County Recorder of the County of Contra Costa, State of California on November 9, 2015, in Book 85 at Page 20 of Maps of Assessment and Community Facilities Districts, to which reference is hereby made. The territory to be added is set forth in that certain "Annexation Map No. 8 to Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services), County of Contra Costa, State of California," heretofore recorded at \_\_\_\_\_ on \_\_\_\_\_, 2017, in Book \_\_\_\_\_ at Page \_\_\_\_\_ of Maps of Assessment and Community Facilities Districts in the office of the County Recorder of the County of Contra Costa, State of California.

The rate, method of apportionment, and manner of collection of the authorized special tax, as supplemented with respect to the annexation of the territory described herein to the CFD, is set forth in Exhibit B hereto and hereby made a part hereof. The lien of the special tax is a continuing lien which shall secure the annual levy of the special tax and which shall continue in force and effect until the special tax obligation is permanently satisfied and canceled in accordance with law or until the special tax ceases to be levied and a notice of cessation of special tax is recorded in accordance with Government Code Section 53330.5.



Notice is further given that upon the recording of this notice in the office of the county recorder, the obligation to pay the special tax levy shall become a lien upon all nonexempt real property with in the territory to be added to the CFD in accordance with Section 3115.5 of the Streets and Highways Code.

The assessor's tax parcel(s) numbers of all parcels or any portion thereof which are included in this Amendment No. 8 to Notice of Special Tax Lien, together with the name(s) of the owner(s) thereof, as they appear on the latest secured assessment roll as of the date of recording hereof or as are otherwise known to the City are as set forth in Exhibit A hereto and hereby made a part hereof.

For further information concerning the current and estimated future tax liability of owners or purchasers of real property subject to this special tax lien, interested persons should contact the Finance Director of the City of Oakley, City Hall, 3231 Main Street, Oakley, California 94561, telephone number (925) 625-7000.

Dated: As of \_\_\_\_\_, 2017

By: \_\_\_\_\_  
Libby Vreonis, City Clerk

<b>EXHIBIT</b>	<b><u>Assessor's Parcel No(s).</u></b>	<b><u>Name(s) of Property Owners</u></b>	<b>A</b>
<b>CITY OF</b>	037-160-033	Fred Del Barba and Shirley Del Barba, and Juli Del Barba-Favalora	
	<b>OAKLEY</b> <b>Community Facilities District No. 2015-2</b> <b>(Parks, Street Light, Landscape and Stormwater Services)</b>		

**Annexation No. 8 – Tax Zone No. 9**

**ASSESSOR'S PARCEL NUMBERS AND OWNERS OF LAND WITHIN  
ANNEXATION NO. 8 – TAX ZONE NO. 9**

## EXHIBIT B

### CITY OF OAKLEY Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services)

#### SUPPLEMENT TO THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX – TAX ZONE NO. 9

Special Taxes in the City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services) (the “CFD” or “CFD No. 2015-2”) shall be levied and collected according to the tax liability determined by the Administrator through the application of the appropriate amount or rate for Taxable Property, as described below. All of the property in CFD No. 2015-2, unless exempted by law or by the provisions of Section E herein, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 2015-2, unless a separate Rate and Method of Apportionment of Special Tax is adopted for such annexation area.

Property annexed to City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services) pursuant to Annexation No. 8 will be annexed to Tax Zone No. 9 per the Supplement to the Rate and Method of Apportionment of Special Tax shown below.

#### **A. DEFINITIONS**

The terms hereinafter set forth have the following meanings:

“**Accessory Unit**” means a second residential unit of reduced size (e.g., granny cottage, etc.) that shares a Parcel with a Residential Unit.

“**Acre**” or “**Acreage**” means the land area of an Assessor’s Parcel as shown on an Assessor’s Parcel Map, or if the land area is not shown on an Assessor’s Parcel Map, the land area shown on the applicable Final Map or other recorded County parcel map.

“**Act**” means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5 (commencing with Section 53311), Division 2, of Title 5 of the Government Code of the State of California.

“**Administrative Expenses**” means the following actual or reasonably estimated costs directly related to the administration of CFD No. 2015-2: the costs of computing the Special Tax and preparing the annual Special Tax collection schedules (whether by the City or any designee thereof or both); the costs of collecting the Special

Taxes; the costs to the City, CFD No. 2015-2, or any designee thereof of complying with disclosure requirements associated with the Act; the costs associated with preparing Special Tax disclosure statements and responding to public inquiries, protests, or appeals regarding the Special Taxes; and the City's annual administration fees and third party expenses. Administrative Expenses shall also include amounts estimated or advanced by the City or CFD No. 2015-2 for any other administrative purposes of CFD No. 2015-2, including attorney's fees, costs associated with annexations to CFD No. 2015-2, and other costs related to commencing and pursuing to completion any foreclosure of delinquent Special Taxes.

**"Administrator"** means an official of the City, or any designee thereof, responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Tax.

**"Assessor's Parcel"** or **"Parcel"** means a lot or parcel shown on an Assessor's Parcel Map with an assigned Assessor's Parcel Number.

**"Assessor's Parcel Map"** means an official map of the County Assessor designating parcels by Assessor's Parcel Number.

**"Assessor's Parcel Number"** or **"APN"** means a unique number assigned to an Assessor's Parcel by the County Assessor for purposes of identifying a property.

**"Authorized Services"** means the public services authorized to be funded by CFD No. 2015-2 as set forth in the documents adopted by the Council when CFD No. 2015-2 was formed.

**"Building Permit"** means a building permit issued by the City and having a building structure improvement valuation over \$50,000. Building Permits for the construction of ancillary structures such as fences, swimming pools, retaining walls, etc. are excluded.

**"CFD" or "CFD No. 2015-2"** means the City of Oakley Community Facilities District No. 2015-2 (Parks, Street Light, Landscape and Stormwater Services).

**"City"** means the City of Oakley.

**"City Landscape Maintenance Standards"** means the then applicable landscape maintenance standards or then applicable level of service for then applicable landscape maintenance contracts executed by the City that are in effect and relate to similar landscaping improvements.

**"City Manager"** means the City Manager of the City of Oakley.

**“Commercial Unit”** means an individual building structure for commercial uses as defined per the County Assessor (e.g., grocery stores, shopping centers, motel, hotel, service stations, and offices).

**“Condominium Parcel”** means a Parcel designated by the County Assessor as having a condominium, townhome, cluster home and co-op land use.

**“Council”** means the City Council of the City of Oakley, acting as the legislative body for CFD No. 2015-2.

**“County”** means the County of Contra Costa.

**“County Assessor”** means the Contra Costa County Assessor.

**“County Land Use Code”** means the land use code assigned to an Assessor’s Parcel as indicated in the records of the County Assessor.

**“Developed Property”** means, in any Fiscal Year, all Parcels of Taxable Property for which a Building Permit was issued by the City for construction of a residential structure or a non-residential structure on or prior to June 30 of the preceding Fiscal Year. In the absence of a Building Permit, any Parcel of Taxable Property shall be classified as “Developed Property” if it has been occupied by a user as determined by the Administrator on or prior to June 30 of the preceding Fiscal Year.

**“Final Map” or “Parcel Map”** means a final map approved by the City pursuant to the Subdivision Map Act (California Government Code Section 66410, *et seq.*) that creates individual lots on which a Building Permit can be issued for construction of Residential Units without further subdivision of the lots.

**“Fiscal Year”** means the period starting on July 1 and ending on the following June 30.

**“Industrial”** means an individual building structure for industrial uses as defined per the County Assessor (e.g., research and development, mini-warehouse, etc.).

**“Institutional”** means an individual building structure for institutional uses as defined per the County Assessor (e.g., churches, hospitals, assisted living, schools, etc.).

**“Land Use Classification”** means the current or intended use of a Taxable Parcel as determined by the Taxable Parcel’s County Land Use Code.

**“Maximum Special Tax”** means, for each Special Tax Component, the maximum Special Tax, determined in accordance with Section C herein, which can be levied in any Fiscal Year.

**“Mixed Use Parcel”** means a Parcel designated by the County Assessor as having a multiple land uses such as residential land uses and commercial land uses, or multi-family land uses and commercial land uses.

**“Multi-Family Parcel”** means a Parcel designated by the County Assessor as having a multi-family residential land uses which includes duplexes, triplexes, fourplexes and apartments,

**“Non-Residential Parcel”** means for each Fiscal Year, all Assessor Parcels designated by the County Assessor with a County Land Use Code of Commercial, Industrial, or Institutional. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign a Land Use Classification to the Taxable Parcel described in Section C below.

**“Non-Residential Parcel – In Compliance”** this definition only applies for the purpose of calculating the annual neighborhood landscape maintenance tax component and means for each Fiscal Year, an Assessor Parcel designated by the County Assessor with a County Land Use Code of Commercial, Industrial, or Institutional for which the Property Owner of the Commercial, Industrial, or Institutional Parcel has notified the City in writing by the preceding February 1<sup>st</sup> that it wishes to maintain its parcel’s frontage landscaping during the immediate following fiscal year and the City Manager or his/her designee has determined that the Property Owner has maintained its Parcel’s frontage landscaping in previous Fiscal Years to City Landscape Maintenance Standards. In addition, in order for any Commercial, Industrial, or Institutional Parcel to be defined as a Non-Residential Parcel – In Compliance, all Non-Residential Parcels within a Tax Zone of CFD No. 2015-2 must also be defined as Non-Residential Parcel – In Compliance.

**“Non-Residential Parcel – Out of Compliance”** this definition only applies for the purpose of calculating the annual neighborhood landscape maintenance tax component and means for each Fiscal Year, an Assessor Parcel designated by the County Assessor with a County Land Use Code of Commercial, Industrial, or Institutional for which the Property Owner of the Non-Residential Parcel has not notified the City in writing by the preceding February 1<sup>st</sup> that it wishes to maintain its parcel’s frontage landscaping during the immediate following fiscal year and the City Manager or his/her designee has determined that the Property Owner has not maintained its Parcel’s frontage landscaping in previous Fiscal Years to City Landscape Maintenance Standards. In addition, if any Non-Residential Parcel is defined as a Non-Residential Parcel – Out of Compliance, then all Non-Residential Parcels within a Tax Zone CFD No. 2015-2 will also be defined as Non-Residential Parcel – Out of Compliance.

**“Property Owner”** means the Property Owner of record per current County Assessor records unless more current information is available such as recorded deed of sale, etc.

**“Proportionately”** means, for Developed Property, that the ratio of the actual annual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor’s Parcels of Developed Property. For Undeveloped Property, “Proportionately” means that the ratio of the actual annual Special Tax levied in any Fiscal Year to the Maximum Special Tax authorized to be levied in that Fiscal Year is equal for all Assessor’s Parcels of Undeveloped Property.

**“Public Property”** means, for each Fiscal Year: (i) any property within the boundaries of CFD No. 2015-2 that is owned by or irrevocably offered for dedication to the federal government, the State of California, the City or any other public agency; provided, however, that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act (as such section may be amended or replaced) shall be taxed and classified in accordance with its use; or (ii) any property within the boundaries of CFD No. 2015-2 that is encumbered by an unmanned utility easement making impractical its utilization for other than the purpose set forth in the easement.

**“Residential Unit”** means an individual building structure for residential or multi-family residential uses as defined per the County Assessor. An Accessory Unit that shares a Parcel with a Residential Unit shall not be considered a separate Residential Unit for purposes of this RMA.

**“RMA”** means this Rate and Method of Apportionment of Special Tax.

**“Single-Family Parcel”** means a Parcel designated by the County Assessor as having a single-family residential land use. If it is determined by the Administrator that the County Assessor has assigned an incorrect County Land Use Code or the assigned County Land Use Code does not correctly describe the intended or current use of the Taxable Parcel, the Administrator may assign a Land Use Classification to the Taxable Parcel described in Section C below.

**“Special Tax”** means any tax levied within CFD No. 2015-2 to pay the Special Tax Requirement, and includes each Special Tax Component.

**“Special Tax Component”** means one of the following components of the Special Tax: Community Park Maintenance Tax, Street Lighting Maintenance Tax, Neighborhood Parks and Landscape Maintenance Tax, or Stormwater Maintenance Tax.

**“Special Tax Requirement”** means, for each Special Tax Component, the amount of revenue needed in any Fiscal Year to pay for the following: (i) Authorized Services related to the Special Tax Component; (ii) Administrative Expenses attributable to the Special Tax Component; and (iii) amounts needed to cover any delinquencies in the payment of the Special Tax Component which occurred in the previous Fiscal Year or, based on delinquency rates in prior years, may be expected to occur in the Fiscal Year in which the Special Tax will be collected.

**“Taxable Property” or “Taxable Parcels”** means all Assessors’ Parcels within the boundaries of CFD No. 2015-2 that are not exempt from the Special Tax pursuant to law or Section E herein.

**“Tax Zone”** means a mutually exclusive geographic area within which the Special Tax may be levied pursuant to this RMA. All of the property within CFD No. 2015-2 at the time of CFD Formation is within Tax Zone 1. Additional Tax Zones may be created when property is annexed to CFD No. 2015-2, and a separate Maximum Special Tax shall be identified for property within the new Tax Zone at the time of such annexation. The Assessor’s Parcels included within a new Tax Zone established when such Parcels are annexed to CFD No. 2015-2 shall be identified by Assessor’s Parcel Number in the Unanimous Approval Form that is signed by the owner(s) of the Parcels at the time of annexation.

**“Unanimous Approval Form”** means that form executed by the record owner of fee title to a Parcel or Parcels annexed into CFD No. 2015-2 that constitutes the property owner’s approval and unanimous vote in favor of annexing into CFD No. 2015-2, the levy of the Special Tax against his/her Parcel or Parcels pursuant to this RMA.

**“Undeveloped Property”** means, in any Fiscal Year, all Parcels of Taxable Property in CFD No. 2015-2 that are not classified as Developed Property.

## **B. DATA FOR ANNUAL TAX LEVY**

Each Fiscal Year, the Administrator shall identify the current Assessor’s Parcel Numbers for all Parcels of Taxable Property within CFD No. 2015-2. The Administrator shall also determine: (i) whether each Assessor’s Parcel of Taxable Property is Developed Property or Undeveloped Property, and (ii) the Special Tax Requirement for each Special Tax Component for the then-current Fiscal Year. Each Special Tax Component shall be levied only to pay for the related Special Tax Requirement.

In any Fiscal Year, if it is determined that (i) a Final Map or Parcel Map for a portion of property in CFD No. 2015-2 was recorded after the last date upon which the County Assessor will incorporate the newly-created Parcels into the then current tax roll, (ii) because of the date the Final Map or Parcel Map was recorded, the County Assessor does not yet recognize the new Parcels that will be created by the Final Map or Parcel Map, and (iii) one or more of the newly-created Parcels would meet the definition of Developed Property, the Administrator shall calculate the Special Tax for



the property affected by recordation of the Final Map or Parcel Map by determining the Special Tax that applies separately to each new Parcel that will be created by that Final Map or Parcel Map, then applying the sum of the individual Special Taxes to the Parcel that was subdivided by recordation of the Final Map or Parcel Map.

**C. MAXIMUM SPECIAL TAXES**

**1. Developed Property** - The Fiscal Year 2017-18 Maximum Special Tax for each Special Tax Component for all Parcels of Developed Property shall be as shown in Table 1 below:

<b>Table 1: Developed Property</b>			
<b>Special Tax Component</b>	<b>Land Use Classification</b>	<b>FY 2017-18 Maximum Tax</b>	
Regional Park Maintenance Tax	Single-Family Parcel	\$131.71	per Parcel
Regional Park Maintenance Tax	Condominium Parcel	\$98.78	per Parcel
Regional Park Maintenance Tax	Multi-Family Parcel	\$65.85	per Unit
Regional Park Maintenance Tax	Non-Residential Parcel	\$395.12	per Acre
Community Parks Maintenance Tax	Single-Family Parcel	\$290.85	per Parcel
Community Parks Maintenance Tax	Condominium Parcel	\$218.13	per Parcel
Community Parks Maintenance Tax	Multi-Family Parcel	\$145.43	per Unit
Community Parks Maintenance Tax	Non-Residential Parcel	\$872.55	per Acre
Street Lighting Maintenance Tax	Single-Family Parcel	\$57.42	per Parcel
Street Lighting Maintenance Tax	Condominium Parcel	\$43.07	per Parcel
Street Lighting Maintenance Tax	Multi-Family Parcel	\$28.72	per Unit
Street Lighting Maintenance Tax	Non-Residential Parcel	\$172.27	per Acre

Mixed Use Parcels will have their Maximum Tax calculated each Fiscal Year based upon their combined uses on the Parcel. For example, if a one acre parcel has commercial on the ground floor and 50 condominiums on the second floor the property owner will be charged the Non-Residential Parcel rate for one acre and the Condominium Parcel Rate for the 50 condominiums.

**2. Undeveloped Property** - The Fiscal Year 2017-18 Maximum Special Tax for each Special Tax Component for all Parcels of Undeveloped Property shall be as shown in Table 2 below:

<b>Table 2: Undeveloped Property</b>		
<b>Special Tax Component</b>	<b>Land Use Classification</b>	<b>FY 2017-18 Maximum Tax</b>
Regional Park Maintenance Tax	Single-Family Parcel	\$395.12 per Acre
Regional Park Maintenance Tax	Condominium Parcel	\$296.34 per Acre
Regional Park Maintenance Tax	Multi-Family Parcel	\$197.56 per Acre
Regional Park Maintenance Tax	Non-Residential Parcel	\$197.56 per Acre
Community Parks Maintenance Tax	Single-Family Parcel	\$872.55 per Acre
Community Parks Maintenance Tax	Condominium Parcel	\$654.41 per Acre
Community Parks Maintenance Tax	Multi-Family Parcel	\$436.28 per Acre
Community Parks Maintenance Tax	Non-Residential Parcel	\$436.28 per Acre
Street Lighting Maintenance Tax	Single-Family Parcel	\$172.27 per Acre
Street Lighting Maintenance Tax	Condominium Parcel	\$129.20 per Acre
Street Lighting Maintenance Tax	Multi-Family Parcel	\$86.14 per Acre
Street Lighting Maintenance Tax	Non-Residential Parcel	\$86.14 per Acre

**3. Escalation of Maximum Special Tax**

On July 1, 2018, and each July 1 thereafter, the Maximum Special Tax for each Special Tax Component for the current Fiscal Year for Developed Property and Undeveloped Property shall be increased from the Maximum Special Tax for the respective Special Tax Component for the previous Fiscal Year by Consumer Price Index – All Urban Consumers (San Francisco-Oakland-San Jose, CA) (from February) with a minimum annual increase of three (3.00%) percent and a maximum annual increase of five (5.00%) percent for any given year.

#### **D. METHOD OF LEVY AND COLLECTION OF SPECIAL TAXES**

Each Fiscal Year, the Administrator shall determine the Special Tax Requirement for each Special Tax Component for that Fiscal Year and levy each Special Tax Component on all Parcels of Taxable Property as follows:

**Step 1:** Each Special Tax Component shall be levied Proportionately on each Parcel of Developed Property up to 100% of the Maximum Special Tax for each Parcel of Developed Property for such Fiscal Year until the amount levied is equal to the Special Tax Requirement for such Special Tax Component;

**Step 2:** If additional revenue is needed after Step 1, each Special Tax Component shall be levied Proportionately on each Parcel of Undeveloped Property up to 100% of the Maximum Special Tax for each Parcel of Undeveloped Property for such Fiscal Year until the amount levied, when combined with the amount of the Special Tax Component levied pursuant to Step 1, is equal to the Special Tax Requirement for such Special Tax Component.

The Special Tax for CFD No. 2015-2 shall be collected at the same time and in the same manner as ordinary ad valorem property taxes provided, however, that the City may (under the authority of Government Code Section 53340) collect Special Taxes at a different time or in a different manner if necessary to meet the financial obligations of CFD No. 2015-2, and the Special Tax shall be subject to foreclosure if delinquent regardless of the manner in which it was collected.

#### **E. EXEMPTIONS**

No Special Tax shall be levied on Parcels of Public Property or any privately owned Parcels that are non-developable, such as common areas, wetlands, and open space, parks, etc. except as otherwise provided in this RMA and in the Act.

#### **F. INTERPRETATION OF SPECIAL TAX FORMULA**

The City reserves the right to make minor administrative and technical changes to this document that does not materially affect the rate and method of apportioning Special Taxes. In addition, the interpretation and application of any section of this document shall be left to the City's discretion. Interpretations may be made by the City through a resolution of the Council for purposes of clarifying any vagueness or ambiguity in this RMA.

#### **G. TERM OF THE SPECIAL TAX**

The Special Tax shall be levied in perpetuity as necessary to pay the Special Tax Requirement.

#### **H. REPEAL OF THE SPECIAL TAX**

CFD No. 2015-2 was established to levy the Special Tax to finance the Authorized Services as a condition of the entitlement to develop the Developed Property in CFD No. 2015-2. If the levy of the Special Tax is repealed by initiative or any other action participated in by the owners of Parcels in CFD No. 2015-2, the City shall cease to levy the Special Tax and shall cease to be obligated to provide the Authorized Services for which the Special Tax was levied.

#### **I. SEVERABILITY**

The invalidity or unenforceability of any provisions of this Rate and Method of Apportionment of Special Tax shall not affect the validity or enforceability of any other provision of this Rate and Method of Apportionment of Special Tax, which shall remain in full force and effect.