

**Meeting Date:** 1/20/2015

**Report Type:** Public Hearing

**Report ID:** 2015-00001

**Title:** The Creamery Community Facilities District No. 2014-08 Public Hearing and Resolution of Formation (Noticed 01/08/2015)

**Location:** District 4

**Recommendation:** Conduct a public hearing and upon conclusion pass a Resolution establishing The Creamery Community Facilities District No. 2014-08, providing for Levy of Special Tax, and calling for a Special Election on January 26, 2015.

**Contact:** Diane Morrison, Program Specialist, (916) 808-7535; Mark Griffin, Program Manager, (916) 808-8788, Department of Finance

**Presenter:** Diane Morrison, Program Specialist, (916) 808-7535, Department of Finance

**Department:** Finance

**Division:** Public Improvement Finance

**Dept ID:** 06001321

**Attachments:**

- 1-Description/Analysis
- 2-Background
- 3-Schedule of Proceedings
- 4-Resolution of Formation
- 5-Exhibit A to Resolution of Formation (Hearing Report)
- 6-Exhibit B to Resolution of Formation (Rate of Method of Apportionment of Special Tax)
- 7-Exhibit C to Resolution of Formation (List of Authorized Services)
- 8-Exhibit D to Resolution of Formation (Area Map of Proposed Boundary Map)

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**City Attorney Review**

Approved as to Form  
Michael W. Voss  
1/12/2015 2:28:26 PM

**Approvals/Acknowledgements**

Department Director or Designee: Leyne Milstein - 1/5/2015 12:00:35 PM

**Description/Analysis**

**Issue:** Under the conditions of approval for The Creamery Development Project (Project), the property owners are required to annex the project area to an appropriate financing district for the maintenance of street landscaping that is beyond that typically provided by the City before recordation of any final-use parcel.

The establishment of The Creamery Community Facilities District No. 2014-08 (District) will satisfy the entitlement conditions for maintenance by authorizing the City to levy special taxes in an amount sufficient to provide maintenance funding.

**Policy Considerations:** The recommended action is consistent with City policy to implement special levy districts to fund the maintenance and repair of the amenities, facilities, and improvements within the Project that exceed City standards.

**Environmental Considerations:** Under California Environmental Quality Act guidelines, formation of a district and continuing administrative activities do not constitute a project and are therefore exempt from review.

**Rationale for Recommendation:** The recommended actions in the attached Resolution of Formation are required by the Mello-Roos Community Facilities Act of 1982 (Government Code sections 53311-53368.3) for the formation of a new district.

**Financial Considerations:** The property owners will pay all costs associated with the District. The maximum special tax for each parcel shall be the amounts shown below for Fiscal Year (FY) 2015/16.

Developed Parcels	
Single Family Residential Units	\$ 331 per dwelling unit
Condominium Units	\$ 331 per dwelling unit
Multifamily Residential Units	\$ 331 per dwelling unit
Mixed Use Residential Units	\$ 331 per dwelling unit
Final Use Parcels	\$4,670 per acre
Undeveloped Parcels	\$4,670 per acre

A detailed explanation of the proposed special tax is included in the Rate and Method of Apportionment, attached to the Resolution as Exhibit B. No tax will be levied in FY2014/15. The formation process sets the base taxes by land use as shown above. These base amounts can increase by the annual change in the Consumer Price Index, but by no more than four percent.

**Local Business Enterprise (LBE):** Not applicable.

## Background

The Project consists of 17 lots totaling approximately 8.31 gross acres located within the Alkali Flats neighborhood of the City of Sacramento, County of Sacramento. The project site was the former Crystal Creamery production site. The north block of the project site is generally bounded by D and 10<sup>th</sup> Streets, Television Circle, and the railroad. The south block is generally bounded by D, E, 10<sup>th</sup> and 11<sup>th</sup> Streets. A map of the project is included as Exhibit D to the Resolution.

On October 28, 2008, Council approved entitlements to allow for development of 217 residential units and 121,836 square feet of commercial space (Ordinance 2008-051, Resolutions 2008-704 through 707). All but one of the structures approved for demolition was demolished before work on the project stopped in late 2008. The approved project was not constructed and the site has remained vacant. The new owner, Lewis Land Developers, went to the Planning and Design Commission on May 29, 2014 and received approval for a new project.

The new project proposes to develop approximately 7.5 net acres. The Project has reserved an area for a future connection of 10<sup>th</sup> Street through the site, although the timing for the construction is not expected to occur in the near future.

The tentative map will create 117 single family lots and 10 common lots, with an overall density of 15.6 dwelling units per acre. The project is comprised of four models with a total of twelve variations. The purpose of the common lots would be to allow private vehicular drives throughout the development and to provide landscaped paseos. The common areas will be maintained by a Homeowner's Association.

**SCHEDULE OF PROCEEDINGS**  
**THE CREAMERY COMMUNITY**  
**FACILITIES DISTRICT (CFD) NO. 2014-08**

Nov. 20, 2014	City Clerk certification of registered voters
Dec. 08, 2014	100% Consent Waivers due to City
Dec. 16, 2014	City Council <ul style="list-style-type: none"><li>o Adopt Resolution of Intention (sets hearing date)</li></ul>
Dec. 17, 2014	Mail Notice of Hearing and Record Boundary Map
Jan. 09, 2015	City Clerk publish Notice of Public Hearing
<b>Jan. 20, 2015</b>	<b>City Council</b> <ul style="list-style-type: none"><li>o <b>Conduct Public Hearing</b></li><li>o <b>Approve Resolution of Formation</b></li><li>o <b>Approve Resolution Calling Special Election</b></li></ul>
Jan. 21, 2015	Mail Ballots
Jan. 26, 2015	Ballots Due
Feb. 03, 2015	City Council <ul style="list-style-type: none"><li>o Adopt Resolution Declaring Results of Special Election</li><li>o Pass for Publication Ordinance to Levy Tax</li></ul>
Feb. 04, 2015	Record Notice of Special Tax
Feb. 10, 2015	City Council <ul style="list-style-type: none"><li>o Adopt Ordinance to Levy Special Tax</li></ul>

## **RESOLUTION NO.**

Adopted by the Sacramento City Council

### **ESTABLISHING THE CREAMERY COMMUNITY FACILITIES DISTRICT NO. 2014-08; PROVIDING FOR THE LEVY OF A SPECIAL TAX THEREIN TO FINANCE MAINTENANCE SERVICES; AND CALLING A SPECIAL ELECTION ON THE QUESTION OF LEVYING THE SPECIAL TAX AND ESTABLISHING AN APPROPRIATIONS LIMIT**

#### **BACKGROUND**

- A. On December 16, 2014, the City Council adopted Resolution No. 2014-0409 (Resolution of Intention) declaring its intention to establish The Creamery Community Facilities District No. 2014-08 (District) and describing the boundaries of the territory proposed for inclusion in the District.
- B. The City Council has duly considered the advisability and necessity of establishing a community facilities district and levying a special tax therein to pay for maintenance and related services to be provided within the District, all under the Mello-Roos Community Facilities Act of 1982 (Act) and chapter 3.124 of the Sacramento City Code (Chapter 3.124).
- C. The Resolution of Intention fixed a time and place for a public hearing at which the City Council would consider: (1) the establishment of the District; (2) the proposed rate, method of apportionment, and manner of collection of a special tax to finance providing the services for the District; and (3) all other matters set forth in the Resolution of Intention.
- D. The City's Public Improvement Finance Manager caused a report on the proposal to establish the District in accordance with the Resolution of Intention. The City Council has reviewed the report, which is incorporated into this resolution as Exhibit A and made a part of the record of the public hearing on the Resolution of Intention.
- E. In accordance with the Resolution of Intention, a public hearing was scheduled for 6:00 p.m. on Tuesday, January 20, 2015, in the City Council's regular meeting place: City Council Chambers, New City Hall, 915 I Street, first floor, Sacramento, California. At the hearing, the City Council considered the establishment of the District; the proposed rate, method of apportionment, and manner of collection of the special tax; and all other matters set forth in the Resolution of Intention. All persons interested in these matters, including all taxpayers, property owners, and registered voters within the District, were given an opportunity to appear and be heard, and the City Council heard and considered the testimony of all such interested persons for or against the following: the establishment of the District; the

levy of the special tax; the extent of the District's territory; the types of services proposed to be provided within the District, and any other matters set forth in the Resolution of Intention. The special tax was not precluded by a majority protest under Government Code section 53339.6, and at the conclusion of the hearing the City Council was fully advised in the premises and was authorized to proceed as provided in this resolution.

- F. All owners of property within the proposed boundaries of the District have agreed to waive the following time limits and other requirements, but only with regard to proceedings to establish the District and conduct the special election: (a) all time limits specified in section 53326, subdivision (a), of the Act (pertaining to the election on the proposed special tax); (b) preparation of an impartial analysis of the ballot measure that submits the special tax to the qualified electors of the District, as well as preparation of arguments for and against the measure; (c) the requirements in Elections Code section 4101 regarding the time to mail ballots to the qualified electors; (d) the requirements in section 53327.5 of the Act regarding "identification envelopes" for the return of mailed ballots; (e) any defects of notice or procedure in the conduct of the election, whether known or unknown, so long as the defects do not infringe the right to vote and have the ballots fairly counted.
- G. On the basis of all the foregoing, the City Council has determined to call an election within the District to authorize the following: (1) the levy of a special tax on real property within the District to pay for the services proposed to be provided for the District (the rate, method of apportionment, and manner of collection of the tax are more particularly described in Exhibit B to this resolution); and (2) the establishment of an appropriations limit for the District.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:**

- Section 1     The City Council finds and determines that the recitals set forth above are true.
- Section 2     The City Council approves the Resolution of Intention and confirms all of its determinations and findings. The rate, method of apportionment, and manner of collection of the special tax for the District are set forth in Exhibit B to this resolution. Upon recordation of a notice of special-tax lien in accordance with Streets and Highways Code section 3114.5, a continuing lien to secure each levy of the special tax will attach to all nonexempt real property in the District. The lien will continue in perpetuity or until such time as the City determines it no longer needs the special-tax to fund authorized services of the District.
- Section 3     The City Council determines and finds that written protests against the establishment of the District, the levy of the special tax, the extent of the District, and the types of services to be provided as set forth in Exhibit C

do not constitute a majority protest under the Act. Accordingly, the City Council overrules all protests to the establishment of the District, to the levy of the special tax, the extent of the District, the types of services to be provided, or the establishment of an appropriations limit for the District.

- Section 4 The City Council determines and finds that all of its prior proceedings with respect to the establishment of the District are valid and conform to the requirements of the Act. Accordingly, the City Council determines and orders, consistent with the Resolution of Intention and in accordance with the Act, that the boundaries of the District are as set forth in Exhibit D to this resolution and as recorded in the office of the Sacramento County Clerk/Recorder on December 19, 2014, in Book 117 of Maps of Assessment and Community Facilities Districts at Page 0030, Document BK 20141219PG0215.
- Section 5 Except when funds are otherwise available, a special tax will be levied annually on real property within the District in an amount sufficient to do the following, as appropriate: (a) pay for the services set forth in Exhibit C; (b) repay funds the City advances for the District; and (c) repay advances of funds or reimburse the value or cost (whichever is less) of work provided in kind for the District under agreements between the City and the persons or entities advancing the funds or providing the work (these agreements will not constitute debts or liabilities of the City). The special tax will be secured by recordation of a continuing lien against all nonexempt property in the District. Exhibit B to this resolution sets forth the rate, method of apportionment, and manner of collection of the special tax in sufficient detail to allow each landowner or resident within the District to estimate the maximum amount that the landowner or resident will have to pay.
- Section 6 A special election is ordered to be held, in accordance with the Act, applicable law, and this resolution, on **Monday, January 26, 2015**, in the territory comprised by the District. At the special election, the question of levying the special tax on real property within the District and establishing an appropriations limit (as defined by article XIII B, section 8, subdivision (h) of the California Constitution) for the District in the amount of **\$38,764** per fiscal year will be submitted to the landowners within the District (who are the electors and persons qualified to vote at the special election).
- Section 7 The City Clerk is designated as the official to conduct the special election in accordance with the Act, applicable law, and the following provisions:
- (a) The special election shall be held and conducted, the votes canvassed and the returns made, and the results ascertained and determined, all as provided in this section. In all particulars not prescribed by this resolution, the special election shall be held and

conducted and the votes received and canvassed in the manner provided by law for holding of general elections in the City and consistent with the Act.

- (b) All landowners within the District on the date of the special election will be qualified to vote on the proposition submitted at the special election.
- (c) The special election shall be conducted as a mailed-ballot election in accordance with Elections Code sections 4000, 4002, 4003, 4004, and 4108 and the City's prior proceedings under those sections, and there will be no polling places for the special election. The City Clerk shall deliver all ballots to the qualified electors, and all voted ballots must be received at the City Clerk's office **by 5:00 p.m. on the election day** to be counted. If, however, all qualified electors have voted before that date and time, then the election will be closed.
- (d) To vote for levying the special tax and establishing the appropriations limit, a voter must mark a cross (X) in the blank space opposite the word "YES" on the ballot to the right of the proposition. To vote against levying the special tax and establishing the appropriations limit, a voter must mark a cross (X) in the blank space opposite the word "NO" on the ballot to the right of the proposition. The cross (X) or similar mark may be marked with either pen or pencil.
- (e) The City Clerk shall commence the canvass of the returns of the special election at **5:00 p.m. on Monday, January 26, 2015**, at the City Clerk's office, 915 I Street, fifth floor, Sacramento, California, and at the conclusion of the canvass shall determine the results of the special election. If all the qualified voters have voted before that date and time, then the City Clerk shall close the special election and proceed to canvass the returns and determine the results.
- (f) The City Council shall meet at its regular meeting on **Tuesday, February 03, 2015, at 6:00 p.m.** at its usual meeting place and declare the results of the special election and shall cause to be spread upon its minutes a statement of the results of the special election as ascertained by the canvass.

Section 8

If two-thirds of the votes cast upon the question of levying the special tax and establishing the appropriations limit are cast in favor of levying the special tax and establishing the appropriations limit, as determined by the City Council after reviewing the canvass of the returns of the election, then the City Council may levy the special tax within the territory of the District in accordance with the Act, in the amount and for the purposes specified in this resolution, and the appropriations limit, as defined by article XIIB,

section 8, subdivision (h) of the California Constitution, will be established for the District. The special tax may be levied only at the rate and may be apportioned only in the manner specified in this resolution, subject to the Act, except that the special tax may be levied at a rate lower than the rate specified in Exhibit B. The special tax may be levied only so long as it is needed to pay for the services identified in Exhibit C (including the repayment of funds advanced for the District).

Section 9 The City's Manager of the Public Improvement Financing Division, Department of Finance, 915 I Street, 3<sup>rd</sup> Floor, Sacramento, California 95814 (telephone 916-808-8788) shall annually prepare a current roll of special-tax levy obligations by the Sacramento County Assessor's parcel numbers and shall estimate future special-tax levies in accordance with Government Code section 53340.2.

Section 10 Exhibits A, B, C, and D are part of this resolution.

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# HEARING REPORT

City of Sacramento  
The Creamery  
Community Facilities District No. 2014-08

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- Exhibit B: List of Authorized Services
- Exhibit C: Proposed Boundary Map

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## I. INTRODUCTION

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### Background

The property owner of The Creamery Development Project has requested the establishment of a community facilities district to provide for the maintenance and repair of landscaped areas within the public rights-of-way above the City standards; weed abatement; repair and maintenance of the sound wall; and maintenance and repair of landscaping and amenities for the open space reserved as a future connection of the 10<sup>th</sup> street corridor.

The project site, located within the Alkali Flats neighborhood of the City of Sacramento, County of Sacramento, consists of 17 lots totaling 8.31 gross acres. On October 28, 2008, Council approved entitlements to allow for development of 217 residential units and 121,836 square feet of commercial space. All but one of the structures approved for demolition was demolished before work on the project stopped in late 2008. The approved project was not constructed and the site has remained vacant. The new owner, Lewis Land Developers, went to the Planning and Design Commission on 05/29/2014 and received approval for a new project.

The new project proposes to develop approximately 7.5 net acres, with just 117 single family lots and 10 common lots, with an overall density of 15.6 dwelling units per acre. The project is comprised of four models with a total of twelve variations. The purpose of the common lots would be to allow private vehicular drives throughout the development and to provide landscaped paseos. The common areas will be maintained by a Homeowner's Association.

The project site, formerly the Crystal Creamery production site, has the north block generally bounded by D, 10<sup>th</sup> Streets, Television Circle, and the railroad. The south block is generally bounded by D, E, 10<sup>th</sup> and 11<sup>th</sup> Streets.

The boundaries of the project, landscaped areas, location of the sound wall and the open space area reserved for a future connection of the 10<sup>th</sup> Street corridor are as follows:



## **PURPOSE OF THE ANALYSIS**

The purpose of this report is to present a discussion of City of Sacramento CFD No. 2014-08 (CFD) that will be used to fund for the maintenance and repair of landscaped areas within the public rights-of-way above the City standards; weed abatement; repair and maintenance of the sound wall; and maintenance and repair of landscaping and amenities for the open space reserved as a future connection of the 10<sup>th</sup> street corridor in The Creamery Development Project.

This report serves as the Hearing Report required by the Mello-Roos Act. It discusses the public services and facilities to be funded, the structure of the CFD, and the Maximum Annual Special Taxes.

## **ORGANIZATION OF THE REPORT**

**Chapter II** describes the annual maintenance costs and determination of the maximum annual special tax. **Chapter III** describes the structure of the proposed CFD and the Rate and Method of Apportionment of Special Tax (“Special Tax Formula”).

Three exhibits are attached to this report. **Exhibit A** is the Rate and Method of Apportionment (the “Tax Formula”). **Exhibit B** is the list of authorized services to be funded by the CFD. **Exhibit C** provides the boundary map for the proposed CFD.

## II. ANNUAL MAINTENANCE COSTS AND MAXIMUM ANNUAL SPECIAL TAX

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The CFD is being formed to fund the maintenance and repair of landscaped areas within the public rights-of-way above the City standards; weed abatement; repair and maintenance of the sound wall; and maintenance and repair of landscaping and amenities for the open space reserved as a future connection of the 10<sup>th</sup> street corridor located in The Creamery Development Project.

The special tax will be levied on all parcels within the CFD based on each parcel’s classification: Developed Parcel, Final Use Parcel, Undeveloped Parcel or Tax-Exempt Parcel. Each Developed Parcel will be assigned total Units for all Residential, Multifamily Residential and Mixed-Use Parcels.

### MAINTENANCE COSTS AND COST ALLOCATION

The total cost of authorized services is estimated at no more than \$38,764 in the base year of Fiscal 2015/2016. The Maximum Annual Special Tax by Land Use Category is presented below.

**Figure 2**  
**The Creamery**  
**Community Facilities District No. 2014-08**  
**Maximum Annual Special Tax by Category (Base Year 2015-16)**

Land Use Category	Maximum Annual Special Tax [1]	
<b>Developed Parcels</b>		
<b>Single Family Residential Use</b>	\$331	per Residential Unit
<b>Condominium Unit</b>	\$331	per Residential Unit
<b>Multifamily Residential Uses</b>	\$331	per Residential Unit
<b>Mixed-Use Residential Uses</b>	\$331	per Residential Unit
<b>Final Use Parcels</b>	\$4,670	per Acre
<b>Undeveloped Parcels</b>	\$4,670	per Acre

[1] The Maximum Annual Special Tax is increased by the Tax Escalation Factor in each Fiscal Year after the Base Year.

## **MAXIMUM ANNUAL SPECIAL TAX**

The CFD's annual repair and maintenance costs will be funded through the collection of special taxes levied against the property within the CFD. The Maximum Annual Special Tax for all parcels within the District for Fiscal Year 2015/16 is \$38,764. On July 1, 2016, and each July 1 thereafter, the Maximum Special Tax will be increased (but not decreased) using the Consumer Price Index (CPI) (prior calendar year annual average, San Francisco, All Urban Consumers (CPI-U) Index). The maximum increase in any Fiscal Year may not exceed 4 percent.

## **III. STRUCTURE OF THE PROPOSED CFD**

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### **DESCRIPTION OF THE COMMUNITY FACILITIES DISTRICT**

Special taxes within the CFD will be levied according to the Rate and Method of Apportionment of Special Tax (the "Tax Formula"). The attached exhibits contain the formation documents for the CFD. **Exhibit A** contains the Tax Formula, and **Exhibit B** is the list of authorized services to be funded by the CFD. The purpose of the CFD is to provide funding for the maintenance and repair of landscaped areas within the public rights-of-way above the City standards; weed abatement; repair and maintenance of the sound wall; and maintenance and repair of landscaping and amenities for the open space reserved as a future connection of the 10<sup>th</sup> street corridor as authorized by the CFD.

### **CFD BOUNDARIES**

**Exhibit C** shows the proposed boundary map for the CFD. The CFD boundaries for the north block are generally bounded by D, 10<sup>th</sup> Streets, Television Circle, and the railroad. The south block is generally bounded by D, E, 10<sup>th</sup> and 11<sup>th</sup> Streets.

### **ANNUAL COSTS TO BE FUNDED BY THE CFD**

Annual costs for maintenance and repair of landscaped areas within the public rights-of-way above the City standards; weed abatement; repair and maintenance of the sound wall; and maintenance and repair of landscaping and amenities for the open space reserved as a future connection of the 10<sup>th</sup> street corridor are estimated to be no more than \$38,764 in the base year of Fiscal 2015/2016. The base maximum annual special tax will be adjusted annually by

CPI (not to exceed 4 percent in any given year) to account for increases in maintenance and repair costs.

### **DETERMINATION OF PARCELS SUBJECT TO SPECIAL TAX**

The City shall prepare a list of parcels subject to the Special Tax using the records of the City of Sacramento and the County Assessor. The City will classify each parcel as a Developed Parcel, Final Use Parcel, Undeveloped Parcel, or Tax Exempt Parcel. The City shall assign the Maximum Special Tax to each Developed Parcel, Final Use Parcel, and Undeveloped Parcel. All parcels shall be taxed except those that are declared tax-exempt. Taxable parcels that are acquired by a public agency after the CFD is formed will be re-classified as tax-exempt provided it is determined by the City, in the exercise of its sole discretion, that it is no longer used for private purposes. Conversely, if a tax-exempt parcel ceases to be classified as a Public Parcel or Undeveloped Parcel and is converted to a taxable use, it shall become subject to the Special Tax if it meets the definitions of a Taxable Parcel.

### **TERMINATION OF THE SPECIAL TAX**

The special tax will be levied and collected in perpetuity.

### **SETTING THE ANNUAL SPECIAL TAX RATE**

The City shall assign the maximum annual special tax per taxable parcel based on **Attachment 1** in Exhibit A, Rate and Method of Apportionment of Special Tax as adjusted annually by the Tax Escalation Factor. The City shall then create a budget for the CFD that takes into account all reasonable and allowable costs, any carryover reserves from prior years and any ending balance that is considered to be necessary for prudent financial management. The funding required by the budget will be the tax requirement and may never exceed the maximum annual special tax per residential unit for Developed Parcels or per acre for Final Use or Undeveloped Parcels.

Once completed, the City will prepare the Tax Collection Schedule for each Parcel and send it to the County Auditor requesting that it be placed on the general, secured property tax roll for the following Fiscal Year. The Tax Collection Schedule shall not be sent later than the date required by the Auditor for such inclusion.

### **PREPAYMENT OF SPECIAL TAX OBLIGATION**

Prepayment of special taxes is not permitted.

**MANNER OF COLLECTION**

The special tax will be collected in the same manner and at the same time as *ad valorem* property taxes.

**Exhibits:**

**Exhibit A: Rate and Method of Apportionment of Special Tax**

**Exhibit B: List of Authorized Services**

**Exhibit C: Proposed Boundary Map**

## Exhibit A

*CITY OF SACRAMENTO, CALIFORNIA  
THE CREAMERY COMMUNITY FACILITIES DISTRICT NO. 2014-08*

*RATE AND METHOD OF APPORTIONMENT AND MANNER OF  
COLLECTION OF SPECIAL TAXES*

### **1. Basis of Special Tax Levy**

A Special Tax authorized under the Mello-Roos Community Facilities Act of 1982 applicable to the land in The Creamery Community Facilities District No. 2014-08 (CFD) of the City of Sacramento (City) shall be levied and collected according to the tax liability determined by the City through the application of the appropriate amount or rate, as described below.

### **2. Definitions**

**"Act"** means the Mello-Roos Community Facilities Act of 1982, as amended, Sections 53311 and following of the California Government Code.

**"Administrative Expenses"** means the actual or reasonably estimated costs directly related to the formation and administration of CFD, including, but not limited to: the costs of computing the Special Tax and preparing the annual Special Tax collection schedules (whether by the City or designee thereof or both); the costs of collecting the Special Tax (whether by the County or otherwise); the costs to the City, CFD, or any designee thereof of complying with City or CFD disclosure requirements; the costs associated with responding to public inquiries regarding the Special Tax; the costs of the City, CFD, or any designee thereof related to an appeal of the Special Tax; and the City's annual administration fees and third-party expenses.

**"Annual Costs"** means the amount required in any Fiscal Year for the CFD to: (1) pay for Authorized Services as shown on **Attachment 2**; and (2) pay Administrative Expenses.

**"Authorized Services"** mean those services listed in **Attachment 2**.

**"Base Year"** means the Fiscal Year beginning July 1, 2015 and ending June 30, 2016.

**"Building Permit"** means the issuance of a City building permit for the construction of Residential Building, Condominium Structure, or Mixed-Use Building in the CFD.

**"CFD"** means The Creamery Community Facilities District No. 2014-08.

**"CFD Administrator"** means the official of the City, or designee thereof, responsible for determining the Annual Costs and providing for the levy and collection of the Special Tax.

**"City"** means the City of Sacramento in Sacramento County, California.

## Hearing Report – The Creamery Community Facilities District No. 2014-08

**“Condominium Structure”** means a residential, commercial or mixed use structure consisting of two or more units that share common walls and that may be legally offered as for-sale units, including such structures that meet the statutory definition of a condominium contained in Civil Code Section 4125.

**“Condominium Unit”** means a Residential Unit included as part of a Condominium Structure.

**“Consumer Price Index”** means the Consumer Price Index published by the U.S. Bureau of Labor Statistics for “All Items” in the San Francisco / Oakland / San Jose Area Urban Wage Earners and Clerical Workers, measured each calendar year. If this index ceases to be published, the Consumer Price Index will be another index as determined by the CFD Administrator that is reasonably comparable to the Consumer Price Index for the San Francisco Bay Area.

**“Council”** means the City Council of the City of Sacramento acting for the CFD under the Act.

**“County”** means the County of Sacramento, California.

**“County Assessor’s Parcel”** means a lot or Parcel with an assigned Assessor’s Parcel Number in the maps used by the County Assessor in the preparation of the tax roll.

**“Developed Parcel”** means a Parcel for which a Building Permit or special use permit has been issued for a Residential Building or Mixed-Use Building within the CFD. A Developed Parcel will be reclassified as a Final Use Parcel if a Building Permit on a Parcel is revoked, abandoned or expires.

**“Final Use Parcel”** means a Residential Parcel, Mixed Use Parcel, or Multifamily Residential Parcel for which no further development approval is required for the issuance of a Building Permit.

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

**“Maximum Annual Special Tax”** means the greatest amount of Special Tax that can be levied against a Taxable Parcel.

**“Maximum Annual Special Tax Revenue”** means the greatest amount of Special Tax revenue that can be collected by levying the Maximum Annual Special Tax against a group of Taxable Parcels (Developed Parcels, Undeveloped Parcels or Final Use Parcels).

**“Maximum Annual Special Tax Rate per Unit”** means the amount shown in **Attachment 1** for the Base Year that is assigned per Residential Unit for a Residential Parcel or Residential Units in a Mixed-Use Building. The Maximum Annual Special Tax Rate per Unit is adjusted annually by the Tax Escalation Factor in each Fiscal Year following the Base Year.

**“Mixed-Use Building”** means a structure on a Mixed-Use Parcel designated for nonresidential and residential uses. A Mixed-Use Building may be either a vertical or horizontal Mixed-Use Building.

**“Mixed-Use Parcel”** means a Parcel designated for nonresidential and residential uses.

**“Multifamily Residential Parcel”** means a Parcel with Multifamily Residential Use structures.

**“Multifamily Residential Use(s)”** means a Parcel designated for multifamily residential apartment uses.

## Hearing Report – The Creamery Community Facilities District No. 2014-08

**“Nonresidential Parcel”** means a Parcel with a use designated for commercial, retail, office, church, institutional (such as hospital), industrial, manufacturing, or other similar land uses. Nonresidential Parcels are exempt from the Special Tax; however, Residential Uses on a Mixed-Use parcel shall be subject to the Special Tax.

**“Parcel”** means any County Assessor’s Parcel in the CFD based on the equalized tax rolls of the County as of January 1 of each Fiscal Year.

**“Parcel Number”** means the Assessor’s Parcel Number for any Parcel based on the equalized tax rolls of the County as of January 1 of each Fiscal Year.

**“Public Parcel”** means any Parcel, in its entirety, that is publicly owned that is normally exempt from the levy of general ad valorem property taxes under California law, including public streets, schools, parks, public drainage ways, public landscaping, wetlands, greenbelts, and public open space. These parcels are exempt from the levy of Special Taxes. Any such Parcel will be a Tax-Exempt Parcel.

**“Residential Building”** means a residential structure on a Residential Parcel with land uses designated for residential use, such as single-family residential, residential uses on a mixed-use parcel, multifamily residential, low-income single-family residential, age-restricted single-family or multifamily uses, assisted living or congregate care facilities.

**“Residential Unit”** means a residential dwelling unit constructed on a single family residential Parcel, constructed in a Condominium Structure, or constructed on a Multifamily Residential Parcel or a Mixed Use Parcel.

**“Residential Parcel”** means a Parcel, with land uses designated for residential uses such as single-family residential, multifamily residential, low-income single-family residential, age-restricted single-family or multifamily uses, assisted living or congregate care facilities.

**“Residential Use”** means that portion of a Parcel designated for residential use, including parking for the residential use.

**“Single Family Residential Use(s)”** means a County Assessor’s Parcel designated for detached single family residential uses.

**“Special Tax(es)”** mean(s) any tax levy under the Act in the CFD.

**“Tax Collection Schedule”** means the document prepared by the Administrator for the County Auditor-Controller to use in levying and collecting the Special Taxes each Fiscal Year.

**“Tax Escalation Factor”** means an amount by which the Administrator may adjust the Maximum Annual Special Tax in each Fiscal Year after the Base Year, equal to the percentage change in the Consumer Price Index for the prior calendar year over the preceding calendar year, not to exceed four percent for any Fiscal Year.

**“Taxable Parcel”** means any Parcel that is a Developed Parcel, Final Use Parcel, or Undeveloped Parcel.

**“Tax-Exempt Parcel”** means any Public Parcel and any other Parcel that is, or is intended to be, publicly owned, as designated in any final map, that normally is exempt from the levy of general ad

## Hearing Report – The Creamery Community Facilities District No. 2014-08

valorem property taxes under California law, including public streets, schools, parks, public drainage ways, landscaping, wetlands, greenbelts, and open space.

**“Undeveloped Parcel”** means a Parcel that is not a Developed Parcel, Final Use Parcel, or Tax-Exempt Parcel.

### 3. Duration of the Special Tax

Parcels in the CFD will remain subject to the Special Tax in perpetuity.

If the Special Tax ceases to be levied, the City will direct the County Recorder to record a Notice of Cessation of Special Tax. Such notice will state that the obligation to pay the Special Tax has ceased and that the lien imposed by the Notice of Special Tax Lien is extinguished. The Notice of Cessation of Special Tax, in addition, will identify the book and page of the Book of Maps of Assessment and Community Facilities Districts where the map of the boundaries of the CFD is recorded.

### 4. Assignment of Maximum Annual Special Tax

- A. Classification of Parcels. By June 30 of each Fiscal Year, using the Definitions in **Section 2** above, the Parcel records of the Assessor’s Secured Tax Roll as of January 1, and other City development approval records, the CFD Administrator shall complete the following steps:
  1. Classify each Parcel as a Developed Parcel, Final Use Parcel, Undeveloped Parcel, or Tax-Exempt Parcel.
  2. Assign to each Developed Parcel the total Residential Units for all Residential Parcels and Mixed-Use Parcels.
- B. Determination of Maximum Annual Special Tax. **Attachment 1** shows the Maximum Annual Special Tax Rate per Unit for the Base Year. In each Fiscal Year following the Base Year, the Maximum Annual Special Tax Rate per Unit shall be adjusted by the Tax Escalation Factor.
- C. Assignment of Maximum Annual Special Tax. Using **Attachment 1**, the CFD Administrator shall assign the Maximum Annual Special Tax to each Developed Parcel and Final Use Parcel using the steps below:
  - a. Developed Parcels.
    - a. Residential Parcels. Assign the Maximum Annual Special Tax to each Residential Unit on a Residential Parcel using the rate shown on **Attachment 1**, as increased by the Tax Escalation Factor. To the extent that more than one Residential Unit is assigned to the Residential Parcel, sum the Maximum Annual Special Tax assigned to each Residential Unit to determine the Maximum Annual Special Tax for the Residential Parcel.
    - b. Multifamily Residential Parcel. Using the number of Residential Units on a Multifamily Parcel, multiply the Maximum Annual Special Tax per Residential

## Hearing Report – The Creamery Community Facilities District No. 2014-08

Unit for Multifamily Residential uses, as shown in **Attachment 1**, as increased by the Tax Escalation Factor, times the number of Residential Units to determine the Maximum Annual Special Tax for the Multifamily Residential Parcel.

- c. Mixed-Use Parcels. Using the number of Residential Units on a Mixed-Use Parcel, multiply the Maximum Annual Special Tax per Residential Unit for Mixed-Use, as shown in **Attachment 1**, as increased by the Tax Escalation Factor, times the number of Residential Units to determine the Maximum Annual Special Tax for the Mixed-Use Parcel.
- b. Final Use Parcels. Assign the Maximum Annual Special Tax per acre for each acre, or part thereof, for all acreage zoned for residential use and mixed use as shown in **Attachment 1**, as increased by the Tax Escalation Factor.
- c. Undeveloped Parcels. Assign the Maximum Annual Special Tax per acre for each acre, or part thereof, for all acreage zoned for residential use and mixed use as shown in **Attachment 1**, as increased by the Tax Escalation Factor.
- D. Conversion of a Tax-Exempt Parcel to a Taxable Parcel. If a Tax-Exempt Parcel ceases to be classified as a Public Parcel and is converted to a taxable use, it shall become subject to the Special Tax if it meets the definitions of a Taxable Parcel. The Maximum Annual Special Tax for such a Parcel will be assigned according to **Section 4.A**, **Section 4.B** and **Section 4.C** above. Conversely, if a Parcel is converted to a Public Parcel, it shall become a Tax-Exempt Parcel.

### 5. Calculating Annual Special Taxes

The CFD Administrator will compute the Annual Costs and determine the Maximum Annual Special Tax for each Taxable Parcel based on the assignment of the Special Tax in **Section 4**. The CFD Administrator then will determine the tax levy for each Taxable Parcel using the following process:

- A. Compute the Annual Costs using the definition of Annual Costs in Section 2.
- B. Calculate the Special Tax levy for each Taxable Parcel by the following steps:
  - Step 1: Compute 100 percent of the Maximum Annual Special Tax Revenue for Developed Parcels.
  - Step 2: Compare the Annual Costs with the Maximum Annual Special Tax Revenue calculated in Step 1.
  - Step 3: If the Annual Costs are lower than the Maximum Annual Special Tax Revenue for Developed Parcels, decrease proportionately the Special Tax levy for each Developed Parcel until the revenue from the Special Tax levy equals the Annual Costs.
  - Step 4: If the Annual Costs are greater than the Maximum Annual Special Tax Revenue for Developed Parcels, increase proportionately the Special Tax levy for each Final Use and Undeveloped Parcel until the revenue from the Special Tax levy

## Hearing Report – The Creamery Community Facilities District No. 2014-08

equals the Annual Costs, or until the Maximum Annual Special Tax has been reached.

- C. Levy on each Taxable Parcel the amount calculated above.
- D. Prepare the Tax Collection Schedule and, unless an alternative method of collection has been selected pursuant to **Section 9**, send it to the County Auditor requesting that it be placed on the general, secured property tax roll for the Fiscal Year. The Tax Collection Schedule will not be sent later than the date required by the Auditor for such inclusion.

### **6. Records Maintained for the CFD**

As development occurs in the CFD, the CFD Administrator will maintain a file containing records of the following information for each Parcel:

- The current County Assessor's Parcel Number.
- The designated and existing uses for each parcel.
- The total number of Multifamily Residential Use Units assigned to each Parcel.
- The total acreage of Undeveloped Parcels.

The file containing the information listed above will be available for public inspection.

### **7. Interpretation, Application, and Appeal of Special Tax Formula and Procedures**

The CFD Administrator will make every effort to correctly calculate the Special Tax for each Parcel. It will be the burden of the taxpayer to correct any errors in the determination of the Parcels subject to the tax and their Special Tax assignments. Any taxpayer who feels that the amount of the Special Tax assigned to a Parcel is in error may file a notice with the CFD Administrator appealing the levy of the Special Tax. The CFD Administrator then will promptly review the appeal and, if necessary, meet with the applicant. If the CFD Administrator verifies that the tax should be modified or changed, the Special Tax levy will be corrected, and if applicable in any case, a refund will be granted.

Interpretations may be made by Resolution of the Council for purposes of clarifying any vagueness or ambiguity as it relates to the Special Tax rate, the method of apportionment, or any definition applicable to the CFD.

Without Council approval, the CFD Administrator may make minor, non-substantive administrative and technical changes to the provisions of this Exhibit that do not materially affect the rate, method of apportionment, and manner of collection of the Special Tax for purposes of the administrative efficiency or convenience or to comply with new applicable federal, state, or local law.

### **8. Prepayment of the Special Tax Obligation**

The Maximum Annual Special Tax for a Taxable Parcel may not be prepaid. The Special Tax is collected to fund Authorized Services in perpetuity, or until the Council determines that the Special Tax should no longer be collected.

## **9. Manner of Collection**

The Special Tax will be collected in the same manner and at the same time as ad valorem property taxes, provided, however, that the CFD Administrator or its designee may directly bill the Special Tax and may collect the Special Tax at a different time, such as on a monthly or other periodic basis, or in a different manner, if necessary, to meet the City's financial obligations.

Hearing Report – The Creamery Community Facilities District No. 2014-08

**Attachment 1  
 The Creamery  
 Community Facilities District No. 2014-08  
 Maximum Annual Special Tax by Category (Base Year 2015-16)**

Land Use Category	Maximum Annual Special Tax [1]	
<b>Developed Parcels</b>		
<b>Single Family Residential Use</b>	\$331	per Residential Unit
<b>Condominium Unit</b>	\$331	per Residential Unit
<b>Multifamily Residential Uses</b>	\$331	per Residential Unit
<b>Mixed-Use Residential Uses</b>	\$331	per Residential Unit
<b>Final Use Parcels</b>	\$4,670	per Acre
<b>Undeveloped Parcels</b>	\$4,670	per Acre

[1] The Maximum Annual Special Tax is increased by the Tax Escalation Factor in each Fiscal Year after the Base Year.

**Attachment 2**

The Creamery Community Facilities District No. 2014-08  
List of Authorized Services

The authorized services to be financed with the Special Tax are set forth below. The Special Tax may be levied to pay for any authorized services and to accumulate funds for that purpose. The primary function of CFD No. 2014-08 is to fund the maintenance and repair of landscaped areas within public rights-of-way that are above the City standard and maintenance and repair of landscaping and amenities for the open space reserved as a future connection of the 10<sup>th</sup> street corridor.

The authorized services for CFD No. 2014-08 consist of the following:

1. Weed abatement and the repair and maintenance of landscaping, irrigation facilities, lighting, sound walls, monuments, signs and other appurtenances within and along public rights-of-way.
2. Maintenance and repair of landscaping and amenities for the open space reserved as a future connection of the 10<sup>th</sup> street corridor.
3. Costs of scheduled inspection of maintenance of landscaped areas.
4. Utility bills associated with maintenance of landscaped areas.
5. Establishing costs for CFD No. 2014-08.
6. Collecting and administering the Special Tax and annually administering CFD No. 2014-08.
7. Miscellaneous costs related to any of the items described above, including costs of planning, engineering, legal services, and administration.

## Exhibit B

### The Creamery Community Facilities District No. 2014-08 List of Authorized Services

The authorized services to be financed with the Special Tax are set forth below. The Special Tax may be levied to pay for any authorized services and to accumulate funds for that purpose. The primary function of CFD No. 2014-08 is to fund the maintenance and repair of landscaped areas within public rights-of-way that are above the City standard and maintenance and repair of landscaping and amenities for the open space reserved as a future connection of the 10<sup>th</sup> street corridor.

The authorized services for CFD No. 2014-08 consist of the following:

1. Weed abatement and the repair and maintenance of landscaping, irrigation facilities, lighting, sound walls, monuments, signs and other appurtenances within and along public rights-of-way.
2. Maintenance and repair of landscaping and amenities for the open space reserved as a future connection of the 10<sup>th</sup> street corridor.
3. Costs of scheduled inspection of maintenance of landscaped areas.
4. Utility bills associated with maintenance of landscaped areas.
5. Establishing costs for CFD No. 2014-08.
6. Collecting and administering the Special Tax and annually administering CFD No. 2014-08.
7. Miscellaneous costs related to any of the items described above, including costs of planning, engineering, legal services, and administration.



## EXHIBIT B

### CITY OF SACRAMENTO, CALIFORNIA THE CREAMERY COMMUNITY FACILITIES DISTRICT NO. 2014-08

### RATE AND METHOD OF APPORTIONMENT AND MANNER OF COLLECTION OF SPECIAL TAXES

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#### 1. Basis of Special Tax Levy

A Special Tax authorized under the Mello-Roos Community Facilities Act of 1982 applicable to the land in The Creamery Community Facilities District No. 2014-08 (CFD) of the City of Sacramento (City) shall be levied and collected according to the tax liability determined by the City through the application of the appropriate amount or rate, as described below.

#### 2. Definitions

**"Act"** means the Mello-Roos Community Facilities Act of 1982, as amended, Sections 53311 and following of the California Government Code.

**"Administrative Expenses"** means the actual or reasonably estimated costs directly related to the formation and administration of CFD, including, but not limited to: the costs of computing the Special Tax and preparing the annual Special Tax collection schedules (whether by the City or designee thereof or both); the costs of collecting the Special Tax (whether by the County or otherwise); the costs to the City, CFD, or any designee thereof of complying with City or CFD disclosure requirements; the costs associated with responding to public inquiries regarding the Special Tax; the costs of the City, CFD, or any designee thereof related to an appeal of the Special Tax; and the City's annual administration fees and third-party expenses.

**"Annual Costs"** means the amount required in any Fiscal Year for the CFD to: (1) pay for Authorized Services as shown on **Attachment 2**; and (2) pay Administrative Expenses.

**"Authorized Services"** mean those services listed in **Attachment 2**.

**"Base Year"** means the Fiscal Year beginning July 1, 2015 and ending June 30, 2016.

**"Building Permit"** means the issuance of a City building permit for the construction of Residential Building, Condominium Structure, or Mixed-Use Building in the CFD.

**"CFD"** means the The Creamery Community Facilities District No. 2014-08.

**"CFD Administrator"** means the official of the City, or designee thereof, responsible for determining the Annual Costs and providing for the levy and collection of the Special Tax.

**“City”** means the City of Sacramento in Sacramento County, California.

**“Condominium Structure”** means a residential, commercial or mixed use structure consisting of two or more units that share common walls and that may be legally offered as for-sale units, including such structures that meet the statutory definition of a condominium contained in Civil Code Section 4125.

**“Condominium Unit”** means a Residential Unit included as part of a Condominium Structure.

**“Consumer Price Index”** means the Consumer Price Index published by the U.S. Bureau of Labor Statistics for “All Items” in the San Francisco / Oakland / San Jose Area Urban Wage Earners and Clerical Workers, measured each calendar year. If this index ceases to be published, the Consumer Price Index will be another index as determined by the CFD Administrator that is reasonably comparable to the Consumer Price Index for the San Francisco Bay Area.

**“Council”** means the City Council of the City of Sacramento acting for the CFD under the Act.

**“County”** means the County of Sacramento, California.

**“County Assessor’s Parcel”** means a lot or Parcel with an assigned Assessor’s Parcel Number in the maps used by the County Assessor in the preparation of the tax roll.

**“Developed Parcel”** means a Parcel for which a Building Permit or special use permit has been issued for a Residential Building or Mixed-Use Building within the CFD. A Developed Parcel will be reclassified as a Final Use Parcel if a Building Permit on a Parcel is revoked, abandoned or expires.

**“Final Use Parcel”** means a Residential Parcel, Mixed Use Parcel, or Multifamily Residential Parcel for which no further development approval is required for the issuance of a Building Permit.

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

**“Maximum Annual Special Tax”** means the greatest amount of Special Tax that can be levied against a Taxable Parcel.

**“Maximum Annual Special Tax Revenue”** means the greatest amount of Special Tax revenue that can be collected by levying the Maximum Annual Special Tax against a group of Taxable Parcels (Developed Parcels, Undeveloped Parcels or Final Use Parcels).

**“Maximum Annual Special Tax Rate per Unit”** means the amount shown in **Attachment 1** for the Base Year that is assigned per Residential Unit for a Residential Parcel or Residential Units in a Mixed-Use Building. The Maximum Annual Special Tax Rate per Unit is adjusted annually by the Tax Escalation Factor in each Fiscal Year following the Base Year.

**“Mixed-Use Building”** means a structure on a Mixed-Use Parcel designated for nonresidential and residential uses. A Mixed-Use Building may be either a vertical or horizontal Mixed-Use Building.

**“Mixed-Use Parcel”** means a Parcel designated for nonresidential and residential uses.

**“Multifamily Residential Parcel”** means a Parcel with Multifamily Residential Use structures.

**“Multifamily Residential Use(s)”** means a Parcel designated for multifamily residential apartment uses.

**“Nonresidential Parcel”** means a Parcel with a use designated for commercial, retail, office, church, institutional (such as hospital), industrial, manufacturing, or other similar land uses. Nonresidential Parcels are exempt from the Special Tax; however, Residential Uses on a Mixed-Use parcel shall be subject to the Special Tax.

**“Parcel”** means any County Assessor’s Parcel in the CFD based on the equalized tax rolls of the County as of January 1 of each Fiscal Year.

**“Parcel Number”** means the Assessor’s Parcel Number for any Parcel based on the equalized tax rolls of the County as of January 1 of each Fiscal Year.

**“Public Parcel”** means any Parcel, in its entirety, that is publicly owned that is normally exempt from the levy of general ad valorem property taxes under California law, including public streets, schools, parks, public drainage ways, public landscaping, wetlands, greenbelts, and public open space. These parcels are exempt from the levy of Special Taxes. Any such Parcel will be a Tax-Exempt Parcel.

**“Residential Building”** means a residential structure on a Residential Parcel with land uses designated for residential use, such as single-family residential, residential uses on a mixed-use parcel, multifamily residential, low-income single-family residential, age-restricted single-family or multifamily uses, assisted living or congregate care facilities.

**“Residential Unit”** means a residential dwelling unit constructed on a single family residential Parcel, constructed in a Condominium Structure, or constructed on a Multifamily Residential Parcel or a Mixed Use Parcel.

**“Residential Parcel”** means a Parcel, with land uses designated for residential uses such as single-family residential, multifamily residential, low-income single-family residential, age-restricted single-family or multifamily uses, assisted living or congregate care facilities.

**“Residential Use”** means that portion of a Parcel designated for residential use, including parking for the residential use.

**“Single Family Residential Use(s)”** means a County Assessor’s Parcel designated for detached single family residential uses.

**“Special Tax(es)”** mean(s) any tax levy under the Act in the CFD.

**“Tax Collection Schedule”** means the document prepared by the Administrator for the County Auditor-Controller to use in levying and collecting the Special Taxes each Fiscal Year.

**“Tax Escalation Factor”** means an amount by which the Administrator may adjust the Maximum Annual Special Tax in each Fiscal Year after the Base Year, equal to the percentage change in the Consumer Price Index for the prior calendar year over the preceding calendar year, not to exceed four percent for any Fiscal Year.

**“Taxable Parcel”** means any Parcel that is a Developed Parcel, Final Use Parcel, or Undeveloped Parcel.

**"Tax-Exempt Parcel"** means any Public Parcel and any other Parcel that is, or is intended to be, publicly owned, as designated in any final map, that normally is exempt from the levy of general ad valorem property taxes under California law, including public streets, schools, parks, public drainage ways, landscaping, wetlands, greenbelts, and open space.

**"Undeveloped Parcel"** means a Parcel that is not a Developed Parcel, Final Use Parcel, or Tax-Exempt Parcel

### **3. Duration of the Special Tax**

Parcels in the CFD will remain subject to the Special Tax in perpetuity.

If the Special Tax ceases to be levied, the City will direct the County Recorder to record a Notice of Cessation of Special Tax. Such notice will state that the obligation to pay the Special Tax has ceased and that the lien imposed by the Notice of Special Tax Lien is extinguished. The Notice of Cessation of Special Tax, in addition, will identify the book and page of the Book of Maps of Assessment and Community Facilities Districts where the map of the boundaries of the CFD is recorded.

### **4. Assignment of Maximum Annual Special Tax**

- A. Classification of Parcels. By June 30 of each Fiscal Year, using the Definitions in **Section 2** above, the Parcel records of the Assessor's Secured Tax Roll as of January 1, and other City development approval records, the CFD Administrator shall complete the following steps:
  1. Classify each Parcel as a Developed Parcel, Final Use Parcel, Undeveloped Parcel, or Tax-Exempt Parcel.
  2. Assign to each Developed Parcel the total Residential Units for all Residential Parcels and Mixed-Use Parcels.
- B. Determination of Maximum Annual Special Tax. **Attachment 1** shows the Maximum Annual Special Tax Rate per Unit for the Base Year. In each Fiscal Year following the Base Year, the Maximum Annual Special Tax Rate per Unit shall be adjusted by the Tax Escalation Factor.
- C. Assignment of Maximum Annual Special Tax. Using **Attachment 1**, the CFD Administrator shall assign the Maximum Annual Special Tax to each Developed Parcel and Final Use Parcel using the steps below:
  1. Developed Parcels.
    - a. Residential Parcels. Assign the Maximum Annual Special Tax to each Residential Unit on a Residential Parcel using the rate shown on **Attachment 1**, as increased by the Tax Escalation Factor. To the extent that more than one Residential Unit is assigned to the Residential Parcel, sum the Maximum Annual Special Tax assigned to each Residential Unit to determine the Maximum Annual Special Tax for the Residential Parcel.

- b. Multifamily Residential Parcel. Using the number of Residential Units on a Multifamily Parcel, multiply the Maximum Annual Special Tax per Residential Unit for Multifamily Residential uses, as shown in **Attachment 1**, as increased by the Tax Escalation Factor, times the number of Residential Units to determine the Maximum Annual Special Tax for the Multifamily Residential Parcel.
  - c. Mixed-Use Parcels. Using the number of Residential Units on a Mixed-Use Parcel, multiply the Maximum Annual Special Tax per Residential Unit for Mixed-Use, as shown in **Attachment 1**, as increased by the Tax Escalation Factor, times the number of Residential Units to determine the Maximum Annual Special Tax for the Mixed-Use Parcel.
2. Final Use Parcels. Assign the Maximum Annual Special Tax per acre for each acre, or part thereof, for all acreage zoned for residential use and mixed use as shown in **Attachment 1**, as increased by the Tax Escalation Factor.
  3. Undeveloped Parcels. Assign the Maximum Annual Special Tax per acre for each acre, or part thereof, for all acreage zoned for residential use and mixed use as shown in **Attachment 1**, as increased by the Tax Escalation Factor.
- D. Conversion of a Tax-Exempt Parcel to a Taxable Parcel. If a Tax-Exempt Parcel ceases to be classified as a Public Parcel and is converted to a taxable use, it shall become subject to the Special Tax if it meets the definitions of a Taxable Parcel. The Maximum Annual Special Tax for such a Parcel will be assigned according to **Section 4.A, Section 4.B and Section 4.C** above. Conversely, if a Parcel is converted to a Public Parcel, it shall become a Tax-Exempt Parcel.

## 5. Calculating Annual Special Taxes

The CFD Administrator will compute the Annual Costs and determine the Maximum Annual Special Tax for each Taxable Parcel based on the assignment of the Special Tax in **Section 4**. The CFD Administrator then will determine the tax levy for each Taxable Parcel using the following process:

- A. Compute the Annual Costs using the definition of Annual Costs in Section 2.
- B. Calculate the Special Tax levy for each Taxable Parcel by the following steps:
  - Step 1: Compute 100 percent of the Maximum Annual Special Tax Revenue for Developed Parcels.
  - Step 2: Compare the Annual Costs with the Maximum Annual Special Tax Revenue calculated in Step 1.
  - Step 3: If the Annual Costs are lower than the Maximum Annual Special Tax Revenue for Developed Parcels, decrease proportionately the Special Tax levy for each Developed Parcel until the revenue from the Special Tax levy equals the Annual Costs.

Step 4: If the Annual Costs are greater than the Maximum Annual Special Tax Revenue for Developed Parcels, increase proportionately the Special Tax levy for each Final Use and Undeveloped Parcel until the revenue from the Special Tax levy equals the Annual Costs, or until the Maximum Annual Special Tax has been reached.

- C. Levy on each Taxable Parcel the amount calculated above.
- D. Prepare the Tax Collection Schedule and, unless an alternative method of collection has been selected pursuant to **Section 9**, send it to the County Auditor requesting that it be placed on the general, secured property tax roll for the Fiscal Year. The Tax Collection Schedule will not be sent later than the date required by the Auditor for such inclusion.

## **6. Records Maintained for the CFD**

As development occurs in the CFD, the CFD Administrator will maintain a file containing records of the following information for each Parcel:

- The current County Assessor's Parcel Number.
- The designated and existing uses for each parcel.
- The total number of Multifamily Residential Use Units assigned to each Parcel.
- The total acreage of Undeveloped Parcels.

The file containing the information listed above will be available for public inspection.

## **7. Interpretation, Application, and Appeal of Special Tax Formula and Procedures**

The CFD Administrator will make every effort to correctly calculate the Special Tax for each Parcel. It will be the burden of the taxpayer to correct any errors in the determination of the Parcels subject to the tax and their Special Tax assignments. Any taxpayer who feels that the amount of the Special Tax assigned to a Parcel is in error may file a notice with the CFD Administrator appealing the levy of the Special Tax. The CFD Administrator then will promptly review the appeal and, if necessary, meet with the applicant. If the CFD Administrator verifies that the tax should be modified or changed, the Special Tax levy will be corrected, and if applicable in any case, a refund will be granted.

Interpretations may be made by Resolution of the Council for purposes of clarifying any vagueness or ambiguity as it relates to the Special Tax rate, the method of apportionment, or any definition applicable to the CFD.

Without Council approval, the CFD Administrator may make minor, non-substantive administrative and technical changes to the provisions of this Exhibit that do not materially affect the rate, method of apportionment, and manner of collection of the Special Tax for purposes of the administrative efficiency or convenience or to comply with new applicable federal, state, or local law.

## **8. Prepayment of the Special Tax Obligation**

The Maximum Annual Special Tax for a Taxable Parcel may not be prepaid. The Special Tax is collected to fund Authorized Services in perpetuity, or until the Council determines that the Special Tax should no longer be collected.

## **9. Manner of Collection**

The Special Tax will be collected in the same manner and at the same time as ad valorem property taxes, provided, however, that the CFD Administrator or its designee may directly bill the Special Tax and may collect the Special Tax at a different time, such as on a monthly or other periodic basis, or in a different manner, if necessary, to meet the City's financial obligations.

**Attachment 1  
 The Creamery  
 Community Facilities District No. 2014-08  
 Maximum Annual Special Tax by Category (Base Year 2015-16)**

<b>Land Use Category</b>	<b>Maximum Annual Special Tax [1]</b>	
<b>Developed Parcels</b>		
<b>Single Family Residential Use</b>	\$331	per Residential Unit
<b>Condominium Unit</b>	\$331	per Residential Unit
<b>Multifamily Residential Uses</b>	\$331	per Residential Unit
<b>Mixed-Use Residential Uses</b>	\$331	per Residential Unit
<b>Final Use Parcels</b>	\$4,670	per Acre
<b>Undeveloped Parcels</b>	\$4,670	per Acre

[1] The Maximum Annual Special Tax is increased by the Tax Escalation Factor in each Fiscal Year after the Base Year.

## Attachment 2

### The Creamery Community Facilities District No. 2014-08 List of Authorized Services

The authorized services to be financed with the Special Tax are set forth below. The Special Tax may be levied to pay for any authorized services and to accumulate funds for that purpose. The primary function of CFD No. 2014-08 is to fund the maintenance and repair of landscaped areas within public rights-of-way that are above the City standard and maintenance and repair of landscaping and amenities for the open space reserved as a future connection of the 10<sup>th</sup> street corridor.

The authorized services for CFD No. 2014-08 consist of the following:

1. Weed abatement and the repair and maintenance of landscaping, irrigation facilities, lighting, sound walls, monuments, signs and other appurtenances within and along public rights-of-way.
2. Maintenance and repair of landscaping and amenities for the open space reserved as a future connection of the 10<sup>th</sup> street corridor.
3. Costs of scheduled inspection of maintenance of landscaped areas.
4. Utility bills associated with maintenance of landscaped areas.
5. Establishing costs for CFD No. 2014-08.
6. Collecting and administering the Special Tax and annually administering CFD No. 2014-08.
7. Miscellaneous costs related to any of the items described above, including costs of planning, engineering, legal services, and administration.

## Exhibit C

### The Creamery Community Facilities District No. 2014-08 List of Authorized Services

The authorized services to be financed with the Special Tax are set forth below. The Special Tax may be levied to pay for any authorized services and to accumulate funds for that purpose. The primary function of CFD No. 2014-08 is to fund the maintenance and repair of landscaped areas within public rights-of-way that are above the City standard and maintenance and repair of landscaping and amenities for the open space reserved as a future connection of the 10<sup>th</sup> street corridor.

The authorized services for CFD No. 2014-08 consist of the following:

1. Weed abatement and the repair and maintenance of landscaping, irrigation facilities, lighting, sound walls, monuments, signs and other appurtenances within and along public rights-of-way.
2. Maintenance and repair of landscaping and amenities for the open space reserved as a future connection of the 10<sup>th</sup> street corridor.
3. Costs of scheduled inspection of maintenance of landscaped areas.
4. Utility bills associated with maintenance of landscaped areas.
5. Establishing costs for CFD No. 2014-08.
6. Collecting and administering the Special Tax and annually administering CFD No. 2014-08.
7. Miscellaneous costs related to any of the items described above, including costs of planning, engineering, legal services, and administration.

