

**Petition
(including Waiver)
Regarding Proceedings Under
The Mello-Roos Community Facilities Act of 1982**

Board of Directors
Coastside Fire Protection District
1191 Main St.
Half Moon Bay, CA 94019

Re: Application for Formation of a Community Facilities District (Fire Suppression)

Members of the Board:

The undersigned being the owner of at least 10% of the real property at 195 Avenue Cabrillo, in the Coastside Fire Protection District as more particularly described and shown in Exhibit A attached hereto and incorporated herein by this reference Ocean View Terrace, hereby requests that you institute proceedings to establish a Community Facilities District pursuant to the Mello-Roos Community Facilities District Act of 1982, and hereby respectfully petitions and shows as follows:

1. The undersigned requests that the property described as Ocean View Terrace be included within the Community Facilities District (the "District"), and that you take all steps necessary to complete the formation of the District and provide for the levy of a special tax therein for the purpose of financing the following limited public services, and no others: costs of fire protection services to serve new development within the Coastside Fire Protection District boundaries.
2. The undersigned, intending to proceed as quickly as possible with the formation of the District, hereby waives, to the extent legally permitted, all otherwise applicable time periods for and notices of the election to create the District and order the levy of special tax, and any analysis and/or argument with respect to said election, provided such waiver is unanimous among landowner(s) of the property as required by law.
3. In furtherance of said waiver, the undersigned hereby agrees that the election may be conducted by mail or hand delivered ballot to be returned as quickly as possible to the office of the Coastside Fire Protection District and that the results of said election be canvassed and reported to you as soon as possible.

Respectfully submitted as of the 19th of July, 2018.

Very truly yours,

Cortland Bohacek

Developer Managing Member, El Granada Holdings, LLC

By: 
Owner Managing Member, El Granada Holdings

Owner's Address: 707 Menlo Avenue
Suite 200
Menlo Park Ca 94025

RESOLUTION NO. 2018-30

RESOLUTION OF INTENTION TO FORM COMMUNITY FACILITIES DISTRICT NO. 33

COASTSIDE FIRE PROTECTION DISTRICT

WHEREAS, the District currently provides fire protection services within its boundaries and anticipates that significant new development will occur within its boundaries in the next 20 years; and

WHEREAS, the District, with the advice of a consultant, has determined that the property tax revenues that will be generated by that additional development will be insufficient to meet the costs the District will incur in serving that new development; and

WHEREAS, the District is proposing to establish a Community Facilities District ("CFD") pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, as a means of generating revenue to fund the additional services that will be required by new development in the District in general and specifically with regard to the area shown on the map attached hereto as Exhibit A;

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE COASTSIDE FIRE PROTECTION DISTRICT RESOLVES AS FOLLOWS:

1. That the District proposes to establish a Community Facilities District under the terms of Chapter 2.5, Part 1, Division 2, Title 5 of the California Government Code within the boundaries shown on the map attached hereto as Exhibit A, which is hereby approved and incorporated herein by reference. A full-size copy of Exhibit A is to remain on file at the District's Administrative Offices.
2. The proposed district shall be known as "Coastside Fire Protection District - Community Facilities District No. 33."
3. The services and facilities to be financed by the CFD may include fire protection suppression services.
4. Except where funds are otherwise available, a special tax sufficient to pay for all services, secured by recordation of a continuing lien against all nonexempt real property in the CFD, will be levied within the CFD. The rate, method of apportionment and manner of collection of the tax are described in Exhibit B to this Resolution.
5. With regard to any parcel being used for residential purposes, the special tax shall not be greater than ONE HUNDRED SEVENTY FOUR dollars (\$174.00) per dwelling unit, which amount may, however, be increased by not more than two percent (2%) per year. (Any such tax on parcels being used for residential purposes shall not be collected after the 2042-2043 fiscal year.) Under no circumstance will the special tax being levied by the CFD upon parcels being used for residential purposes be increased by more than ten percent (10%) as a consequence of delinquency or default by the owner of any parcel or parcels with the CFD.
6. A public hearing on the establishment of the CFD shall be held on September 26, 2018 at 6:00 p.m. at the District's Administrative Offices, 1191 Main Street, Half Moon Bay, CA 94019.

7. The Fire Chief is hereby directed to study the need for the formation of the proposed CFD and the services to be financed and to prepare a report for presentation to the Board at or prior to the public hearing, which briefly describes the services which will be required in order to adequately service the CFD and the estimated costs of providing that service.
8. At or prior to the public hearing, protests against the formation of the CFD, the extent of the boundaries of the CFD or the furnishing of specified types of public facilities or services may be made orally or in writing by interested persons or taxpayers. Written protests should be directed to: Secretary of the Board, Coastside Fire Protection District, 1191 Main Street, Half Moon Bay, CA 94019.
9. The levy of any special tax to be imposed by the CFD shall be submitted to the qualified electors of the territory proposed to be within the CFD pursuant to Section 53326 of the Government Code.

Regularly passed and adopted this 22nd day of August, 2018, by the following vote:

AYES:

NOES:

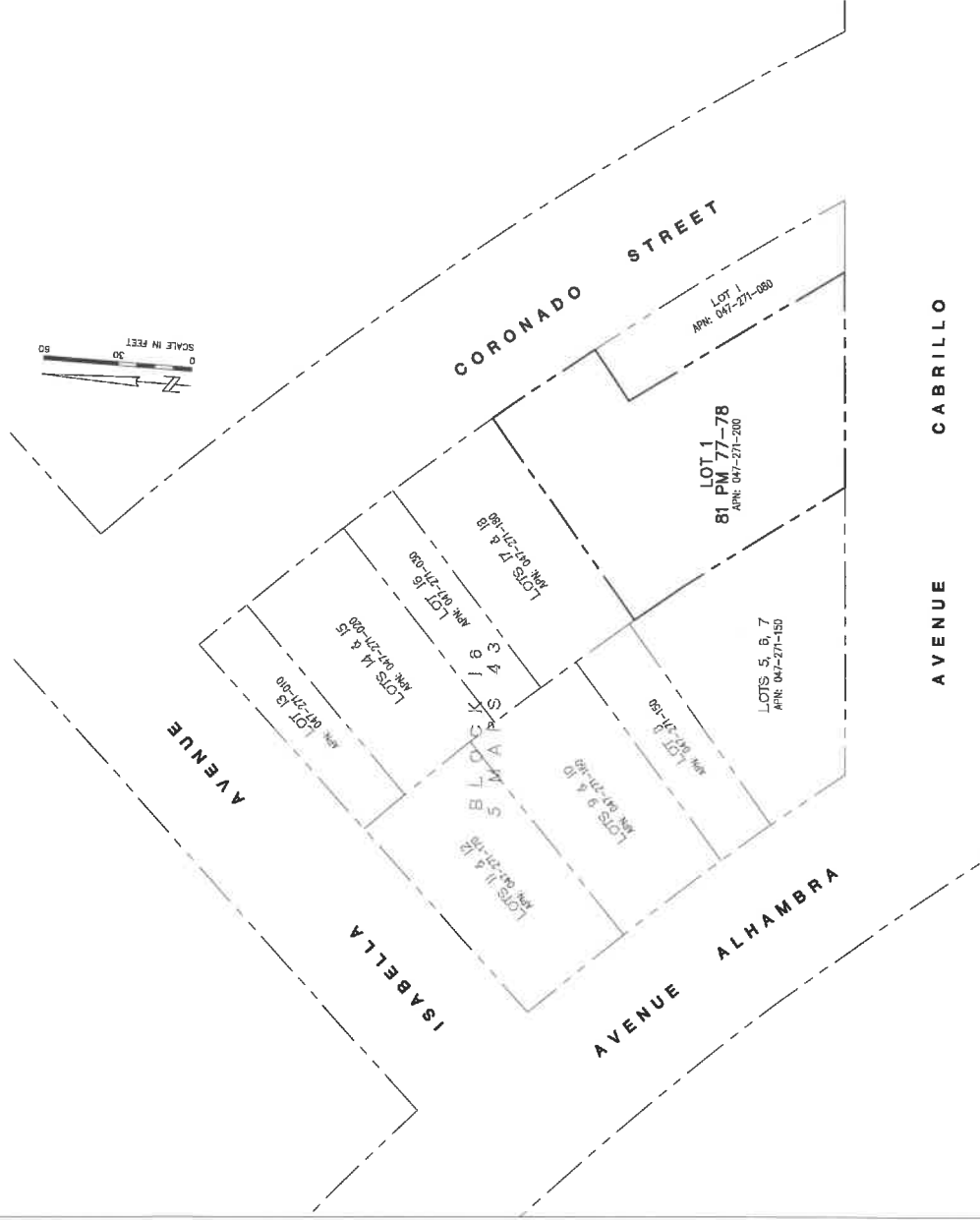
ABSENT:

President, Board of Directors

Secretary
Coastside Fire Protection District

EXHIBIT A

**PROPOSED BOUNDARY MAP
FOR
COASTSIDE FIRE PROTECTION DISTRICT
COMMUNITY FACILITIES DISTRICT No. 33
COUNTY OF SAN MATEO, STATE OF CALIFORNIA**



FILED IN THE OFFICE OF COASTSIDE FIRE PROTECTION DISTRICT THIS _____ DAY OF _____, 2018

SECRETARY OF THE COASTSIDE FIRE PROTECTION DISTRICT _____

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF OCEAN VIEW PLACE CONDOMINIUMS, EL GRANADA, SAN MATEO COUNTY, STATE OF CALIFORNIA WAS APPROVED BY THE BOARD OF DIRECTORS OF THE COASTSIDE FIRE PROTECTION DISTRICT AT A REGULAR MEETING THEREOF, HELD ON THE _____ DAY OF _____, 2018, BY ITS RESOLUTION _____

SECRETARY OF THE COASTSIDE FIRE PROTECTION DISTRICT _____

FILED THIS _____ DAY OF _____, 2018, AT THE HOUR OF _____ O'CLOCK _____ M. IN BOOK _____ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES AT PAGE _____ AS INSTRUMENT No. _____ IN THE OFFICE OF THE COUNTY RECORDER, COUNTY OF SAN MATEO, STATE OF CALIFORNIA.

COUNTY RECORDER OF COUNTY OF SAN MATEO
MARK CHURCH, COUNTY RECORDER

EXHIBIT B

RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES

COASTSIDE FIRE PROTECTION DISTRICT COMMUNITY FACILITIES DISTRICT NO. 33 (FIRE SUPPRESSION)

A special tax applicable to each Parcel in Coastside Fire Protection District Community Facilities District No. 33 (herein "CFD No. 33") shall be levied and collected according to the tax liability determined by the Responsible Party through the application of the following procedures. All of the property in CFD No. 33, unless exempted by law or by the express provisions of the rate and method of apportionment set forth below, shall be taxed for the purposes, to the extent, and in the manner herein provided, including property subsequently annexed to CFD No. 33 unless a separate Rate and Method of Apportionment of Special Tax is adopted for the annexation area.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"Annual Special Tax" means a special tax levied in any Fiscal Year to pay the Annual Special Tax Requirement.

"Annual Special Tax Requirement" means the amount necessary in any Fiscal Year to (i) pay for authorized public facilities and /or services, (ii) pay administrative expenses of CFD No. 33, (iii) cure any delinquencies in the payment of Annual Special Taxes levied in prior Fiscal Years or (based on delinquencies in the payment of Annual Special Taxes which have already taken place) are expected to occur in the Fiscal Year in which the tax will be collected, and (iv) maintain reasonable reserves, as determined by the Fire District, for facility, vehicle or equipment replacement costs or service costs in future fiscal years.

"Area of Use" means the area falling within a single tax category of a Parcel devoted to multiple uses.

"Building Floor Area" means the area included within the surrounding exterior walls of building, including each floor of multiple story buildings, exclusive of vent shafts and courts (defined here as open and unobstructed to the sky). The Building Floor Area will be determined by reference to approved building plans and/or such documentation.

"Dwelling Unit" means each separate building, or housing unit within a common building, used to provide living accommodations which are intended, designed or legally required to be occupied by a single family unit for which a certificate of occupancy has been issued. A "Second Unit," as defined below, shall not constitute a separate Dwelling Unit hereunder.

“Fire District” means the Coastside Fire Protection District.

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

“Maximum Annual Special Tax” means the maximum Annual Special Tax determined in accordance with Section B below, that can be levied in any Fiscal Year.

“Parcel” means any County Assessor’s Parcel or that portion thereof that is within the boundaries of the Fire District based on the equalized tax rolls of the County.

“Responsible Party” is any person or persons who the Fire District Board of Directors may appoint from time to time to compute the levy of Annual Special Taxes in CFD No. 33.

“Room” means an inhabitable area (consisting of a room or suite of rooms) which is intended, designed or legally required to be separately rented for the purpose of transient lodging and for the exclusive use of the transient lodger and for which a certificate of occupancy has been issued.

“Second Unit” means a detached or attached Dwelling Unit that meets all of the following criteria: (1) the Second Unit is located on the same Parcel as the primary single family Dwelling Unit, (2) the Second Unit may be rented, but not sold, to a person other than the owner of the primary Dwelling Unit on the Parcel, and (3) the Second Unit is clearly subordinate in size to the primary single family Dwelling Unit.

“Space” means a pad or parking area for a recreational vehicle or mobile home which is intended, designed or legally required to be separately rented and is intended for occupancy. Parking areas which are intended solely for the storage of recreational vehicles or mobile homes that are not occupied are not Spaces.

“Tax Categories” means those categories defined and described in Section B of this Rate and Method of Apportionment of Special Tax.

“Taxable Property” means all real property within the boundaries of the Fire District which is not exempt from the Annual Special Tax pursuant to law, except that the following property shall not be taxed: (i) any acres of land owned by, conveyed to or irrevocably offered for dedication to a public agency, (ii) land which is a public right of way; (iii) land which is an unmanned utility easement making impractical its utilization for a use other than the purpose set forth in the easement; (iv) land used primarily for agricultural related purposes; or (v) any portion of a parcel used for recreational purposes, including, but not limited to, golf courses, trails and open space, or any maintenance or accessory buildings such as storage sheds, landscaping equipment storage areas (but not those portions of structures devoted to commercial uses, including, but not limited to restaurants, bars, pro shops, and banquet facilities) used in connection therewith.

B. TAX CATEGORIES AND DESIGNATION OF MAXIMUM ANNUAL SPECIAL TAX

1. Residential Category

The Residential Category includes all Parcels of Taxable Property within CFD No. 33 on which there are Dwelling Units. The Maximum Annual Special Tax that may be levied on a Parcel in the Residential Category during the Fiscal Year ending June 30, 2019 shall be determined by reference to the following:

- (1) For Parcels with one Dwelling Unit, including Parcels with one Dwelling Unit and one Second Unit, the Maximum Annual Special Tax for the Parcel is \$174.
- (2) For Parcels with two Dwelling Units, the Maximum Annual Special Tax for the Parcel is \$352.
- (3) For Parcels with more than two Dwelling Units, the Maximum Annual Special Tax is \$174 per Dwelling Unit for the first two units plus \$80 per Dwelling Unit for each additional Dwelling Unit on the Parcel.
- (4) A Parcel with Dwelling Units that are classified as “low or moderate income housing” by the City of Half Moon Bay or the County of San Mateo will be assessed at 50% of the otherwise applicable rate for such Parcel as set forth above. Notwithstanding the foregoing, if a Parcel with Dwelling Units that are classified as low or moderate income units is owned by a non-profit or public agency that does not pay regular ad valorem property tax, such Parcel shall be assessed at 100% of the applicable rate as set forth above.

2. Transient Lodging Category

The Transient Lodging Category includes each Parcel of Taxable Property within CFD No. 33 that is used in whole or part as a motel, hotel, motor lodge, Recreational Vehicle Park (as that term is defined in Health and Safety Code Section 18215) and other similar facility for the purpose of transient occupancy (not including Mobile Home Parks), and for which a certificate of occupancy has been issued. Any area which is directly and solely related to retail and/or other commercial uses (such as a restaurant, bar or store area) shall be treated as a separate Area of Use and taxed as part of the Non-Residential Category and not the Transient Lodging Category. Lobbies, atria, open space, ballrooms, meeting rooms, hallways, service areas necessary for the use and operation of the facility as a motel, hotel, motor lodge or Recreational Vehicle Park or other similar facility shall not be treated as a separate Area of Use, but shall be considered part and parcel of the Transient Lodging Category and taxed on a per Room or per Space basis only. Properties with several Areas of Use shall be taxed under the

Mixed Use Category. The Maximum Annual Special Tax that may be levied on Taxable Property in the Transient Lodging Category during the Fiscal Year ending June 30, 2019 is \$29.02 per Space or room.

3. *Mobile Home Park Category*

The Mobile Home Park Category includes each Parcel of Taxable Property within CFD No. 33 that is zoned or permitted to be used as a Mobile Home Park (as that term is defined in Civil Code Section 98.4) for which a certificate of occupancy has been issued. The Maximum Annual Special Tax that may be levied on Taxable Property within the Mobile Home Park Category during the Fiscal Year ending June 30, 2019 is \$29.02 per Space.

4. *Non-Residential Category*

The Non-Residential Category includes each Parcel of Taxable Property within CFD No. 33 which has been zoned or is permitted to be used in whole or in part for non-residential uses (including office, retail, industrial and other commercial uses but not Taxable Property designated under the Transient Lodging or Mobile Home Park Categories) for which a certificate of occupancy has been issued. The Maximum Annual Special Tax that may be levied on Taxable Property within the Non-Residential Category during the Fiscal Year ending June 30, 2019 is \$0.093 per square foot of Building Floor Area.

5. *Mixed Use Category*

Parcels within CFD No. 33 which are zoned or permitted to be used for uses which fall in more than one of the Tax Categories defined above and for which a certificate of occupancy has been issued shall be taxed for each category of use. The calculation of Maximum Annual Special Tax shall be performed separately for each Area of Use.

C. ADJUSTMENTS TO MAXIMUM ANNUAL SPECIAL TAX

The Maximum Annual Special Tax for all Tax Categories shall increase each Fiscal Year by two percent (2%) of the amount in effect in the prior Fiscal Year. Under no circumstances shall the special tax for a Parcel in the Residential Category increase in any one Fiscal year more than ten percent (10%) over the prior Fiscal Year, as a consequence of delinquencies or default by other Parcels in CFD No. 33.

D. METHOD OF LEVY AND COLLECTION OF THE SPECIAL TAX

On or about July 1 of each Fiscal Year, but in any event in sufficient time to include the levy of the Annual Special Taxes on the County's secured tax roll, the Responsible Party shall determine the Annual Special Tax Requirement for that Fiscal Year. The Responsible Party shall also allocate all Parcels of Taxable Property to the appropriate

Tax Category based on reference to building permits, certificates of occupancy, zoning maps or other planning documents. The Annual Special Tax shall then be levied on all Parcels of Taxable Property as follows:

- Step 1:** Calculate the total Annual Special Tax revenue that could be collected from Taxable Property within the CFD based on application of the Maximum Annual Special Tax rates determined pursuant to Section B above.
- Step 2:** Divide the Annual Special Tax Requirement by the maximum revenues that could be collected as determined in Step 1.
- Step 3:** If the ratio determined in Step 2 is greater than or equal to 1, levy the Maximum Annual Special Tax determined pursuant to Section B on all Taxable Property in the CFD. If the ratio determined in Step 2 is less than 1, continue to Step 4.
- Step 4:** Levy the Maximum Annual Special Tax against all Parcels of Taxable Property in equal percentages up to 100% of the Maximum Annual Special Tax determined pursuant to Section B above.

The Annual Special Tax for CFD No. 33 shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided, however, that the Fire District may (under the authority of Government Code Section 53340), in any particular case, bill the taxes directly to the property owner, off the County tax roll, and the Annual Special Taxes will be equally subject to foreclosure if delinquent.