

CITY OF CHULA VISTA
COMMUNITY FACILITIES DISTRICT 09M
(VILLAGE 11, BROOKFIELD SHEA OTAY)
COMMUNITY FACILITIES DISTRICT REPORT



Submitted: March 25, 2003



Corporate Office

27368 Via Industria
Suite 110
Temecula, CA 92590
Tel: (909) 587-3500
Tel: (800) 755-MUNI (6864)
Fax: (909) 587-3510

Regional Offices

Antelope Valley, CA
Jacksonville, FL
Los Angeles, CA
Oakland, CA

Orange County, CA
Phoenix, AZ
San Diego, CA
Sacramento, CA
Seattle, WA

CITY OF CHULA VISTA
CITY COUNCIL

STEPHEN C. PADILLA, MAYOR
PATTY DAVIS, COUNCILMEMBER
JERRY RINDONE, COUNCILMEMBER
MARY SALAS, COUNCILMEMBER
JOHN McCANN, COUNCILMEMBER

CITY MANAGER
DAVE ROWLANDS



COMMUNITY FACILITIES DISTRICT REPORT CITY OF CHULA VISTA

COMMUNITY FACILITIES DISTRICT NO. 09M

<u>TABLE OF CONTENTS</u>	<u>PAGE</u>
INTRODUCTION	4
A. DESCRIPTION OF SERVICES	2
B. BOUNDARIES OF COMMUNITY FACILITIES DISTRICT	5
C. COST ESTIMATES FOR SERVICES.....	5
D. RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES.....	5
E. GENERAL TERMS AND CONDITIONS	6
F. CONCLUSION.....	6
EXHIBIT A	A-1
BOUNDARIES OF DISTRICT AND BOUNDARY MAP	A-1
EXHIBIT B	B-1
COST ESTIMATES	B-1
EXHIBIT C	C-1
RATE AND METHOD OF APPORTIONMENT.....	C-1



COMMUNITY FACILITIES DISTRICT REPORT CITY OF CHULA VISTA

COMMUNITY FACILITIES DISTRICT NO. 09M (Village 11, Brookfield Shea Otay)

INTRODUCTION

WHEREAS, the City Council of the City of Chula Vista (hereinafter referred to as the "Agency" or "legislative body of the local Agency"), in the State of California, did, pursuant to the provisions of the Mello-Roos Community Facilities Act of 1982, being Chapter 2.5 of Part 1, of Division 2, of Title 5 of the Government Code of the State of California ("Act"), and specifically Section 53321.5 thereof and the City of Chula Vista Community Facilities District Ordinance enacted pursuant to the powers reserved by the City of Chula Vista under Sections 3, 5 and 7 of Article XI of the Constitution of the State of California ("Ordinance") (the Act and Ordinance may be referred to collectively as the "Community Facilities District Law", expressly ordered by adoption of Resolution No. 2002-320 the filing of a written Community Facilities District Report ("Report") with the Agency for a proposed Community Facilities District with two designated improvement areas, which Community Facilities District shall be referred to as Community Facilities District No. 09M (Village 11, Brookfield Shea Otay), (hereinafter referred to as "CFD No. 09M"); and

WHEREAS, the Report generally contains the following:

- a. a description of the Services by type which are required to adequately meet the needs of CFD No. 09M;
- b. an estimate of the cost of providing the Services, including incidental expenses and all other related costs including but not limited to the determination of the amount of any special taxes, collection of any special taxes, or costs otherwise incurred in order to carry out the authorized purposes of the Agency with respect to CFD No. 09M and any other expenses incidental to the maintenance and inspection of the authorized work to be paid through the proposed special taxes;

- c. the rate and method of apportionment of the special tax in sufficient detail to allow each property owner within the proposed CFD No. 09M to estimate the maximum annual amount of payment.

For particulars, reference is made to the Resolution of Intention (Resolution No. 2003-056), and the Resolution Ordering the Preparation of the Community Facilities District Report (Resolution No. 2003-058) previously approved.

NOW THEREFORE, MuniFinancial, the appointed responsible firm directed to prepare the Report, pursuant to the provisions of the Code, does hereby submit the following:

A. DESCRIPTION OF SERVICES

The public services described below are proposed to be maintained by Community Facilities District No. 09M. The landscaping improvements include, but are not limited to, all landscaping material and facilities within each Improvement Area. These improvements include turf, ground cover, shrubs, trees, plants, irrigation and drainage systems, ornamental lighting structures, masonry walls or other fencing, trails, and associated appurtenant facilities located within the streetscape (parkway, median and slope perimeter landscaping) surrounding the development and trails, perimeter walls, and perimeter fencing in the development. The storm water quality improvements include, but are not limited to, maintenance of all storm water quality improvements within each Improvement Area. These services include the maintenance, repair, and replacement of storm drains, catch basin inserts, hydrodynamic devices, infiltration basins, Vector truck and similar facilities. Both the landscape maintenance and storm drain maintenance allow for the collection of reserve fund and administration costs.

Landscaping Maintenance

Olympic Parkway (Between Eastlake and Hunte Parkway)

- ◆ Medians – Prorata share not to exceed 50%
- ◆ South side of parkway
- ◆ Slopes

Eastlake Parkway (Between Olympic Parkway and Hunte Parkway)

- ◆ Medians – 100% until adjacent development to the west occurs and a prorata share not to exceed 50% thereafter
- ◆ East side of parkway
- ◆ Slopes

Hunte Parkway (Between Olympic Parkway and Eastlake Parkway)

- ◆ Medians – 100% until adjacent development to the south occurs and a prorata share not to exceed 50% thereafter
- ◆ North side of parkway
- ◆ Trails
- ◆ Slopes
- ◆ Slopes south/east of Hunte Parkway (Between Olympic Parkway and the SDG & E Easement)

Pedestrian Bridges

- ◆ Prorata share of bridge between Village Eleven and Village Ten
- ◆ Prorata share of bridge between Village Eleven across Eastlake Parkway to the Eastern Urban Center

Accent Paving

- ◆ Kestral Falls at Eastlake Parkway
- ◆ Crossroads at Eastlake Parkway
- ◆ Birch at Eastlake Parkway
- ◆ Eveningstar at Hunte Parkway
- ◆ Hiddenpath at Hunte Parkway
- ◆ Exploration Falls at Hunt Parkway
- ◆ Discovery Falls at Hunte Parkway
- ◆ Exploration Falls at Olympic Parkway
- ◆ Windingwalk at Olympic Parkway

Perimeter Walls & Fencing

- ◆ Perimeter walls within perimeter slopes adjacent to Olympic Parkway (including block wall and lodge pole fencing)
- ◆ Perimeter walls within perimeter slopes adjacent to Eastlake Parkway (including block wall and lodge pole fencing)
- ◆ Perimeter walls within perimeter slopes adjacent to Hunte Parkway (including block wall and lodge pole fencing)

Lighting

- ◆ Entry monument lighting
- ◆ Pedestrian bridge lighting

Storm Water Quality Maintenance

- ◆ Western Basin (Prorata share)
- ◆ Eastern Basin

Facilities and devices directly related to removal of contaminants and solids from storm water throughout the Improvement Area including but not limited to storm drains, catch basin inserts, hydrodynamic devices, infiltration basins, and similar facilities.

SUBSTITUTION OF FACILITIES

The description of the Facilities and Services, as set forth above, is general in its nature. The final nature and location of the Facilities and Services will be determined upon the preparation of final plans and specifications. The final plans may show substitutes in lieu of, or modification to, the proposed Facilities and Services in order to provide the public facilities necessitated by development occurring in the District, and any such substitution shall not be a change or modification in the proceedings as long as such substitute facilities and services serve a function or provide a service substantially similar to that function served or the service provided by the Facilities and Service described above.

B. BOUNDARIES OF COMMUNITY FACILITIES DISTRICT

The boundaries of CFD No. 09M coincide with previously established parcels as shown on the latest County Assessor maps or approved parcel maps and include all properties on which special taxes may be levied to pay for the costs of services.

The boundaries of CFD No. 09M are described on “Exhibit A”, reduced scale maps entitled “Proposed Boundary Map of Community Facilities District No. 09M” which are attached hereto and incorporated herein. A full-scale map is on file with the Clerk of the City of Chula Vista and was recorded with the County Recorder, County of San Diego in Book 37 page 14 in the Book of Maps of Assessment and Community Facilities Districts, Instrument Number 2003-0221282.

C. COST ESTIMATES FOR SERVICES

The establishment of CFD No. 09M was required to fund the perpetual operation and maintenance of slopes, medians, parkways, trails, perimeter walls, perimeter fencing and storm water treatment facilities associated with Village 11, Brookfield Shea Otay. The initial budget is estimated to be approximately \$886,739.

For the estimated location of the improvements and a more detailed cost estimate, please refer to “Exhibit B”.

D. RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES

The Resolution of Intention (Resolution No. 2003-056) generally sets forth the rate and method of apportionment of the special tax, which allows each property owner within the proposed CFD to estimate the annual amount that would be required for payment if a special tax were levied.

For particulars of the rate and method of apportionment, see “Exhibit C”, Rate and Method of Apportionment of Special Tax.

E. GENERAL TERMS AND CONDITIONS

Services

The description of the Services, as set forth herein, is general in nature. The final nature and location of the facilities that will be maintained will be determined upon the preparation of final plans and specifications or the approval of services.

F. CONCLUSION

Based on information provided by, and discussions with, the Agency and the property owners, the Services and Facilities listed in this Report are those that are necessary to meet increased demands placed on the Agency as a result of development occurring within the boundaries of the City of Chula Vista. Further, it is my opinion that the special tax rate and method of apportionment as set forth in "Exhibit C" are equitable and are not discriminatory or arbitrary and permit a purchaser of property subject to the special tax a fair means of determining his or her obligation.

MuniFinancial

Lyn Gruber

By: _____

Lyn Gruber



EXHIBIT A

BOUNDARIES OF DISTRICT AND BOUNDARY MAP

Boundaries of District:

The exterior boundaries of CFD No. 09M are shown on that certain map now on file in the Office of the City Clerk entitled "Proposed Boundary Map Community Facilities District No. 09M". This map indicates by a boundary line the extent of the territory included in proposed CFD No. 09M, and shall govern for all details as to the extent of CFD No. 09M. The parcels of real property within CFD No. 09M are described more particularly on the Assessor Parcel Maps and recorded Parcel Maps that are on file in the office of the San Diego County Assessor and are incorporated into this Report by reference.

Boundary Map:

A reduced copy of the Boundary Map follows. The original of such map is on file in the Office of the City Clerk and in the records of the County Recorder, County of San Diego, and State of California.

Site Location:

Village 11 is proposed to contain approximately 1,297 single-family detached homes, 661 condominium/townhome units, 315 apartments, 10 acres of multi-use property, and 9.3 acres of Community Purpose Facility ("CPF") property.

Village 11 is located south of Olympic Parkway, east of Eastlake Parkway, and north and west of Hunte Parkway.

SHEET 1 OF 1

**BOUNDARY MAP OF PROPOSED
COMMUNITY FACILITIES DISTRICT NO. 09M (BROOKFIELD SHEA OTAY-VILLAGE 11)**

CITY OF CHULA VISTA
COUNTY OF SAN DIEGO
STATE OF CALIFORNIA

FILED IN THE OFFICE OF THE CITY CLERK THIS 21st DAY OF September 2003.

Alma A. Alvarado
CITY CLERK
CITY OF CHULA VISTA

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING PROPOSED BOUNDARIES OF CITY OF CHULA VISTA, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF CHULA VISTA AT A REGULAR MEETING THEREOF, HELD ON September 18, 2003 AT 5:00 P.M. BY ITS RESOLUTION NO. 2003-052.

Alma A. Alvarado
CITY CLERK
CITY OF CHULA VISTA

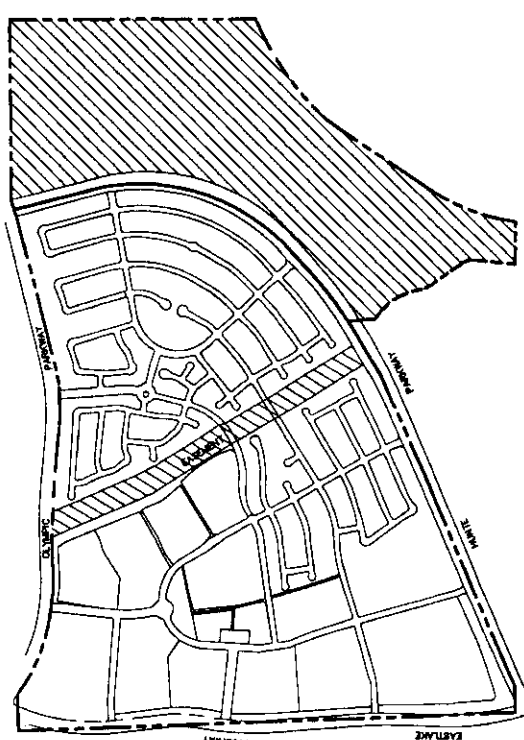
FILED THIS 21st DAY OF September 2003, AT THE HOUR OF 5:00 O'CLOCK P.M. IN THE OFFICE OF THE COUNTY CLERK OF THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

Alma A. Alvarado
COUNTY CLERK
COUNTY OF SAN DIEGO
STATE OF CALIFORNIA

**Confirmed
Copy**

THE LINES AND DIMENSIONS OF EACH LOT OR PARCEL SHOWN ON THIS PLACEMAP SHALL BE THOSE LINES AND DIMENSIONS AS SHOWN ON THE SAN DIEGO COUNTY ASSESSOR'S MAPS FOR THOSE PARCELS LISTED.

THE SAN DIEGO COUNTY ASSESSOR'S MAPS SHALL PREVAIL FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS OR PARCELS.



LEGEND

- PROPOSED BOUNDARY
- ▨ INTENDED TO BE EXCLUDED FROM THE FINAL BOUNDARY OF THE DISTRICT

400' 200' 0' 400'
SCALE: 1" = 100'

ASSESSOR'S PARCEL NO.
643-073-07
643-078-09

1003-072782

BK 37 PG 14

EXHIBIT B

COST ESTIMATES

I. LANDSCAPE MAINTENANCE BUDGET

	Amount	Units	Cost Per	Duration	Total Annual Cost
Olympic Parkway -					
EastLake Parkway to Hunte Parkway					
Planted Area - Median	86,285	S.F.	\$ 0.540	Yr	\$ 46,594
Planted Area - Slopes	311,950	S.F.	\$ 0.240	Yr	74,868
Planted Area- Parkways	106,266	S.F.	\$ 0.470	Yr	49,945
Slope Trees	256	Each	\$ 55.00	Yr	14,080
6' Block Wall	4,531	L.F.	\$ 0.830	Yr	3,761
Lodge Pole Fencing	43	L.F.	\$ 1.500	Yr	65
Total					<u>\$ 189,312</u>
Phase 1 - EastLake Parkway					
Planted Area - Median	3,635	S.F.	\$ 0.540	Yr	\$ 1,963
Planted Area - Slopes	47,241	S.F.	\$ 0.240	Yr	11,338
Median Hardscape	6,890	S.F.	\$ 0.240	Yr	1,654
Planted Area- Parkways	54,452	S.F.	\$ 0.470	Yr	25,592
Median Trees	5	Each	\$ 55.00	Yr	275
Parkway Trees	32	Each	\$ 55.00	Yr	1,760
Slope Trees	47	Each	\$ 55.00	Yr	2,585
6" Block Wall	845	L.F.	\$ 0.830	Yr	701
Total					<u>\$ 45,868</u>
Phase 1 - Hunte Parkway					
Planted Area - Median	5,552	S.F.	\$ 0.540	Yr	\$ 2,998
Planted Area - Slopes	52,554	S.F.	\$ 0.240	Yr	12,613
Median Hardscape	7,629	S.F.	\$ 0.240	Yr	1,831
Planted Area- Parkways	22,593	S.F.	\$ 0.470	Yr	10,619
Planted Area- Parkways (Native)	15,450	S.F.	\$ 0.470	Yr	7,262
Median Trees	9	Each	\$ 55.00	Yr	495
Parkway Trees	21	Each	\$ 55.00	Yr	1,155
Slope Trees	37	Each	\$ 55.00	Yr	2,035
6' Block Wall	835	L.F.	\$ 0.830	Yr	693
Lodge Pole Fencing	1,090	L.F.	\$ 1.500	Yr	1,635
D.G. Path (adjacent to preserve)	1,100	L.F.	\$ 0.057	Yr	63
Total					<u>\$ 41,398</u>
Phase 2 - EastLake Parkway					
Planted Area - Median	21,117	S.F.	\$ 0.540	Yr	\$ 11,403

	Amount	Units	Cost Per	Duration	Total Annual Cost
Planted Area - Slopes	131,067	S.F.	\$ 0.240	Yr	31,456
Planted Area- Parkways	22,696	S.F.	\$ 0.470	Yr	10,667
Median Trees	20	Each	\$ 55.00	Yr	1,100
Parkway Trees	62	Each	\$ 55.00	Yr	3,410
Slope Trees	51	Each	\$ 55.00	Yr	2,805
6' Block Wall	1,670	L.F.	\$ 0.830	Yr	1,386
Total					\$ 62,227

Phase 2 - Hunte Parkway

Planted Area - Median	43,605	S.F.	\$ 0.540	Yr	\$ 23,547
Planted Area - Slopes	222,730	S.F.	\$ 0.240	Yr	53,455
Planted Area- West Parkway	20,411	S.F.	\$ 0.470	Yr	9,593
Planted Area- East Parkway (Native)	24,087	S.F.	\$ 0.470	Yr	11,321
Median Trees	60	Each	\$ 55.00	Yr	3,300
Parkway Trees	57	Each	\$ 55.00	Yr	3,135
Slope Trees	93	Each	\$ 55.00	Yr	5,115
6' Block Wall	2,810	L.F.	\$ 0.830	Yr	2,332
Lodge Pole Fencing	4,430	L.F.	\$ 1.500	Yr	6,645
D.G. Path	4,430	L.F.	\$ 0.057	Yr	253
Total					\$ 118,696

Phase 3 - EastLake Parkway

Planted Area - Median	28,304	S.F.	\$ 0.540	Yr	\$ 15,284
Planted Area - Slopes	177,182	S.F.	\$ 0.240	Yr	42,524
Planted Area- Parkways	27,463	S.F.	\$ 0.470	Yr	12,908
Median Trees	23	Each	\$ 55.00	Yr	1,265
Parkway Trees	77	Each	\$ 55.00	Yr	4,235
Slope Trees	58	Each	\$ 55.00	Yr	3,190
6' Block Wall	1,850	L.F.	\$ 0.830	Yr	1,536
Lodge Pole Fencing (Adjacent to Preserve)	350	L.F.	\$ 1.500	Yr	525
Total					\$ 81,466

Phase 3 - Hunte Parkway

Planted Area - Median	57,939	S.F.	\$ 0.540	Yr	\$ 31,287
Planted Area - Slopes	372,136	S.F.	\$ 0.240	Yr	89,313
Planted Area- West Parkway	29,353	S.F.	\$ 0.470	Yr	13,796
Planted Area- East Parkway (Native)	32,110	S.F.	\$ 0.470	Yr	15,092
Median Trees	55	Each	\$ 55.00	Yr	3,025
West Parkway Trees	69	Each	\$ 55.00	Yr	3,795
Slope Trees	148	Each	\$ 55.00	Yr	8,140
Slopes east/south of Hunte (Native)	16	Acres	\$ 55.00	Yr	880
6' Block Wall	3,240	L.F.	\$ 0.830	Yr	2,689
Low Block Wall	50	L.F.	\$ 0.490	Yr	25
Lodge Pole Fencing (Adjacent to Preserve)	3,000	L.F.	\$ 1.500	Yr	4,500
Lodge Pole Fencing (Up CFD Slopes)	1,040	L.F.	\$ 1.500	Yr	1,560
D.G. Path (Adjacent to Preserve)	3,000	L.F.	\$ 0.057	Yr	171



	Amount	Units	Cost Per	Duration	Total Annual Cost
Total					\$ 174,272
Pedestrian Bridge					
Maintenance	1		\$ 1,120	Yr	\$ 1,120
Monument Electricity					
Minor Monuments	18		\$ 45		\$ 810
Major Monuments	3		130		390
Total					\$ 1,200
Accent Pavement	18,000		\$ 0.010		\$ 180
Total Landscape Maintenance					\$ 715,739

II. Storm Water Maintenance Budget

Village 11 Storm water Maintenance	Number of Units	Cost per Service	Services per Year	Total Annual Cost
Drainpacs - Maintenance	11	\$ 100	4	4,400
Drainpacs - Replace Filter Bag	11	\$ 200	0.5	1,100
Total				\$ 5,500

CDS & Vortech Units

EastLake - Kestrel Falls - Maintenance	1	\$ 750	4	3,000
EastLake - Kestrel Falls - Replace Screen	1	\$ 800	0.05	40
EastLake - Birch - Maintenance	1	\$ 750	4	3,000
EastLake - Birch - Replace Screen	1	\$ 800	0.05	40
EastLake - Hunte - Maintenance	1	\$ 1,250	4	5,000
EastLake - Hunte - Replace Screen	1	\$ 1,000	0.05	50
				\$ 11,080

Western Basin

Annual Silt Removal	800	\$ 15	1	12,000
Annual Vegetation Removal	1	\$ 2,100	1	2,100
Annual Engineering Inspection	1	\$ 1,000	1	1,000
Periodic City Inspection	1	\$ 1,200	1	1,200
Drop Structure Monitoring & Maintenance	2	\$ 1,600	0.5	1,600
30" Bypass line Inspection & Maintenance	1	\$ 4,000	1	4,000
Maintenance Road Cleaning/Blading	1	\$ 1,900	1	1,900
				\$ 23,800.00

Eastern Basin

Annual Silt Removal	650	\$ 15	1	9,750
Annual Vegetation Removal	1	\$ 1,400	1	1,400
Annual Engineering Inspection	1	\$ 1,000	1	1,000
Periodic City Inspection	1	\$ 1,200	1	1,200
				\$ 13,350.00



Vactor Truck	1 \$ 13,126	0.13	\$ 1,706.38
Total Storm Water Maintenance			\$ 55,436
TOTAL ANNUAL LANDSCAPE AND STORM WATER MAINTENANCE			\$ 771,176
III. ADMINISTRATIVE EXPENSES			\$ 35,000
IV. Reserve			\$ 80,618
V. Total Annual Cost			\$ 886,793

(1) Vactor Truck - "Cost per Service" represents the Village 11 proportionate shard of the replacement Storm Water Quality Vactor unit. "Service per Year" represents the annual factor, that when multiplied by the Cost per Service, results in an annual amount paid into a fund contributed to by certain maintenance CFD's in the City of Chula Vista that will be used to replace the existing Vactor unit using an eight year cycle.

SUBSTITUTION OF SERVICES AND FACILITIES

The description of the Services and Facilities, as set forth herein, is general in its nature. The final nature and location of the Services and Facilities will be determined upon the preparation of final plans and specifications. The final plans may show substitutes in lieu of, or modification to, the proposed Services and Facilities in order to provide the public Services and Facilities necessitated by development occurring in CFD No. 09M, and any such substitution shall not be a change or modification in the proceedings as long as such substitute Services and Facilities serve a function or provide a service substantially similar to that function served or the service provided by the Services and Facilities described in this Report.

EXHIBIT C

RATE AND METHOD OF APPORTIONMENT COMMUNITY FACILITIES DISTRICT NO. 09M RATE AND METHOD OF APPORTIONMENT (Village 11, Brookfield Shea)

A Special Tax of Community Facilities District No. 09M (Village 11, Brookfield Shea) of the City of Chula Vista ("CFD") shall be levied on all Assessor's Parcels in the CFD and collected each Fiscal Year commencing in Fiscal Year 2003-04 in an amount determined through the application of the rate and method of apportionment of the Special Tax set forth below. All of the real property in the CFD, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent and in the manner herein provided.

A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

"**A' Map**" shall mean a master final subdivision or parcel map, filed in accordance with the Subdivision Map Act and the Chula Vista Municipal Code, which subdivides the land or a portion thereof shown on a tentative map into "super block" lots corresponding to units or phasing of combination of units as shown on such tentative map and which may further show open space lot dedications, backbone street dedications and utility easements required to serve such "super block" lots.

"**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 Subdivision Map, other final map, other parcel map, other condominium plan, or functionally equivalent map or instrument recorded in the Office of the County Recorder. The square footage of an Assessor's Parcel is equal to the Acreage multiplied by 43,560.

"**Act**" means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Part 1, Division 2 of Title 5 of the Government Code of the State of California.

"**Administrative Expenses**" means the actual or estimated costs incurred by the City, acting for and on behalf of the CFD as the administrator thereof, to determine, levy and collect the Special Taxes, including salaries of City employees and a proportionate amount of the City's general administrative overhead related thereto, and the fees of consultants and legal counsel providing services related to the administration of the

CFD; the costs of collecting installments of the Special Taxes; and any other costs required to administer the CFD as determined by the City.

"Approved Property" means all Assessor's Parcels of Taxable Property: (i) that are included in an 'A' Map, excluding lettered lots thereon, or a Final Subdivision Map, excluding lettered lots thereon, that were recorded prior to the March 1st preceding the Fiscal Year in which the Special Tax is being levied, and (ii) that have not been issued a building permit prior to the March 1st preceding the Fiscal Year in which the Special Tax is being levied.

"Assessor's Parcel" means a lot or parcel shown in an Assessor's Parcel Map with an assigned assessor's parcel number.

"Assessor's Parcel Map" means an official map of the Assessor of the County designating parcels by assessor's parcel number.

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

"CFD" means Community Facilities District No. 09M of the City of Chula Vista.

"City" means the City of Chula Vista.

"City Clerk" means the City Clerk for the City of Chula Vista or his or her designee.

"City Manager" means the City Manager for the City of Chula Vista or his or her designee.

"Community Purpose Facility Property" or "CPF Property" means all Assessor's Parcels which are classified as community purpose facilities and meet the requirements of City of Chula Vista Ordinance No. 2452.

"Council" means the City Council of the City of Chula Vista, acting as the legislative body of the CFD.

"County" means the County of San Diego, California.

"Developed Property" means all Taxable Property for which a building permit was issued after January 1, 2002, but prior to the March 1st preceding the Fiscal Year in which the Special Tax is being levied.

"Density" means for each Assessor's Parcel of Residential Property the number of Dwelling Units per gross acre determined pursuant to those provisions of Ordinance

No. 2866, in effect as of December 17, 2002, that provide for the calculation of density for purposes of calculating Transportation Development Impact Fees.

"Dwelling Unit" means each separate residential dwelling unit that comprises an independent facility capable of conveyance or rental separate from adjacent residential dwelling units.

"Final Subdivision Map" means a subdivision of property creating single family residential buildable lots by recordation of a final subdivision map or parcel map pursuant to the Subdivision Map Act (California Government Code Section 66410 et seq.), or recordation of a condominium plan pursuant to California Civil Code 1352, that creates individual lots for which building permits may be issued without further subdivision and is recorded prior to March 1 preceding the Fiscal Year in which the Special Tax is being levied.

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

"Land Use Class" means any of the classes listed in Table 1 or Table 2.

"Landscape Maintenance" means the labor, material, administration, personnel, equipment and utilities necessary to maintain landscaped improvements within the public right-of-ways, parkways, slopes, wetlands and other public easements throughout the CFD.

"Landscape Maintenance Requirement" means, for any Fiscal Year in which Special Taxes are levied, the amount equal to the budgeted costs for Landscape Maintenance applicable to the CFD for such Fiscal Year.

"Maximum Special Tax" means the maximum Special Tax, determined in accordance with Section C below, that may be levied in any Fiscal Year on any Assessor's Parcel of Taxable Property.

"Mixed Use Property" means all Assessor's Parcels that have been classified by the City to allow both Residential Property and Non-Residential Property uses on each such Assessor's Parcel. For an Assessor's Parcel of Mixed Use Property, each Land Use Class thereon is subject to taxation pursuant to the provisions of Section C regardless of the geographic orientation of such Land Use Classes on such Assessor's Parcel.

"Multi-Family Property" means all Assessor's Parcels of Developed Property for which a building permit has been issued for a residential structure consisting of two or more residential units that share common walls, including, but not limited to, duplexes, triplexes, townhomes, condominiums, and apartment units.

"Non-Residential Property" means all Assessor's Parcels of Developed Property for which a building permit(s) has been issued for a structure or structures for non-residential use.

"Operating Fund" means a fund that shall be maintained for the CFD for each Fiscal Year to pay for Landscape Maintenance and Storm Water Quality Maintenance and Administrative Expenses.

"Operating Fund Requirement" means, for any Fiscal Year, the sum of the applicable Landscape Maintenance Requirement and the applicable Storm Water Quality Maintenance Requirement.

"Property Owner Association Property" means any property within the CFD boundaries that is owned by, or irrevocably dedicated as indicated in an instrument recorded with the County Recorder to, a property owner association, including any master or sub-association.

"Proportionately" means in a manner such that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor's Parcels of Taxable Property within each Land Use Class.

"Public Property" means any property within the CFD boundaries that is, at the time of the CFD formation, expected to be used for any public purpose and is owned by or dedicated to the federal government, the State, the County, the City or any other public agency.

"Reserve Fund" means a fund that shall be maintained for the CFD for each Fiscal Year to provide necessary cash flow for the first six months of each Fiscal Year, reserve capital to cover monitoring, maintenance and repair cost overruns and delinquencies in the payment of Special Taxes and a reasonable buffer to prevent large variations in annual Special Tax levies.

"Reserve Fund Requirement" means an amount equal to up to 100% of the Operating Fund Requirement for any Fiscal Year.

"Residential Property" means all Assessor's Parcels of Developed Property for which a building permit(s) has been issued for purposes of constructing one residential dwelling unit.

"Special Tax" means the Special Tax levied pursuant to the provisions of sections C and D below in each Fiscal Year on each Assessor's Parcel of Developed Property and Undeveloped Property in the CFD to fund the Special Tax Requirement.

"Special Tax Requirement" means that amount required in any Fiscal Year for the CFD to: (a) (i) pay the Landscape Maintenance Requirement; (ii) pay the Storm Water Quality Maintenance Requirement; (iii) pay reasonable Administrative Expenses; (iv) pay any amounts required to establish or replenish the Reserve Fund to the Reserve Fund Requirement; (v) pay for reasonably anticipated delinquent Special Taxes based on the delinquency rate for Special Taxes levied in the previous Fiscal Year; less (b) a credit for funds available to reduce the annual Special Tax levy, including the excess, if any, in the Reserve Fund above the Reserve Fund Requirement.

"State" means the State of California.

"Storm Water Quality Maintenance" means the maintenance of detention basins, storm drains, catch basin inserts, hydrodynamic devices, infiltration basins, and all other facilities that are directly related to storm water quality control throughout the CFD.

"Storm Water Quality Maintenance Requirement" means for any Fiscal Year an amount equal to the budgeted costs for Storm Water Quality Maintenance applicable to the CFD for the current Fiscal Year in which Special Taxes are levied.

"Taxable Property" means all of the Assessor's Parcels within the boundaries of the CFD that are not exempt from the Special Tax pursuant to law or as defined below.

"Tax-Exempt Property" means an Assessor's Parcel not subject to the Special Tax. Tax-Exempt Property includes: (i) Public Property, or (ii) Property Owner Association Property, or (iii) Assessor's Parcels with public or utility easements making impractical their utilization for other than the purposes set forth in the easement.

"Taxable Property Owner Association Property" means all Association Property which is not exempt from the Special Tax pursuant to Section E below.

"Undeveloped Property" means, for each Fiscal Year, all Taxable Property not classified as Developed Property, Approved Property or Taxable Property Owners Association Property.

B. ASSIGNMENT TO LAND USE CATEGORIES

Each Fiscal Year using the definitions above, all Taxable Property within the CFD shall be classified as Developed Property, Approved Property, Undeveloped Property or Taxable Property Owners Association Property, and shall be subject to Special Taxes pursuant to Sections C and D below. Developed Property shall be further assigned to a Land Use Class as specified in Table 1. The Land Use Class of each

Assessor's Parcel of Residential Property or Mixed Use Property shall be determined based on its Density. Once the Land Use Class of an Assessor's Parcel of Residential Property or Mixed Use Property is determined it cannot be changed. Assessor's Parcels of CPF Property not classified as exempt in accordance with Section E below shall be taxed as Non-Residential Property when such Assessor's Parcel is classified as Developed Property.

C. MAXIMUM SPECIAL TAX RATE

1. Developed Property

**TABLE 1
Maximum Special Tax for Developed Property
Community Facilities District No. 09M**

Land Use Class	Description	Density (DU/Acre)	Maximum Special Tax
1	Residential Property	0 to 8	\$470.28 per Dwelling Unit
2	Residential Property	> 8 to 20	\$376.22 per Dwelling Unit
3	Residential Property	Greater than 20	\$282.16 per Dwelling Unit
4	Non-Residential Property	N/A	\$1,805.87 per Acre

Multiple Land Use Classes

In some instances an Assessor's Parcel of Developed Property may contain more than one Land Use Class. The Maximum Special Tax that may be levied on an Assessor's Parcel shall be the sum of the Maximum Special Tax levies that may be levied on all Land Use Classes located on that Assessor's Parcel. The CFD Administrator's shall determine the allocation to each Land Use Class.

2. Approved Property, Undeveloped Property and Taxable Property Owner Association Property

The Maximum Special Tax for Approved Property, Undeveloped Property and Taxable Property Owner Association Property shall be \$1,805.87 per Acre

3. Annual Escalation of Maximum Special Tax

The Maximum Special Tax as shown in the tables above that may be levied on each Assessor's Parcel in The CFD shall be increased each Fiscal Year

beginning in Fiscal Year 2004-05 and thereafter by a factor equal to the annual percentage change in the San Diego Metropolitan Area All Urban Consumer Price Index (All Items).

D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX

Commencing with Fiscal Year 2003-04, and for each following Fiscal Year, the Council shall levy the CFD Special Tax at the rates established pursuant to steps 1 through 4 below so that the amount of the Special Tax levied equals the Special Tax Requirement. The Special Tax shall be levied each Fiscal Year as follows:

First: The Special Tax shall be levied proportionately on each Assessor's Parcel of Developed Property up to 100% of the applicable Maximum Special Tax;

Second: If additional monies are needed to satisfy the Special Tax Requirement after the first step has been completed, the Special Tax shall be levied Proportionately on each Assessor's Parcel of Approved Property at up to 100% of the Maximum Special Tax for Approved Property;

Third: If additional monies are needed to satisfy the Special Tax Requirement after the first two steps have been completed, the Special Tax shall be levied Proportionately on each Assessor's Parcel of Undeveloped Property at up to 100% of the Maximum Special Tax for Undeveloped Property;

Fourth: If additional moneys are needed to satisfy the Special Tax Requirement after the first three steps have been completed, the Special Tax shall be levied proportionately on each Assessor's Parcel of Taxable Property Owner Association Property at up to 100% of the Maximum Special Tax for Taxable Property Owner Association Property.

Notwithstanding the above, under no circumstances will the Special Tax levied against any Assessor's Parcel of Residential Property for which an occupancy permit for private residential use has been issued be increased by more than ten percent annually up to the Maximum Special Tax as a consequence of delinquency or default by the owner of any other Assessor's Parcel within the CFD.

E. EXEMPTIONS

The CFD Administrator shall classify as exempt property (i) Assessor's Parcels defined as Public Property, and (ii) Assessor's Parcels with public or utility easements making impractical their utilization for other than the purposes set forth in the easement.

The CFD Administrator shall classify as exempt property those Assessor's Parcels defined as Property Owner's Association Property provided that no such classification would reduce the sum of all taxable Property to less than 206.13 Acres. Assessor's Parcels defined as Property Owner Association Property that cannot be classified as exempt property will be classified as Taxable Property Owner Association Property and shall be taxed as part of the fourth step in Section D.

The CFD Administrator will assign Tax-Exempt status in the chronological order in which property becomes exempt.

F. APPEALS

Any landowner or resident who pays the Special Tax and believes that the amount of the Special Tax levied on their Assessor's Parcel is in error shall first consult with the CFD Administrator regarding such error. If following such consultation, the CFD Administrator determines that an error has occurred, the CFD Administrator may amend the amount of the Special Tax levied on such Assessor's Parcel. If following such consultation and action, if any by the CFD Administrator, the landowner or resident believes such error still exists, such person may file a written notice with the City Clerk of the City appealing the amount of the Special Tax levied on such Assessor's Parcel. Upon the receipt of any such notice, the City Clerk shall forward a copy of such notice to the City Manager who shall establish as part of the proceedings and administration of the CFD, a special three-member Review/Appeal Committee. The Review/Appeal Committee may establish such procedures, as it deems necessary to undertake the review of any such appeal. The Review/Appeal Committee shall interpret this Rate and Method of Apportionment and make determinations relative to the annual administration of the Special Tax and any landowner or resident appeals, as herein specified. The decision of the Review/Appeal Committee shall be final and binding as to all persons.

G. MANNER OF COLLECTION

Special Taxes levied pursuant to Section D above shall be collected in the same manner and at the same time as ordinary *ad valorem* property taxes; provided, however, that the CFD Administrator may directly bill the Special Tax, may collect Special Taxes at a different time or in a different manner if necessary to meet the financial obligations of the CFD or as otherwise determined appropriate by the CFD Administrator.

H. TERM OF SPECIAL TAX

Taxable Property in the CFD shall remain subject to the Special Tax in perpetuity.