

**PETITION FOR PROCEEDINGS TO CORRECT INCONSISTENCIES  
RELATED TO THE DESCRIPTION OF THE GEOGRAPHIC SCOPE OF THE AUTHORIZED  
SERVICES IN THE PROCEEDINGS FOR CITY OF OAKLAND COMMUNITY FACILITIES  
DISTRICT NO. 2017-1 (BROOKLYN BASIN PUBLIC SERVICES), AND DIRECTING  
RECORDATION OF AN AMENDED AND RESTATED BOUNDARY MAP AND AN AMENDED  
AND RESTATED NOTICE OF SPECIAL TAX LIEN**

June 30, 2023

City Council of the  
City of Oakland  
1 Frank H Ogawa Plaza  
Oakland, California 94612

Members of the Council:

This petition (the “**Petition**”) relates to a development, formerly known as the Oak-to-Ninth Avenue Mixed Use Development, and now known as the Brooklyn Basin Project (the “**Brooklyn Basin Project**”). The City of Oakland (the “**City**”), as an original party and as successor to the Redevelopment Agency of the City of Oakland, and Zarsion-OHP I, LLC, a California limited liability company (the “**Developer**”), as successor by assignment from Oakland Harbor Partners, LLC, are parties to that certain Development Agreement, dated August 24, 2006, approved by Ordinance No. 12760 C.M.S. adopted on July 18, 2006, related to development of the Brooklyn Basin Project (as amended and assigned, the “**Development Agreement**”).

The City Council previously conducted proceedings under, and pursuant to, the Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311 et seq.) (the “**Act**”), to form “City of Oakland Community Facilities District No. 2017-1 (Brooklyn Basin Public Services)” (“**CFD No. 2017-1**”), to authorize the levy of a special tax (the “**CFD No. 2017-1 Special Tax**”) upon the land within CFD 2017-1 to pay for certain public services (the “**Services**”).

The City Council declared its intention to form CFD No. 2017-1 pursuant to Resolution No. 86921 C.M.S., adopted on October 3, 2017 (the “**Resolution of Intention**”).

The City Council established CFD No. 2017-1 pursuant to Resolution No. 86960 C.M.S. adopted on November 7, 2017.

Pursuant to Resolution No. 86961 C.M.S., adopted on November 7, 2017, a mail ballot election was held of the three qualified landowner electors in CFD No. 2017-1, who were affiliated entities: (1) the Developer, who owned approximately 16.45 acres of taxable property in CFD No. 2017-1 and was entitled to seventeen (17) votes (approximately 80% of the total votes), (2) 250 Ninth Avenue Partners, LLC, a California Limited liability company, who owned approximately 1.54 acres of taxable property in CFD No. 2017-1 and was entitled to two (2) votes (approximately 10% of the total votes), and (3) Zarsion BBC, LLC, a California limited liability company, who owned approximately 1.44 acres of taxable property in CFD No. 2017-1 and was entitled to two (2) votes (approximately 10% of the total votes).

Following completion of the mail ballot election, the City Council determined in Resolution No. 86962 C.M.S., adopted on November 7, 2017, that more than two-thirds of all the votes cast at the election were in favor of the levy of the CFD No. 2017-1 Special Tax to finance the Services.

The City Council levied the CFD No. 2017-1 Special Tax on taxable properties in CFD No. 2017-1 pursuant to Ordinance No. 13463 C.M.S., adopted on November 28, 2017.

On December 13, 2017, the City Clerk caused to be recorded as Document No. 2017274055 in the official records of the County of Alameda, California (the “**Official Records**”) a Notice of Special Tax Lien (the “**Original Notice of Special Tax Lien**”) pursuant to which notice was given that a lien to secure the payment of the CFD No. 2017-1 Special Tax was imposed on taxable property in CFD No. 2017-1.

The Original Notice of Special Tax Lien referenced the boundary map of the District recorded at Book 18 of Maps of Assessment and Community Facilities Districts at Page 85 in the Official Records, which map was then the final boundary map of the District (the “**Original Boundary Map**”).

The Property Owner (as defined below) and City staff have determined that the CFD No. 2017-1 proceedings contain inconsistencies in the description of the location of the Services to be financed by CFD No. 2017-1, including failing to consistently describe the geographic scope of the Services as extending outside the boundaries of CFD No. 2017-1 (particularly, operation and maintenance of a major portion of the Maintained Improvements such as the parks, opens space, shoreline trails, and piers).

Pursuant to this Petition, the Property Owner is petitioning the City Council to undertake proceedings to correct such inconsistencies and to clarify that it was not the intent of the Development Agreement and Condition of Approval No. 38 for the Brooklyn Basin Project (collectively, the “Project Approvals”) or the CFD No. 2017-1 proceedings to limit the geographic scope of the Services for the Maintained Improvements to within the boundaries of CFD No. 2017-1.

1. Petitioners. This Petition is submitted pursuant to the Act to the City by the owner (the “**Property Owner**”) of 100% of the fee simple interest in the real property identified in Exhibit C attached hereto (the “**Property**”). The Property Owner warrants to the City with respect to the Property that the signatories are authorized to execute this Petition and that the submission of this Petition and participation in the City’s proceedings under the Act will not constitute a violation or event of default under any existing financing arrangement in any way affecting the Property Owner and such Property, including any “due-on-encumbrance” clauses under any existing deeds of trust secured by the Property.

2. Request to Institute Corrective Proceedings. The City Council is hereby requested to undertake proceedings to correct inconsistencies in the CFD No. 2017-1 proceedings with respect to the description of the location of the Services to be financed by CFD No. 2017-1. More specifically, in order to establish a clear record of the geographic scope of the Services, the Property Owner hereby asks the City Council to:

- a. Declare that it was not the intent of the Project Approvals or the CFD No. 2017-1 proceedings to limit the geographic scope of the Services to the boundaries of CFD No. 2017-1.

- b. Direct the City Clerk to cause to be recorded in the Official Records an amendment and restatement of the Original Boundary Map for CFD No. 2017-1 to supersede and replace the Original Boundary Map in the Official Records for the purpose of avoiding confusion by eliminating from the map any information that is not required to be presented on the map by the Act, including the erroneous depiction of the geographic scope of the Services, provided that such Amended and Restated Boundary Map shall not make any changes to the boundaries of CFD No. 2017-1. The proposed Amended and Restated Boundary Map is attached as Exhibit A.
- c. Direct the City Clerk to cause to be recorded in the Official Records an amendment and restatement of the Original Notice of Special Tax Lien for CFD No. 2017-1 for the purpose of correcting any erroneous language stating that the geographic scope of Services is limited to the area "within the District", "within the Brooklyn Basin project area", or similar language and by attaching to the description of the public services to be financed by the District in Exhibit A of the Original Notice of Special Tax Lien a map of the geographical scope of the public services to be financed by the District that is consistent with the Project Approvals and the intent of the CFD No. 2017 formation proceedings. The proposed Amended and Restated Notice of Special Tax Lien is attached as Exhibit B.

3. Counterparts. This Petition may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

By executing this Petition, the persons below agree to all of the above.

The property that is the subject of this Petition is identified on Exhibit C

The name of the owner of record of such property and the petitioner and its mailing address is:

250 NINTH AVENUE PARTNERS, LLC,  
a California limited liability company

By:  \_\_\_\_\_

Name: Michael Ghielmetti

Title: Authorized Individual

Mailing Address:

2335 Broadway, Suite 200  
Oakland, CA 94612  
Attention: Michael Ghielmetti  
Telephone: (510) 251-9270  
Email: mghielmetti@signaturedevelopment.com

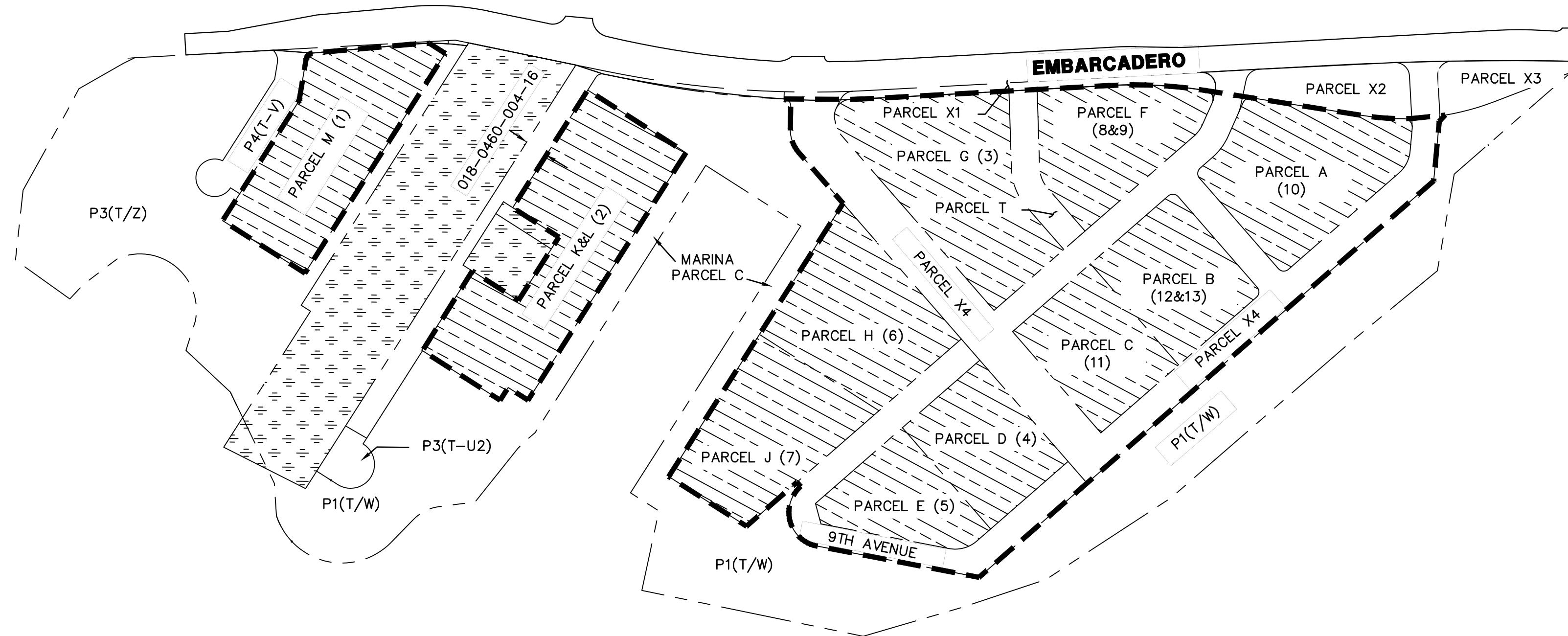
**EXHIBIT A**

**City of Oakland  
Community Facilities District No. 2017-1  
(Brooklyn Basin Public Services)**

**AMENDED AND RESTATED BOUNDARY MAP**

[attached]


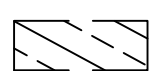
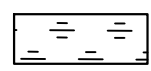
AMENDED AND RESTATED MAP OF BOUNDARIES OF CITY OF OAKLAND COMMUNITY FACILITIES DISTRICT NO. 2017-1 (BROOKLYN BASIN PUBLIC SERVICES), CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA



ORIGINAL TAXABLE PROPERTIES WITHIN OAKLAND COMMUNITY FACILITIES DISTRICT NO. 2017-1:

- (1) 018-0430-001-14\* - PARCEL M
- (2) 018-0460-004-11\* - PARCELS K&L
- (3) 018-0465-002-30\* - PARCEL G
- (4) 018-0465-015-00\* - PARCEL D
- (5) 018-0465-016-00\* - PARCEL E
- (6) 018-0465-017-00\* - PARCEL H
- (7) 018-0465-018-00\* - PARCEL J
- (8) 018-0465-002-18 - PARCEL F
- (9) 018-0465-002-20 - PARCEL F
- (10) 018-0465-012-00 - PARCEL A
- (11) 018-0465-014-00 - PARCEL C
- (12) 018-0465-019-00 - PARCEL B
- (13) 018-0465-020-00 - PARCEL B

LINETYPES & SYMBOLS

-  CFD 2017-1 BOUNDARY
-  ORIGINAL TAXABLE PROPERTIES WITHIN CFD 2017-1
-  PARCELS NOT INCLUDED IN BROOKLYN BASIN PROJECT, CFD 2017-1 BOUNDARY OR SERVICES AREAS

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF OAKLAND THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
CITY CLERK

I HEREBY CERTIFY THAT THE WITHIN AMENDED AND RESTATED MAP SHOWING PROPOSED BOUNDARIES OF CITY OF OAKLAND COMMUNITY FACILITIES DISTRICT NO. 2017-1 (BROOKLYN BASIN PUBLIC SERVICES), CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF OAKLAND AT A MEETING THEREOF, HELD ON THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_ BY ITS RESOLUTION NO. \_\_\_\_\_.

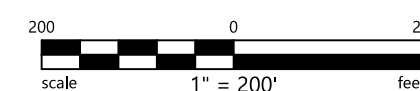
\_\_\_\_\_  
CITY CLERK

FILED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_, AT THE HOUR OF \_\_\_\_\_ O'CLOCK \_\_M., IN BOOK \_\_\_\_ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE \_\_\_\_ IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA.

\_\_\_\_\_  
COUNTY RECORDER, COUNTY OF ALAMEDA

BOUNDARY NOTES:

1. REFERENCE IS HEREBY MADE TO THE MAPS MAINTAINED BY THE ALAMEDA COUNTY ASSESSOR FOR AN EXACT DESCRIPTION OF THE LINES AND DIMENSIONS OF EACH LOT AND PARCEL.
2. SINCE RECORDATION OF THE CFD 2017-1 BOUNDARY MAP, SUBSEQUENT SUBDIVISIONS HAVE OCCURRED.



NOTE:

THE ORIGINAL MAP OF THE PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 2017-1 (BROOKLYN BASIN PUBLIC SERVICES), CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, WAS RECORDED ON OCTOBER 17, 2017, AT THE HOUR OF 12:04 P.M. IN BOOK 18 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE 85, DOCUMENT NO. 2017-229062, IN THE OFFICE OF THE COUNTY RECORDER IN ALAMEDA COUNTY, STATE OF CALIFORNIA. PURSUANT TO RESOLUTION NO. \_\_\_\_\_, ADOPTED ON JULY 18, 2023, THE CITY COUNCIL OF THE CITY OF OAKLAND DIRECTED THE CITY CLERK TO CAUSE TO BE RECORDED THIS AMENDED AND RESTATED MAP OF BOUNDARIES OF CITY OF OAKLAND COMMUNITY FACILITIES DISTRICT NO. 2017-1 (BROOKLYN BASIN PUBLIC SERVICES), CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, FOR THE PURPOSE OF ELIMINATING ALL REFERENCES TO THE LOCATION OF THE PUBLIC SERVICES TO BE FINANCED BY COMMUNITY FACILITIES DISTRICT NO. 2017-1 BECAUSE THE ORIGINAL MAP DID NOT ACCURATELY REPRESENT THE LOCATION OF SUCH PUBLIC SERVICES. CONCURRENTLY WITH RECORDING THIS AMENDED AND RESTATED MAP, THE CITY CLERK IS CAUSING TO BE RECORDED IN THE OFFICE OF THE COUNTY RECORDER AN AMENDED AND RESTATED NOTICE OF SPECIAL TAX LIEN FOR COMMUNITY FACILITIES DISTRICT NO. 2017-1 THAT WILL CORRECT ERRORS IN THE DESCRIPTION OF THE PUBLIC SERVICES TO BE FINANCED BY COMMUNITY FACILITIES STRICT NO. 2017-1.

**EXHIBIT B**

**AMENDED AND RESTATED NOTICE OF SPECIAL TAX LIEN**  
[attached]

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

City Clerk  
City of Oakland  
City Hall, 1 Frank H Ogawa Plaza  
Oakland, CA 94612

**AMENDED AND RESTATED  
NOTICE OF SPECIAL TAX LIEN**

**City of Oakland  
Community Facilities District No. 2017-1  
(Brooklyn Basin Public Services)**

**Original Notice of Special Tax Lien**

Pursuant to the requirements of Section 3114.5 of the California Streets and Highways Code of California and Section 53328.3 of the California Government Code, the undersigned City Clerk of the City of Oakland (the "City"), County of Alameda, State of California, previously gave notice that a lien to secure payment of a special tax had been imposed by the City Council of the City of Oakland, County of Alameda, State of California (the "City Council"). The City Clerk gave notice by recordation of a Notice of Special Tax Lien in the Office of the Clerk- Recorder of the County of Alameda, State of California (the "Official Records") on December 13, 2017, at the hour of 1:03 p.m. as Document No. 2017274055 (the "Original Notice of Special Tax Lien").

The Original Notice of Special Tax Lien gave notice that the special tax secured by such lien was authorized to be levied on taxable properties in the above-referenced City of Oakland Community Facilities District No. 2017-1 (Brooklyn Basin Public Services) (the "District") for the purpose of paying for the full cost and all direct and incidental costs related to the provision of public services and the maintenance, operation, repair, and replacement costs of certain public infrastructure as described on Exhibit A to the Original Notice of Special Tax Lien, including, but not limited to, expenses of the administration of the District.

The Original Notice of Special Tax Lien further gave notice that the special tax was authorized to be levied within the District, which had been officially formed, and the lien of the special tax was a continuing lien which shall secure each annual levy of the special tax and which shall continue in force and effect until the special tax ceases to be levied and a notice of cessation of special tax is recorded in accordance with Section 53330.5 of the Government Code.

The rate, method of apportionment, and manner of collection of the authorized special tax was as set forth in Exhibit B to the Original Notice of Special Tax Lien and as set forth (without change) in Exhibit B attached hereto and hereby made a part hereof. No provision has been made for the prepayment of the special tax.

The Original Notice of Special Tax Lien further gave notice that upon the recording of the Original Notice of Special Tax Lien in the office of the County Clerk-Recorder of the County of Alameda, the obligation to pay the special tax levy would become a lien upon all nonexempt real property within District in accordance with Section 3115.5 of the California Streets and Highways Code.

The name(s) of the owner(s) and the assessor's tax parcel numbers of the real property included within the area of District were set forth in Exhibit C attached to the Original Notice of Special Tax Lien and are set forth (without change) in Exhibit C attached hereto and made a part hereof.

The Original Notice of Special Tax Lien referenced the boundary map of the District recorded at Book 18 of Maps of Assessment and Community Facilities Districts at Page 85, in the Official Records, which map was then the final boundary map of the District (the "Original Boundary Map").

### **Amended and Restated Notice of Special Tax Lien**

The City Clerk hereby gives notice that, on July 18, 2023, the City Council, in its capacity as the legislative body of the District, held a noticed public hearing on whether it had been the intent of the project approvals for the Brooklyn Basin Project (including the related Development Agreement) and the District proceedings to limit the geographic scope of the public services to be financed by the District to within the boundaries of the District, and all interested persons desiring to be heard on such matters were heard. Upon completion of the public hearing, and having determined that it was not the intent of the Brooklyn Basin project approvals (including the related Development Agreement) and the District proceedings to limit the geographic scope of the public services to be financed by the District to within the boundaries of the District, the City Council adopted its Resolution No. \_\_\_\_ C.M.S. , adopted on \_\_\_\_\_, 2023 (the "Corrective Resolution").

Pursuant to the Corrective Resolution, the City Council directed the City Clerk to cause to be recorded in the in the office of the County Clerk-Recorder of the County of Alameda an amendment and restatement of the Original Boundary Map (the "Amended and Restated Boundary Map") to supersede and replace the Original Boundary Map in the Official Records for the purpose of avoiding confusion by eliminating from the map any information that is not required to be presented on the map by the Act, including the erroneous depiction of the geographic scope of the Services, provided that such Amended and Restated Boundary Map shall not make any changes to the boundaries of CFD No. 2017-1, which Amended Boundary Map has been recorded in Book \_\_\_\_ of Maps of Assessment and Community Facilities Districts at Page \_\_\_\_, in the Official Records, and is now the final boundary map of the District. There has been no change in the boundaries of the District.

Pursuant to the Corrective Resolution, the City Council also directed the City Clerk to cause to be recorded in the Official Records this Amended and Restated Notice of Special Tax for the purpose of correcting any erroneous language stating that the geographic scope of public services to be financed by the District is limited to the area "within the District," "within the Brooklyn Basin project area", or similar language, and by attaching to the description of the public services to be financed by the District in Exhibit A of the Original Notice of Special Tax Lien a map of the geographical scope of the public services to be financed by the District that is consistent with the Project Approvals and the intent of the CFD No. 2017 formation proceedings.



Pursuant to the Corrective Resolution, the City Council resolved that, in making the findings and determinations and directing the City Clerk to take the actions set forth in the Corrective Resolution, the City Council intended to correct the inconsistencies in the description of the geographic scope of the public services to be financed by the District in all of the District proceedings, and in the event of any inconsistency between the Corrective Resolution and the District proceedings, the provisions of the Corrective Resolution shall apply to the extent of the inconsistency.

**Further Information**

For further information concerning the current and estimated future tax liability of owners or purchasers of real property subject to this special tax lien, interested persons should contact the City Administrator of the City of Oakland, 1 Frank H. Ogawa Plaza, Oakland, California 94612; Telephone: (510) 238-3301.

Dated: As of \_\_\_\_\_, 2023

By: \_\_\_\_\_  
Asha Reed  
City Clerk

## **EXHIBIT A**

### **NOTICE OF SPECIAL TAX LIEN**

**City of Oakland  
Community Facilities District No. 2017-1  
(Brooklyn Basin Public Services)**

#### **DESCRIPTION OF SERVICES TO BE FINANCED BY THE DISTRICT**

*The description of public services set forth in this Exhibit A has been corrected in accordance with the Corrective Resolution. Any deletions are shown in strike-out and any additions are shown in double underline.*

#### **Services**

The services to be funded, in whole or in part, by the City of Oakland Community Facilities District No. 2017-1 (Brooklyn Basin Public Services) (“CFD” or “District”) include the full cost of all direct and incidental costs related to providing public services and maintenance, operation, repair, or replacement of certain public infrastructure within ~~the District~~ the areas shown on Attachment 1 attached hereto and incorporated herein. More specifically, the services may include, but are not limited to: (i) maintenance, repair, and replacement of parks and landscaping in public areas and in the public right of way along public streets, including, but not limited to, irrigation, tree trimming, mowing, hardscape, sidewalk, and related maintenance of equipment specific to the Brooklyn Basin facilities, and vegetation maintenance and control; (ii) operation and maintenance of street lights, street furniture, and other appurtenances; (iii) storm protection services, including, but not limited to, the operation and maintenance, repair, and replacement of storm drainage systems that are reasonably necessary for the storm water management, treatment and mitigation requirements for the District (storm water management expressly excludes gravity flow conveyance improvements (pipes, catch basins, etc.)); (iv) annual inspection and reporting obligations associated with the parks, open space areas, public rights-of-way and ground water monitoring wells as required by the applicable operations and maintenance plan and (v) any other public services authorized to be funded under Section 53313 of the California Government Code that are also stipulated as maintenance obligations pursuant to the Development Agreement dated as of August 24, 2006, as amended from time to time, relating to the Brooklyn Basin project and recorded against all of the real property covered thereby.

The CFD may fund any of the following related to the services described in the preceding paragraph: (i) obtaining, constructing, furnishing, operating, maintaining, repairing, replacing, and environmental monitoring of equipment, apparatus, or facilities related to providing the services and/or equipment, apparatus, facilities, or fixtures in areas to be maintained; (ii) paying the salaries and benefits, or consultant fees, of personnel necessary or convenient to provide the services; (iii) payment of insurance costs and other related expenses; (iv) the provision of reserves for deposit in a reserve fund to be used for repairs and replacements, particularly including decks and pilings associated with piers and marinas, the funds in which shall be used solely for repairs and replacement; and (v) administrative and incidental expenses, as described below. The services to be financed by the CFD are in addition to those provided in the territory of the CFD before the date of formation of the CFD and will not supplant services already available within that territory when the CFD is created.

#### **Administrative Expenses**

The administrative expenses to be funded by the CFD include the full cost of direct and indirect expenses incurred by the City of Oakland (“City”) in carrying out its duties with respect to the CFD including, but not limited to: (i) the levy and collection of the special taxes; (ii) the fees and expenses of attorneys; (iii) any fees of the County of Alameda related to the CFD or the collection of special taxes; (iv) an allocable share of the salaries and benefits of any City staff, or consultant fees, directly related thereto and a proportionate amount of the City’s general administrative overhead related thereto; (v) any amounts paid by the City with respect to the CFD or the services authorized to be financed by the CFD; (vi) expenses incurred by the City in undertaking action to foreclose on properties for which the payment of special taxes is delinquent; and (vii) all other costs and expenses of the City in any way related to the CFD.

**Other**

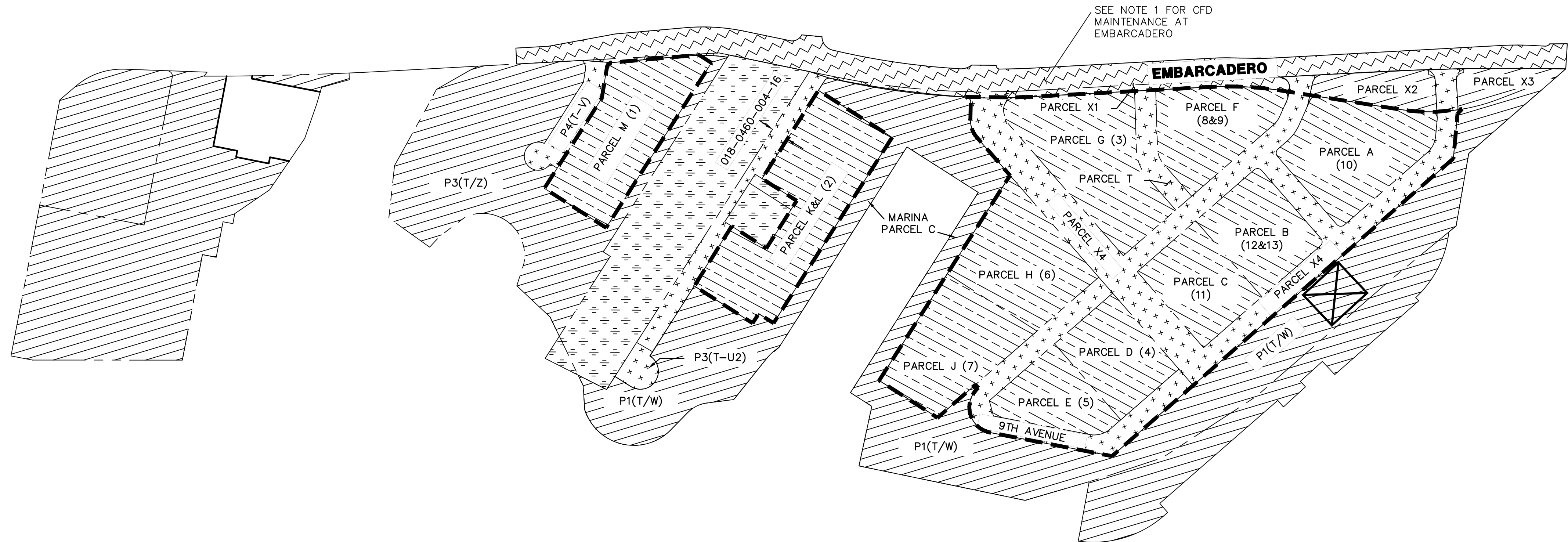
The incidental expenses that may be funded by the CFD include, in addition to the administrative expenses identified above, the payment or reimbursement to the CFD of the full cost of expenses associated with the establishment and ongoing administration of the CFD.

Attachment 1

[Attached]

Attachment 1 has been added in accordance with the Corrective Resolution.

MAP OF AREAS WHERE AUTHORIZED SERVICES ARE FINANCED BY CITY OF OAKLAND  
COMMUNITY FACILITIES DISTRICT NO. 2017-1 (BROOKLYN BASIN PUBLIC SERVICES),  
CITY OF OAKLAND, COUNTY OF ALAMEDA, STATE OF CALIFORNIA



SEE NOTE 1 FOR CFD  
MAINTENANCE AT  
EMBARCADERO

ORIGINAL TAXABLE PROPERTIES WITHIN OAKLAND COMMUNITY FACILITIES DISTRICT NO. 2017-1:



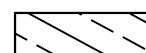
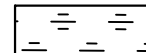
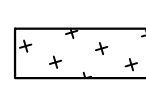


- (1) 018-0430-001-14\* - PARCEL M
- (2) 018-0460-004-11\* - PARCELS K&L
- (2) 018-0465-002-30\* - PARCEL G
- (3) 018-0465-015-00\* - PARCEL D
- (4) 018-0465-016-00\* - PARCEL E
- (5) 018-0465-017-00\* - PARCEL H
- (6) 018-0465-018-00\* - PARCEL J
- (7) 018-0465-002-18 - PARCEL F
- (8) 018-0465-002-20 - PARCEL F
- (9) 018-0465-012-00 - PARCEL A
- (10) 018-0465-014-00 - PARCEL C
- (11) 018-0465-019-00 - PARCEL B
- (13) 018-0465-020-00 - PARCEL B

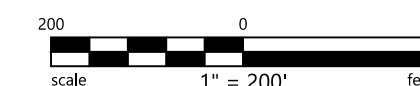
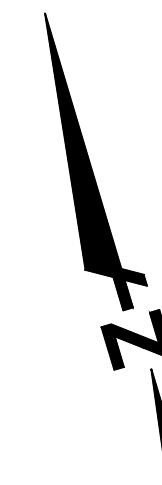
\* PURSUANT TO RESOLUTION NO. \_\_\_\_\_, ADOPTED ON JULY 18, 2023, THE CITY COUNCIL OF THE CITY OF OAKLAND DETERMINED THAT SUBJECT TO CERTAIN CONDITIONS THAT HAVE BEEN SATISFIED, THE LIEN OF THE SPECIAL TAX LEVIED IN COMMUNITY FACILITIES DISTRICT NO. 2017-1 SHALL BE EXTINGUISHED WITH RESPECT TO THIS PARCEL AND DIRECTED RECORDATION OF A NOTICE OF CESSATION THAT COMPLIES WITH THE REQUIREMENTS OF CALIFORNIA GOVERNMENT CODE SECTION 53330.5 FOR THE PURPOSE OF EXTINGUISHING THE LIEN OF THE SPECIAL TAX LEVIED IN COMMUNITY FACILITIES DISTRICT NO. 2017-1 ON THIS PARCEL.

BOUNDARY NOTES:

1. REFERENCE IS HEREBY MADE TO THE MAPS MAINTAINED BY THE ALAMEDA COUNTY ASSESSOR FOR AN EXACT DESCRIPTION OF THE LINES AND DIMENSIONS OF EACH LOT AND PARCEL.
2. SINCE RECORDATION OF THE CFD 2017-1 BOUNDARY MAP, SUBSEQUENT SUBDIVISIONS HAVE OCCURRED.

LINETYPES & SYMBOLS

-  CFD 2017-1 BOUNDARY
-  AREAS WHERE AUTHORIZED SERVICES ARE FINANCED BY CFD 2017-1
-  ORIGINAL TAXABLE PROPERTIES WITHIN CFD 2017-1
-  PARCELS NOT INCLUDED IN BROOKLYN BASIN PROJECT, CFD 2017-1 BOUNDARY OR SERVICES AREAS
-  PUBLIC STREETS MAINTENANCE AND RESERVES LIMITED TO LANDSCAPE IMPROVEMENTS, IRRIGATION IMPROVEMENTS, SIDEWALKS, STREETLIGHTS, AND UTILITY COSTS INCURRED FOR CONTROLLER OPERATIONS AND IRRIGATION
-  DEPICT GENERAL AREA OF 9TH AVENUE TERMINAL SHED BUILDING SOLELY FOR PURPOSES OF INDICATING THAT PUBLIC RESTROOMS WITHIN THE BUILDING ARE WITHIN THE SERVICES AREA OF CFD 2017-1
-  EMBARCADERO SERVICE AREA. SEE MAINTENANCE NOTE 1 BELOW



MAINTENANCE NOTE:

1. TO THE EXTENT CONSISTENT WITH THE DESCRIPTION OF AUTHORIZED SERVICES IN THIS AMENDED AND RESTATED NOTICE OF SPECIAL TAX LIEN, CFD MAINTENANCE ON EMBARCADERO INCLUDES ALL OF THE LANDSCAPING ON EMBARCADERO (TREES, PALMS AND SHRUBS) AND RESERVES FOR THE REPLACEMENT OF LANDSCAPING, MAINTENANCE OF THE SIDEWALK (ON THE SOUTH SIDE OF EMBARCADERO), MAINTENANCE, RESERVES FOR IRRIGATION, AND UTILITY COSTS INCURRED FOR CONTROLLER OPERATIONS AND IRRIGATION.

## **EXHIBIT B**

### **CITY OF OAKLAND COMMUNITY FACILITIES DISTRICT No. 2017-1 (BROOKLYN BASIN PUBLIC SERVICES)**

#### **RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX**

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A Special Tax shall be levied on all Assessor's Parcels in the City of Oakland Community Facilities District No. 2017-1 (Brooklyn Basin Public Services) ("CFD No. 2017-1") and collected each Fiscal Year commencing in Fiscal Year 2017-18, in an amount determined by the City Council of the City of Oakland through the application of the Rate and Method of Apportionment, as described below. All of the real property in CFD No. 2017-1, 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 as may hereinafter be set forth have the following meanings:

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

**"Administrative Expenses"** means the following actual or reasonably estimated costs directly related to the administration of CFD No. 2017-1: the costs of computing the Special Taxes and preparing the annual Special Tax collection schedules (whether by the City or CFD No. 2017-1 or both); the costs of collecting the Special Taxes (whether by the County or otherwise); the costs associated with preparing Special Tax disclosure statements and responding to public inquiries regarding the Special Taxes; the costs of the City or CFD No. 2017-1 related to an appeal of the Special Tax; the City's administration fees and third party expenses; the costs of City staff time and reasonable overhead related to CFD No. 2017-1; and amounts estimated or advanced by the City or CFD No. 2017-1 for any other administrative purposes of CFD No. 2017-1, including attorney's fees and other costs related to commencing and pursuing to completion any foreclosure of delinquent Special Taxes.

**"Affordable Housing Property"** means, for each Fiscal Year, all or a portion of any Assessor's Parcel within the boundaries of CFD No. 2017-1 that is subject to a deed restriction, resale restriction, or regulatory agreement recorded in favor of the City that restricts rent or prices chargeable to lower income households.

**"Airspace Parcel"** means a parcel with an assigned Assessor's Parcel Number that constitutes vertical space of an underlying land parcel.

**“Assessor’s Parcel”** means a lot or parcel, including an Airspace Parcel, shown on an Assessor’s Parcel Map with an assigned Assessor’s Parcel Number.

**“Assessor’s Parcel Map”** means an official map of the Assessor of the County designating parcels by Assessor’s Parcel Number.

**“Assessor’s Parcel Number”** means, with respect to an Assessor’s Parcel, that number assigned to such Assessor’s Parcel by the County for purposes of identification.

**“Building Department”** means a designee from the Planning and Building Department of the City or any alternate department responsible for building permit issuance, inspections, and final approval. If there is any doubt as to the responsible party, the CFD Administrator shall coordinate with the City to determine the appropriate party to serve as the Building Department for purposes of this Rate and Method of Apportionment.

**“Certificate of Occupancy”** or **“COO”** means a certificate issued by the City or a letter written by the Building Department to the CFD Administrator to confirm that a building or a portion of a building has met all of the building codes and can be occupied for residential and/or non-residential use. “Certificate of Occupancy” may include any temporary certificate of occupancy issued by the City.

**“CFD Administrator”** means an official of the City responsible for determining the Special Tax Requirement, providing for the levy and collection of the Special Tax, and performing the other duties provided for herein.

**“CFD No. 2017-1”** means City of Oakland Community Facilities District No. 2017-1 (Brooklyn Basin Public Services).

**“City”** means the City of Oakland, California.

**“City Council”** means the City Council of the City, acting as the legislative body of CFD No. 2017-1.

**“County”** means the County of Alameda.

**“CPI”** means, for each Fiscal Year, the Consumer Price Index published by the U.S. Bureau of Labor Statistics for All Urban Consumers in the San Francisco – Oakland – San Jose Area, measured as of the month of December in the calendar year that ends in the previous Fiscal Year. In the event this index ceases to be published, the CPI shall be another index as determined by the CFD Administrator that is reasonably comparable to the Consumer Price Index for the San Francisco – Oakland – San Jose Area.

**“Developed Property”** means, for each Fiscal Year, all Assessor’s Parcels of Taxable Property for which a Certificate of Occupancy was issued after January 1, 2017, and on or before June 30 of the previous Fiscal Year.

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

**“For Sale Unit”** means, for each Fiscal Year, a residential dwelling unit which has been, or is deemed to be, offered for sale as part of an Initial Offering Event.

**“Initial Offering Event”** will be deemed to have occurred for all Units within a given Offering Building if, in any Fiscal Year, the CFD Administrator has determined that any Units in such Offering Building have been offered to the public for sale or rent for the first time during or following construction of the Offering Building and on or before June 30 of the previous Fiscal Year. An Initial Offering Event shall only occur once for each Offering Building and shall apply uniformly to all Units within each Offering Building, as either a for sale offering or rental offering, regardless of whether every Unit in an Offering Building was actually offered at the time of the Initial Offering Event.

**“Interim Unit”** means, for each Fiscal Year, a planned or constructed residential dwelling unit which has not been, or has not been deemed to be, offered for sale or rent as part of an Initial Offering Event.

**“Land Use Class”** means any of the classes listed in Table 1 below.

**“Maximum Special Tax”** means, with respect to an Assessor’s Parcel of Taxable Property, the maximum Special Tax determined in accordance with Section C below that can be levied in any Fiscal Year on such Assessor’s Parcel of Taxable Property.

**“Non-Residential”** means any buildings or portions of buildings that are used for or are expected to be used for a commercial lodging use, commercial retail use, institutional use (e.g., churches, private schools), commercial restaurant use, office use, or industrial use.

**“Non-Residential Property”** means, for each Fiscal Year, all or a portion of any Assessor’s Parcel of Developed Property that is used for or is expected to be used for a Non-Residential use.

**“Offering Building”** means an exclusive group of Units within a permanent, enclosed structure that is planned for or constructed on an Assessor’s Parcel of Taxable Property. An Offering Building shall consist of adjacent Units that are expected to be offered to the public at approximately the same time either exclusively for sale or exclusively for rent. An Offering Building may be physically connected to another structure or Offering Building, but each individual Offering Building will be treated separately for purposes of determining the Special Tax for each Unit within an Offering Building.

**“Property Owner Association Property”** means, for each Fiscal Year, property within the boundaries of CFD No. 2017-1 that was owned by a property owner association, including any master or sub-association, as of January 1 of the prior Fiscal Year.

**“Proportionately”** means that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor's Parcels of Taxable Property.



**“Public Property”** means, for each Fiscal Year, property within the boundaries of CFD No. 2017-1 that is: (a) owned by, irrevocably offered to, or dedicated to the federal government, the State, the County, the City, or any local government or other public agency; or (b) encumbered by an easement for purposes of public right-of-way that makes impractical its use for any purpose other than that set forth in such easement, provided that any property leased by a public agency to a private entity and subject to taxation under Section 53340.1 of the Act shall be taxed and classified according to its use.

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

**“Rental Unit”** means, for each Fiscal Year, a residential dwelling unit which has been, or is deemed to be, offered for rent as part of an Initial Offering Event.

**“Residential Property”** means, for each Fiscal Year, all or a portion of any Assessor’s Parcel of Developed Property that is planned for, or constructed as, one or more Units.

**“Services”** means the services authorized to be financed, in whole or in part, by CFD No. 2017-1, including all direct and incidental costs related to providing public services and maintenance, operation, repair, or replacement of certain public infrastructure within the Brooklyn Basin project area.

**“Special Tax”** means the special tax authorized by the qualified electors of CFD No. 2017-1 to be levied within the boundaries of CFD No. 2017-1.

**“Special Tax Requirement”** means the amount necessary in any Fiscal Year to pay the cost of the Services, Administrative Expenses, and an amount equal to Special Tax delinquencies based on the historical delinquency rate for Special Taxes, as determined by the CFD Administrator.

**“Square Footage”** or **“Sq. Ft.”** means the gross leasable square footage of a Non-Residential Property as reflected on a building permit or Certificate of Occupancy issued by the City, a lease agreement, or other such document.

**“State”** means the State of California.

**“Taxable Property”** means, for each Fiscal Year, all Assessor’s Parcels within the boundaries of CFD No. 2017-1 which are not exempt from the Special Tax pursuant to law or Section E below.

**“Unit”** means a For Sale Unit, Interim Unit, or Rental Unit.

**B. ASSIGNMENT TO LAND USE CATEGORIES**

Each Fiscal Year, beginning with Fiscal Year 2017-18, the CFD Administrator shall identify the current Assessor's Parcel Numbers for all Taxable Property and Affordable Housing Property within CFD No. 2017-1. The CFD Administrator shall then identify all Developed Property by working with the Building Department to catalog all COOs issued on Taxable Property on or before June 30 of the prior Fiscal Year. Subsequently, all Developed Property shall be classified as Residential Property or Non-Residential Property. The CFD Administrator shall also determine: (i) the number of Units assigned to each Offering Building, which may include Units that can be classified as Affordable Housing Property; (ii) the current Assessor's Parcel Number associated with each Unit and Non-Residential Property; and (iii) the Square Footage of Non-Residential Property.

On or about July 1 of each Fiscal Year, the CFD Administrator shall determine whether an Initial Offering Event has occurred for any Offering Building, and if so, whether any Units within such Offering Building were offered for rent or for sale. After making these determinations, the CFD Administrator shall further classify each Unit of Residential Property as a For Sale Unit, Interim Unit, or Rental Unit. Once a residential dwelling unit has been classified as a For Sale Unit or a Rental Unit, it may not be reclassified in future Fiscal Years.

The CFD Administrator may make any determination in this Section B by using any reasonable source of information, including: a building permit issued by the City; an Assessor's Parcel Map; ownership information as reflected on the rolls of the County Assessor; a lease agreement; a close of escrow date; or any other relevant information as determined by the CFD Administrator.

**C. MAXIMUM SPECIAL TAX**

The Maximum Special Tax for each Assessor's Parcel classified as Taxable Property shall be determined by reference to Table 1 below.

**TABLE 1  
MAXIMUM SPECIAL TAX**

<b>Land Use Class</b>	<b>Maximum Special Tax Fiscal Year 2017-18</b>
<b>Residential Property:</b>	
For Sale Unit	\$1,023 per Unit
Rental Unit	\$902 per Unit
Interim Unit	\$902 per Unit
<b>Non-Residential Property</b>	<b>\$0.90 per Sq. Ft.</b>

Beginning July 1, 2018, and each July 1 thereafter, the Maximum Special Tax shall be subject to an automatic increase at a rate equal to the greater of: (i) the percentage increase from the prior Fiscal Year, if any, in the CPI; or (ii) 4.8% of the amount in effect for the prior Fiscal Year.

In some instances an Assessor's Parcel of Taxable Property may contain more than one Land Use Class. The Maximum Special Tax levied on an Assessor's Parcel shall be the sum of the Maximum Special Tax for all Units of Residential Property and Square Footage of Non-Residential Property located on that Assessor's Parcel.

**D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX**

Each Fiscal Year, beginning with Fiscal Year 2017-18, the CFD Administrator shall determine the Special Tax Requirement. The Special Tax shall then be levied Proportionately on each Assessor's Parcel of Taxable Property up to 100% of the applicable Maximum Special Tax for such Assessor's Parcel, or until the Special Tax Requirement is satisfied, whichever is less.

**E. EXEMPTIONS**

Notwithstanding anything in this Rate and Method of Apportionment to the contrary, no Special Tax shall be levied on Public Property or Property Owner Association Property. Additionally, no Special Tax shall be levied on up to 465 Units of Affordable Housing Property. Tax-exempt status will be assigned to Units of Affordable Housing Property in the chronological order in which property becomes Affordable Housing Property. However, should a Unit no longer be classified as Affordable Housing Property, its tax-exempt status will be revoked.

**F. APPEALS**

Any property owner may file a written appeal of the Special Tax with CFD No. 2017-1 claiming that the amount or application of the Special Tax is not correct. The appeal must be filed not later than one calendar year after having paid the Special Tax that is disputed, and the appellant must be current in all payments of Special Taxes. In addition, during the term of the appeal process, all Special Taxes levied must be paid on or before the payment date established when the levy was made.

The appeal must specify the reasons why the appellant claims the Special Tax is in error. The CFD Administrator shall review the appeal, meet with the appellant if the CFD Administrator deems necessary, and advise the appellant of its determination.

If the property owner disagrees with the CFD Administrator's decision relative to the appeal, the owner may then file a written appeal with the City Council, whose subsequent decision shall be final and binding on all interested parties. If the decision of the CFD Administrator or subsequent decision by the City Council requires the Special Tax to be

modified or changed in favor of the property owner, then the CFD Administrator shall determine if sufficient Special Tax revenue is available to make a cash refund. If a cash refund cannot be made, then an adjustment shall be made to credit future Special Tax levy(ies).

This procedure shall be exclusive and its exhaustion by any property owner shall be a condition precedent to filing any legal action by such owner.

**G. MANNER OF COLLECTION**

The Special Taxes shall be collected in the same manner and at the same time as ordinary *ad valorem* property taxes; provided, however, that the Special Taxes may be collected in such other manner as the City Council shall determine, including direct billing of affected property owners.

**H. TERM OF SPECIAL TAX**

The Special Tax shall continue to be levied indefinitely on an annual basis on all Taxable Property in CFD No. 2017-1.

**I. INTERPRETATION OF SPECIAL TAX FORMULA**

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

**EXHIBIT C**  
**LIST OF PARCELS**

<b>APN</b>	<b>Acreage</b>
018-0465-019-00 & 018-0465-020-00	1.54