



## Empire Union School District

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 Modesto, CA 95357  
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Elizabeth A. King  
 Clerk, Board of Supervisors  
 1010 Tenth Street, Suite 6500  
 Modesto, CA 95354

Dear Ms. King:

On July 14, 2016, the Governing Board of the Empire Union School District approved a change in School Facilities Developer Fees, effective September 12, 2016. This change increases the total residential fee from \$3.36 to \$3.48 per square foot and the commercial/industrial construction fee from \$0.54 to \$0.56 per square foot, to be collected as a condition of issuance of building permits.

If you have any questions or need further information, please contact me at 521-2800, Ext. 2220.

Sincerely,

*D.E. Garcia*

David E. Garcia  
 Superintendent

Enclosure (3)

**EMPIRE UNION SCHOOL DISTRICT  
BOARD OF TRUSTEES  
RESOLUTION #13b-071416  
INCREASING SCHOOL FACILITIES FEES AS AUTHORIZED  
BY GOVERNMENT CODE SECTION 65995 (b) 3**

**WHEREAS**, Statue AB 2926 (Chapter 887/Statues of 1986) authorizes the governing board of any school district to levy a fee, charge, dedication or other form of requirement against any development project for the reconstruction of school facilities; and,

**WHEREAS**, Government Code Section 65995 establishes a maximum amount of fee that may be charged against such development projects and authorizes the maximum amount set forth in said section to be adjusted for inflation every two years as set forth in the state-wide cost index for Class B construction as determined by the State Allocation Board in its January meeting; and,

**WHEREAS**, at its February 24, 2016, meeting, the State Allocation Board approved the maximum fee authorized by Education Code Section 17620 to \$3.48 per square foot of residential construction described in Government Code Section 65995(b)(1) and \$0.56 per square foot against commercial and industrial construction described in Government Code Section 65995(b)(2) ; and

**WHEREAS**, the purpose of this Resolution is to approve and adopt fees on residential projects in the amount of up to \$3.48 per square foot as authorized by Education Code Section 17620; and,

**WHEREAS**, the purpose of this Resolution is to approve and adopt fees on commercial and industrial development projects in the amount of up to \$0.56 per square foot as described in Government Code Section 65995(b)(2). The mini-storage category of commercial/industrial justification has less impact than the statutory \$0.56 per square foot commercial/industrial justification and should be collected at the justified rate of \$0.03 per square foot.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Governing Board of the Empire Union School District as follows:

1. Procedure. This Board hereby finds that prior to the adoption of this Resolution, the Board conducted a public hearing at which oral and written presentations were made, as part of the Board's regularly scheduled July, 2016, meeting. Notice of the time and place of the meeting, including a general explanation of the matter to be considered, has been published twice in a newspaper in accordance with Government Code Section 66016, and a notice, including a statement that the data required by Government Code Section 66016 was available, was mailed at least 14 days prior to the meeting to any interested party who had filed a written request with the District for mailed notice of the meeting on new fees or service charges within the period specified by law. Additionally, at least 10 days prior to the meeting, the District made available to the public, data indicating the amount of the cost, or estimated cost, required to provide the service for which the fee or service charge is to be adjusted pursuant to this Resolution, and the revenue sources

anticipated to provide this service. By way of such public meeting, the Board received oral and written presentations by District staff which are summarized and contained in the District's Developer Fee Implementation Study dated June 22, 2016, (hereinafter referred to as the "Plan") and which formed the basis for the action taken pursuant to this Resolution.

2. Findings. The Board has reviewed the Plan as it relates to proposed and potential development, the resulting school facilities needs, the cost thereof, and the available sources of revenue including the fees provided by this Resolution, and based thereon and upon all other written and oral presentations to the Board, hereby makes the following findings:
  - A. Additional development projects within the District, whether new residential construction or residential reconstruction involving increases in assessable area greater than 500 square feet, or new commercial or industrial construction will increase the need for reconstruction of school facilities.
  - B. Without reconstruction of present school facilities, any further residential development projects or commercial or industrial development projects within the District will result in a significant decrease in the quality of education presently offered by the District;
  - C. The fees proposed in the Plan and the fees implemented pursuant to this Resolution are for the purposes of providing adequate school facilities to maintain the quality of education offered by the District;
  - D. The fees proposed in the Plan and implemented pursuant to this Resolution will be used for the reconstruction of school facilities as identified in the Plan;
  - E. The uses of the fees proposed in the Plan and implemented pursuant to this Resolution are reasonably related to the types of development projects on which the fees are imposed;
  - F. The fees proposed in the Plan and implemented pursuant to this Resolution bear a reasonable relationship to the need for reconstructed school facilities created by the types of development projects on which the fees are imposed.
  - G. The fees proposed in the Plan and implemented pursuant to this Resolution do not exceed the estimated amount required to provide funding for the reconstruction of school facilities for which the fees are levied; and in making this finding, the Board declares that it has considered the availability of revenue sources anticipated to provide such facilities, including general fund revenues;
  - H. The fees imposed on commercial or industrial development bear a reasonable relationship and are limited to the needs of the community for schools and are reasonably related and limited to the need for reconstructed school facilities caused by the development;
  - I. The fees will be collected for school facilities for which an account has been established and funds appropriated and for which the district has adopted a

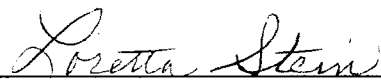
reconstruction schedule and/or to reimburse the District for expenditures previously made.


3. Fee. Based upon the foregoing findings, the Board hereby increases the previously levied fee to the amount of up to \$3.48 per square foot for assessable space for new residential construction and for residential reconstruction to the extent of the resulting increase in assessable areas; and to the amount of up to \$0.56 per square foot for new commercial or industrial construction. The mini-storage category of commercial/industrial justification has less impact than the statutory \$0.56 per square foot commercial/industrial justification and should be collected at the justified rate of \$0.03 per square foot.
4. Fee Adjustments and Limitation. The fees adjusted herewith shall be subject to the following:
  - A. The amount of the District's fees as authorized by Education Code Section 17620 shall be reviewed every two years to determine if a fee increase according to the adjustment for inflation set forth in the statewide cost index for Class B construction as determined by the State Allocation Board is justified.
  - B. Any development project for which a final map was approved and construction had commenced on or before September 1, 1986, is subject only to the fee, charge, dedication or other form of requirement in existence on that date and applicable to the project.
  - C. The term "development project" as used herein is as defined by Section 65928 of the Government Code.
5. Additional Mitigation Methods. The policies set forth in this Resolution are not exclusive and the Board reserves the authority to undertake other or additional methods to finance school facilities including but not limited to the Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311, et seq.) and such other financing mechanisms. The Board reserves the authority to substitute the dedication of land or other property or other form of requirement in lieu of the fees levied by way of this Resolution at its discretion, so long as the reasonable value of land to be dedicated does not exceed the maximum fee amounts contained herein or modified pursuant hereto.
6. Implementation. For residential, commercial or industrial projects within the District, the Superintendent, or the Superintendent's designee, is authorized to issue Certificates of Compliance upon the payment of any fee levied under the authority of this Resolution.
7. California Environmental Quality Act. The Board hereby finds that the implementation of Developer Fees is exempt from the California Environmental Quality Act (CEQA).
8. Commencement Date. The effective date of this Resolution shall be September 12, 2016, which is 60 days following its adoption by the Board.

9. Notification of Local Agencies. The Secretary of the Board is hereby directed to forward copies of this Resolution and a Map of the District to the Planning Commission and Board of Supervisors of Stanislaus County and to the Planning Commission and City Council of the City of Modesto.
  
10. Severability. If any portion of this Resolution is found by a Court of competent jurisdiction to be invalid, such finding shall not affect the validity of the remaining portions of this Resolution. The Board hereby declares its intent to adopt this Resolution irrespective of the fact that one or more of its provisions may be declared invalid subsequent hereto.

**APPROVED AND PASSED** by the Governing Board of the Empire Union School District on this 14<sup>th</sup> day of July, 2016, by the following vote:

AYES 4    NAYS 0    ABSENT 0    ABSTAIN 1

  
\_\_\_\_\_  
President, Governing Board  
Empire Union School District

  
\_\_\_\_\_  
Secretary, Governing Board  
Empire Union School District

Level I Developer Fee Study  
for  
Empire Union  
School District

June 22, 2016

David Garcia, Superintendent

Board of Trustees

Loretta Stein, President

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Nicholas Bavaro, Member

Doug Bentley, Member

Patricia Shafer, Member

Prepared by:

Jack Schreder & Associates, Inc.

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## EXECUTIVE SUMMARY

- Education Code Section 17620 authorizes school districts to levy a fee, charge, dedication or other form of requirement against any development project for the construction or modernization of school facilities provided the District can show justification for levying of fees.
- In February 2016, the State Allocation Board's biennial inflation adjustment changed the fee to \$3.48 per square foot for residential construction and \$0.56 per square foot for commercial/industrial construction.
- The Empire Union School District currently shares developer fees with the Modesto City Schools. The developer fee sharing arrangement between the two school districts is currently 60 percent for the elementary school district and 40 percent to the Modesto City Schools.
- The Empire Union School District is justified in collecting \$2.09 (60 percent of \$3.48) per square foot for residential construction and \$0.34 (60 percent of \$0.56) per square foot of commercial/industrial construction with the exception of mini storage. The mini storage category of construction should be collected at a rate of \$0.03 per square foot, which is not shared with the Modesto City Schools.
- Education Section 17620 (a)(1) states "The governing board of any school district is authorized to levy a fee, charge, dedication, or other requirement against any construction within the boundaries of the district, for the purpose of funding the construction or reconstruction of school facilities..."
- In general, it is fiscally more prudent to extend the useful life of an existing facility through reconstruction than to construct new facilities when possible. The cost to modernize facilities is approximately 41.1 percent of the cost to construct new facilities.

- The residential justification is based on the Empire Union School District's projected modernization need of \$29,786,292 for students generated from residential development over the next 20 years and the projected residential square footage of 7,926,514.
- Based on the modernization need for students generated from projected residential development and the projected residential square footage, each square foot of residential construction will create a school facilities cost of at least \$3.76 ( $\$29,786,292 / 7,926,514$ ).
- Each square foot of commercial/industrial construction will create a school facilities cost ranging from \$0.03 to \$2.41 per square foot.

## INTRODUCTION

In September, 1986, the Governor signed into law Assembly Bill 2926 (Chapter 887/Statutes 1986) which granted school district governing boards the authority to impose developer fees. This authority is codified in Education Code Section 17620 which states in part "...the governing board of any school district is authorized to levy a fee, charge, dedication or other form of requirement against any development project for the construction or modernization of school facilities."

The Level I fee that can be levied is adjusted every two years according to the inflation rate, as listed by the state-wide index for Class B construction set by the State Allocation Board. In January of 1992, the State Allocation Board increased the Level 1 fee to \$1.65 per square foot for residential construction and \$.27 per square foot for commercial and industrial construction.

Senate Bill 1287 (Chapter 1354/Statutes of 1992) effective January 1, 1993, affected the facility mitigation requirements a school district could impose on developers. Senate Bill 1287 allowed school districts to levy an additional \$1.00 per square foot of residential construction (Government Code Section 65995.3). The authority to levy the additional \$1.00 was rescinded by the failure of Proposition 170 on the November 1993 ballot.

In January 1994, the State Allocation Board's biennial inflation adjustment changed the fee to \$1.72 per square foot for residential construction and \$.28 per square foot for commercial/industrial construction.

In January 1996, the State Allocation Board's biennial inflation adjustment changed the fee to \$1.84 per square foot for residential construction and \$.30 per square foot for commercial/industrial construction.

In January 1998, the State Allocation Board's biennial inflation adjustment changed the fee to \$1.93 per square foot for residential construction and \$.31 per square foot for commercial/industrial construction.

In January 2000, the State Allocation Board's biennial inflation adjustment changed the fee to \$2.05 per square foot for residential construction and \$0.33 per square foot for commercial/industrial construction.

In January 2002, the State Allocation Board's biennial inflation adjustment changed the fee to \$2.14 per square foot for residential construction and \$0.34 per square foot for commercial/industrial construction.

In January 2004, the State Allocation Board's biennial inflation adjustment changed the fee to \$2.24 per square foot for residential construction and \$0.36 per square foot for commercial/industrial construction.

In January 2006, the State Allocation Board's biennial inflation adjustment changed the fee to \$2.63 per square foot for residential construction and \$0.42 per square foot for commercial/industrial construction.

In January 2008, the State Allocation Board's biennial inflation adjustment changed the fee to \$2.97 per square foot for residential construction and \$0.47 per square foot for commercial/industrial construction.

In January 2010, the State Allocation Board's biennial inflation adjustment maintained the fee at \$2.97 per square foot for residential construction and \$0.47 per square foot for commercial/industrial construction.

In January 2012, the State Allocation Board's biennial inflation adjustment changed the fee to \$3.20 per square foot for residential construction and \$0.51 per square foot for commercial/industrial construction.

In January 2014, the State Allocation Board's biennial inflation adjustment changed the fee to \$3.36 per square foot for residential construction and \$0.54 per square foot for commercial/industrial construction.

In February 2016, the State Allocation Board's biennial inflation adjustment changed the fee to \$3.48 per square foot for residential construction and \$0.56 per square foot for commercial/industrial construction.

The next adjustment to the fee will occur at the January 2018 State Allocation Board meeting.

In order to levy a fee, a district must make a finding that the fee to be paid bears a reasonable relationship and be limited to the needs of the community for elementary or high school facilities and be reasonably related to the need for schools caused by the development. Fees are different from taxes and do not require a vote of the electorate. Fees may be used only for specific purposes and there must be a reasonable relationship between the levying of fees and the impact created by development.

In accordance with the recent decision in the *Cresta Bella LP v. Poway Unified School District* (2013 WL 3942961) court Case, school districts are now required to demonstrate that reconstruction projects will generate an increase in the student population thereby creating an impact on the school district's facilities. School districts must establish a reasonable relationship between an increase in student facilities needs and the reconstruction project in order to levy developer fees. For example, if a developer is converting a commercial/industrial mini-storage facility to affordable housing units, the project would likely have an increased impact on the District's facilities and may justify collection of developer fees.

### *Purpose of Study*

This study will demonstrate the relationship between residential, commercial and industrial growth and the need for the modernization of school facilities in the Empire Union School District.

## SECTION I: DEVELOPER FEE JUSTIFICATION

Developer fee law requires that before fees can be levied a district must find that justification exists for the fee. Government Code Section 66001 (g) states that a fee shall not include the costs attributable to existing deficiencies in public facilities, but may include the costs attributable to the increased demand for public facilities reasonably related to the development project in order to refurbish existing facilities to maintain the existing level of service or achieve an adopted level of service that is consistent with a general plan. This section of the study will show that justification does exist for levying developer fees in the Empire Union School District.

### **Modernization and Reconstruction**

Extending the useful life of a school is a cost effective and prudent way to house students generated from new development. The state of California recognizes the need to extend the life of existing schools and provides modernization funding through the State School Facility Program. For the purpose of this report, modernization and reconstruction are used interchangeably since many of the improvements are common to both programs, i.e. roofing, plumbing, heating, cooling, dry rot repair, infrastructure improvement, etc. Developer fees may not be used for regular maintenance, routine repair of school buildings and facilities or deferred maintenance. The authorization to justify modernization and modernization of school facilities and extend the useful life of existing schools is contained in Education Code Section 17620 and Government Code Section 66001 (g).

### **Modernization Need**

As new students are generated by new development, the need to increase the useful life of school facilities will be necessary. In order to calculate the District's estimated modernization need generated by students from new development, it is necessary to determine the following factors: the number of units included in proposed developments, the District student yield factor, and the per pupil cost to modernize facilities.

### Proposed Development

The City of Modesto and County of Stanislaus Planning Departments were contacted regarding proposed development which may occur within District boundaries in the next 20 years. According to the Stanislaus County Planning Department, there is the potential of 193 dwelling to be constructed within the next 20 years. According to the City of Modesto Planning Department, there is minimal development projected within the City's boundaries. However, there are two comprehensive planning areas, Johansen and Empire North, which have the potential for substantial development. The Johansen Comprehensive Planning Area has the potential of 3,800 units and the Empire North Comprehensive Area has the potential of 1,370 units for a total of 5,170 units and a grand total of 5,363 after adding the potential of 193 within Stanislaus County. In addition to proposed new residential units, it is anticipated that there may be reconstruction projects that will impact the District by generating additional students. The School Facility Program allows districts to apply for modernization funding for classrooms over 20 years old, meaning that school facilities are presumed to be eligible for, and therefore need, modernization after that time period. It is therefore generally presumed that school facilities have a useful life span of 20 years before modernization is needed in order to maintain the same level of service as previously existed. The same would be true for modernization of buildings 20 years after their initial modernization. Therefore, the District's modernization needs are considered over a 20 year period, and a 20 year projection has been included in the Study when considering the homes that will generate students for the facilities in question.

### Student Yield

To identify the number of students anticipated to be generated by new residential development, a student yield factor of .5 has been utilized for the Empire Union School District. The yield factor is based on State wide student yield averages calculated by the Office of Public School Construction.

### Construction Cost

The construction cost per K-8 pupil is \$27,023 (Appendix A). Table 1 shows the weighted average to construct facilities per K-8 pupil.

Table 1: <u>Construction Costs</u>	
Grade Level	Construction Costs
K-6	\$26,165
7-8	\$30,027
Weighted Average $((\$26,165 \times 7) + (\$30,027 \times 2) / 9) = \$27,023$	

Source: California Department of Education, Jack Schreder & Associates.

Modernization Cost

The cost to modernize facilities is 41.1 percent of new construction costs. The percentage is based on the comparison of the State per pupil modernization grant (including 3% for Americans with Disabilities and Fire, Life Safety improvements) and the State per pupil new construction grant. For example, the State provides \$10,634 per K-6 pupil to construct new facilities and \$4,049 to modernize facilities, which is 38.1 percent ( $\$4,049 / \$10,634$ ) of the new construction grant amount. In addition, the State provides a minimum of three percent for ADA/FLS improvements which are required by the Department of State Architect’s (DSA) office. Based on the per pupil grant amounts and the ADA/FLS costs, the estimated cost to modernize facilities is 41.1 percent of the cost to construct facilities. The School Facility Program per pupil grant amounts are included in Appendix B. The State Allocation Board has declared that there are currently no modernization and construction funds available.

The construction cost per K-8 pupil is \$27,023 and is outlined in Table 1 and included in Appendix A. Therefore, the per pupil cost to modernize facilities per K-8 pupil is \$11,106 ( $\$27,023 \times .411$ ).

20 Year Modernization Need

The District’s estimated modernization need generated by students generated from new residential development is \$29,786,292. The calculation is included in Table 2.



Table 2:  
20 Year Modernization Need

Proposed Development	5,363
Student Yield	<u>x 0.5</u>
Students Generated	2,682
Per Pupil Modernization Cost	\$11,106
Students Generated	<u>x 2,682</u>
<b>Modernization Need</b>	<b>\$29,786,292</b>

Source: Empire Union School District, Office of Public School Construction, and Jack Schreder & Associates.

**Residential Development and Fee Projections**

To show a reasonable relationship exists between the construction of new housing units and the need for modernized school facilities, it will be shown that residential construction will create a school facility cost impact on the Empire Union School District by students generated from new development and reconstruction projects which generate additional students.

According to the Stanislaus County Planning Department, there is the potential of 193 dwelling to be constructed within the next 20 years. According to the City of Modesto Planning Department, there is minimal development projected within the City's boundaries. However, there are two comprehensive planning areas, Johansen and Empire North, which have the potential for substantial development. The Johansen Comprehensive Planning Area has the potential of 3,800 units and the Empire North Comprehensive Area has the potential of 1,370 units for a total of 5,170 units and a grand total of 5,363 after adding the potential of 193 within Stanislaus County. According to developer fee records, residential units average an estimated 1,478 square feet per unit. Based on the projected development, approximately 5,363 housing units totaling 7,926,514 (5,363 x 1,478 square feet) will be constructed in the District over the

next 20 years. The amount of residential fees to be collected can be estimated based on the housing unit projections.

Based on the District's modernization need of \$29,786,292 generated by students from residential construction and the total projected residential square footage of 7,926,514, residential construction will create a facilities cost of \$3.76 per square foot. The calculation is included in Table 3. However, the statutory Level I fee for residential construction is \$3.48 per square foot and the District has a fee sharing arrangement with the high school district. The high school district collects 40% of the fee and the Empire Union School District collects 60% of the fee. Therefore, the District is justified to collect \$2.09 (60 percent of \$3.48) per square foot of residential construction.

Table 3: <u>Facilities Cost per SF from Proposed Residential Construction</u>		
Modernization Need	Total Square Footage	Facilities Cost
\$29,786,292	/7,926,514	\$3.76

*Source: Empire Union School District, Jack Schreder & Associates, Office of Public School Construction.*

**Commercial / Industrial Development and Fee Projections**

In order to levy developer fees on commercial and industrial development, Assembly Bill 181 provides that a district "... must determine the impact of the increased number of employees anticipated to result from commercial and industrial development upon the cost of providing school facilities within the district. For the purposes of making this determination, the [developer fee justification] study shall utilize employee generation estimates that are based on commercial and industrial factors within the District, as calculated on either an individual project or categorical basis". The passage of Assembly Bill AB 530 (Chapter 633/Statutes of 1990) modified the requirements of AB 181 by allowing the use of a set of statewide employee generation factors. Assembly Bill 530 allows the use of the employee generation factors

identified in the San Diego Association of Governments report titled, San Diego Traffic Generators. The initial study that was completed in January of 1990 and identifies the number of employees generated for every 1,000 square feet of floor area for several development categories. These generation factors are shown in Table 4.

Table 4 indicates the number of employees generated for every 1,000 square feet of development and the number of district households generated for every employee in 12 categories of commercial and industrial development. The number of district households is calculated by adjusting the number of employees for the percentage of employees that live in the district and are heads of households.

In addition, an adjustment in the formula is necessary so that students moving into new residential units that have paid residential fees are not counted in the commercial/industrial fee calculation. Forty percent of all employees in the district live in existing housing units. The forty percent adjustment eliminates double counting the impact. This adjustment is shown in the worksheets in Appendix D and in Table 4.

These adjustment factors are based on surveys of commercial and industrial employees in school districts similar to the Empire Union School District. When these figures are compared to the cost to house students, it can be shown that each square foot of commercial and industrial development creates a cost impact greater than the maximum fee. The data in Table 5 are based on the per-student costs shown in Table 2. These figures are multiplied by the student yield factor to determine the number of students generated per square foot of commercial and industrial development. To determine the school facilities square foot impact of commercial and industrial development shown in Table 5, the students per square foot are multiplied by the cost of providing school facilities.

Table 4:  
Commercial and Industrial Generation Factors

Type of Development	*Employees per 1,000 sf	**Dist HH Per Emp.	% Emp in Exist HH	Adj.%Emp Dist HH/Emp
Medical Offices	4.27	.2	.4	.08
Corporate Offices	2.68	.2	.4	.08
Commercial Offices	4.78	.2	.4	.08
Lodging	1.55	.3	.4	.12
Scientific R&D	3.04	.2	.4	.08
Industrial Parks	1.68	.2	.4	.08
Industrial/Commercial Parks	2.21	.2	.4	.08
Neighborhood Shopping Centers	3.62	.3	.4	.12
Community Shopping Centers	1.09	.3	.4	.12
Banks	2.82	.3	.4	.12
Mini-Storage	.06	.2	.4	.08
Agriculture	0.31	.5	.4	.20

\* Source: San Diego Association of Governments.

\*\* Source: Jack Schreder and Associates. Original Research.

<u>Type of Development</u>	<u>Cost Impact Per Sq. Ft.</u>
Medical Offices	\$1.90
Corporate Offices	\$1.19
Commercial Offices	\$2.12
Lodging	\$1.03
Scientific R&D	\$1.35
Industrial Parks	\$0.75
Industrial/Commercial Parks	\$0.98
Neighborhood Shopping Centers	\$2.41
Community Shopping Centers	\$0.73
Banks	\$1.88
Mini-Storage	\$0.03
Agriculture	\$0.34

\* Source: San Diego Association of Governments and Jack Schreder and Associates, Original Research.

Table 5 shows commercial and industrial development will create a per square foot cost ranging from \$0.03 to \$2.41 for commercial/industrial construction. However, the Level I statutory fee is \$0.56 per square foot and the District has a fee sharing agreement with the Modesto City Schools. The Empire Union School District collects 60% of the Level I Developer Fee and the Modesto City Schools collect 40% of the fee. Therefore, the Empire Union School District is justified to collect \$0.34 (60% of \$0.56) per square foot of commercial/industrial construction with the exception of mini-storage. The mini storage category of construction should be collected at a rate of \$0.03 per square foot, which is not shared with the Modesto City Schools. Employee generation estimates for commercial/industrial projects will be reviewed and aligned with the categories as defined in the San Diego Association of Governments report titled San Diego Traffic Generators, pursuant to Education Code section 17621, subdivision (e). As authorized by Education Code section 17621, subdivision (e), warehouse projects will be aligned in part with a commercial/industrial category as set forth in the San Diego Traffic Generators report, based on the use of the facility. For example, if a

warehouse will primarily be used for storage, the project will be classified as a mini storage project. If a warehouse will be used primarily as a fulfillment center, the project will be classified as an industrial project.

### Summary

A reasonable relationship exists between new residential, commercial and industrial development in the Empire Union School District and the need to modernize school facilities. The cost to modernize school facilities exceeds the amount of residential and commercial/industrial fees to be generated directly and indirectly by residential construction.

The cost impact on the Empire Union School District imposed by new students to be generated from new residential, commercial and industrial development is greater than the maximum allowable fees. Each square foot of residential development creates a K-8 facility cost of \$3.76. Each square foot of commercial and industrial development creates a K-8 facility cost ranging from \$0.03 to \$2.41 per square foot.

However, the Level I statutory fee is \$3.48 per square foot of residential construction and \$0.56 per square foot of commercial/industrial construction and the District has a fee sharing agreement with the Modesto City Schools. The Empire Union School District collects 60% of the Level I Developer Fee and the Modesto City Schools collect 40% of the fee. Therefore, the Empire Union School District is justified to collect \$2.09 (60% of \$3.48) per square foot of residential construction and \$0.34 (60% of \$0.56) per square foot of commercial/industrial construction with the exception of mini-storage. The mini storage category of construction should be collected at a rate of \$0.03 per square foot, which is not shared with the Modesto City Schools.

## SECTION II: BACKGROUND OF DEVELOPER FEE LEGISLATION

Initially, the allowable developer fee was limited by Government Code Section 65995 to \$1.50 per square foot of covered or enclosed space for residential development and \$.25 per square foot of covered or enclosed space of commercial or industrial development. The Level 1 fee that can be levied is adjusted every two years, according to the inflation rate as listed by the state-wide index for Class B construction set by the State Allocation Board. In February of 2016, the State Allocation Board changed the Level I fee to \$3.48 per square foot of residential construction and \$0.56 per square foot of commercial and industrial construction.

The fees collected are to be used by the school district for the construction or modernization of school facilities and may be used by the district to pay bonds, notes, loans, leases or other installment agreements for temporary as well as permanent facilities.

Assembly Bill 3228 (Chapter 1602/Statutes of 1990) added Government Code Section 66016 requiring districts adopting or increasing any fee to first hold a public hearing as part of a regularly scheduled meeting and publish notice of this meeting twice, with the first notice published at least ten days prior to the meeting.

Assembly Bill 3980 (Chapter 418/Statutes of 1988) added Government Code Section 66006 to require segregation of school facilities fees into a separate capital facilities account or fund and specifies that those fees and the interest earned on those fees can only be expended for the purposes for which they were collected.

Senate Bill 519 (Chapter 1346/Statutes of 1987) added Section 17625 to the Education Code. It provides that a school district can charge a fee on manufactured or mobile homes only in compliance with all of the following:

1. The fee, charge, dedication, or other form of requirement is applied to the initial location, installation, or occupancy of the manufactured home or mobile home within the school district.

2. The manufactured home or mobile home is to be located, installed, or occupied on a space or site on which no other manufactured home or mobile home was previously located, installed, or occupied.
3. The manufactured home or mobile home is to be located, installed, or occupied on a space in a mobile home park, on which the construction of the pad or foundation system commenced after September 1, 1986.

Senate Bill 1151 (Chapter 1037/Statutes of 1987) concerns agricultural buildings and adds Section 17622 to the Education Code. It provides that no school fee may be imposed and collected on a greenhouse or other space covered or enclosed for agricultural purposes unless the school district has made findings supported by substantial evidence as follows:

1. The amount of the fees bears a reasonable relationship and is limited to the needs for school facilities created by the greenhouse or other space covered or enclosed for agricultural purposes.
2. The amount of the fee does not exceed the estimated reasonable costs of the school facilities necessitated by the structures as to which the fees are to be collected.
3. In determining the amount of the fees, the school district shall consider the relationship between the proposed increase in the number of employees, if any, the size and specific use of the structure, as well as the cost of construction.

In order to levy developer fees, a study is required to assess the impact of new growth and the ability of the local school district to accommodate that growth. The need for new school construction and modernization must be determined along with the costs involved. The sources of revenue need to be evaluated to determine if the district can fund the new construction and modernization. Finally, a relationship between needs and funding raised by the fee must be quantified.



Assembly Bill 181 (Chapter 1109/Statutes of 1989) which became effective October 2, 1989, was enacted to clarify several areas of developer fee law. Assembly Bill 181 provisions include the following:

1. Exempts residential remodels of less than 500 square feet from fees.
2. Prohibits the use of developer fee revenue for routine maintenance and repair, most asbestos work, and deferred maintenance.
3. Allows the fees to be used to pay for the cost of performing developer fee justification studies.
4. States that fees are to be collected at the time of occupancy, unless the district can justify earlier collection. The fees can be collected at the time the building permit is issued if the district has established a developer fee account and funds have been appropriated for which the district has adopted a proposed construction schedule or plan prior to the issuance of the certificate of occupancy.
5. Clarifies that the establishment or increase of fees is not subject to the California Environmental Quality Act.
6. Clarifies that the impact of commercial and industrial development may be analyzed by categories of development as well as an individual project-by-project basis. An appeal process for individual projects would be required if analysis was done by categories.
7. Changes the frequency of the annual inflation adjustment on the Level I fee to every two years.
8. Exempts from fees - development used exclusively for religious purposes, private schools, and government-owned development.

9. Expands the definition of senior housing, which is limited to the commercial/industrial fee and requires the conversion from senior housing to be approved by the city/county after notification of the school district.
10. Extends the commercial/industrial fee to mobile home parks limited to older persons.

### SECTION III: REQUIREMENTS OF AB 1600

Assembly Bill 1600 (Chapter 927/Statutes of 1987) adds Section 66000 through 66003 to the Government Code:

Section 66000 defines various terms used in AB 1600:

"Fee" is defined as monetary exaction (except a tax or a special assessment) which is charged by a local agency to the applicant in connection with the approval of a development project for the purpose of defraying all or a portion of the costs of public facilities related to the development project.

"Development project" is defined broadly to mean any project undertaken for purposes of development. This would include residential, commercial, or industrial projects.

"Public facilities" is defined to include public improvements, public services, and community amenities.

Section 66001 (a) sets forth the requirements for establishing, increasing or imposing fees. Local agencies are required to do the following:

1. Identify the purpose of the fee.
2. Identify the use to which the fee is to be put.
3. Determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed.
4. Determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed.

Section 66001 (c) requires that any fee subject to AB 1600 be deposited in an account established pursuant to Government Code Section 66006. Section 66006 requires that development fees be deposited in a capital facilities account or fund. To avoid any commingling of the fees with other revenues and funds of the local agency, the fees can only be expended for the purpose for which they were collected. Any income earned on the fees should be deposited in the account and expended only for the purposes for which the fee was collected.

Section 66001 (d) as amended by Senate Bill 1693 (Monteith/Statutes of 1996, Chapter 569), requires that for the fifth year following the first deposit into a developer fee fund, and for every five years thereafter, a school district must make certain findings as to such funds. These findings are required regardless of whether the funds are committed or uncommitted. Formerly only remaining unexpended or uncommitted fees were subject to the mandatory findings and potential refund process. Under this section as amended, relating to unexpended fee revenue, two specific findings must be made as a part of the public information required to be formulated and made available to the public. These findings are:

1. Identification of all sources and amounts of funding anticipated to provide adequate revenue to complete any incomplete improvements identified pursuant to the requirements of Section 66001 (a)(2).
2. A designation of the approximate date upon which the anticipated funding will be received by the school district to complete the identified but as yet, incomplete improvements.

If the two findings are not made, a school district must refund the developer fee revenue on account in the manner provided in Section 66001 (e).

Section 66001 (e) provides that the local agency shall refund to the current record owners of the development project or projects on a prorated basis the unexpended or uncommitted portion of the fees and any accrued interest for which the local agency is unable to make the findings required by Section 66001 (d) that it still needs the fees.

Section 66002 provides that any local agency which levies a development fee subject to Section 66001 may adopt a capital improvement plan which shall be updated annually and which shall indicate the approximate location, size, time of availability and estimates of cost for all facilities or improvements to be financed by the fees.

*Assembly Bill 1600 and the Justification for Levying Developer Fees*

Effective January 1, 1989, Assembly Bill 1600 requires that any school district which establishes, increases or imposes a fee as a condition of approval of development shall make specific findings as follows:

1. A cost nexus must be established. A cost nexus means that the amount of the fee cannot exceed the cost of providing adequate school facilities for students generated by development. Essentially, it prohibits a school district from charging a fee greater than their cost to construct or modernize facilities for use by students generated by development.
2. A benefit nexus must be established. A benefit nexus is established if the fee is used to construct or modernize school facilities benefiting students to be generated from development projects.
3. A burden nexus must be established. A burden nexus is established if a project, by the generation of students, creates a need for additional facilities or a need to modernize existing facilities.

## SECTION IV: REVENUE SOURCES FOR FUNDING FACILITIES

Two general sources exist for funding facility construction and modernization - state sources and local sources. The District has considered the following available sources:

### State Sources

#### *State School Facility Program*

Senate Bill 50 reformed the State School Building Lease-Purchase Program in August of 1998. The new program, entitled the School Facility Program, provides funding under a "grant" program once a school district establishes eligibility. Funding required from districts will be a 50/50 match for construction projects and 60/40 (District/State) match for modernization projects. The State Allocation Board has declared that there are currently no modernization and construction funds available. Districts may levy the current statutory developer fee as long as a district can justify collecting that fee. If a district desires to collect more than the statutory fee (Level 2 or Level 3), that district must meet certain requirements outlined in the law, as well as conduct a needs assessment to enable a higher fee to be calculated.

### Local Sources

#### *Mello-Roos Community Facilities Act*

The Mello-Roos Community Facilities Act of 1982 allows school districts to establish a community facilities district in order to impose a special tax to raise funds to finance the construction of school facilities.

1. The voter approved tax levy requires a two-thirds vote by the voters of the proposed Mello-Roos district.
2. If a Mello-Roos district is established in an area in which fewer than twelve registered voters reside, the property owners may elect to establish a Mello-Roos district.

Community Facilities District No. 1987-1 was approved by the electors on November 3, 1987. It was extended on November 3, 1998 through the 2031-32 fiscal year.

The special tax shall be levied on the basis of STU's (special tax units) with the maximum annual tax not to exceed 168.8930 for the 2016/17 fiscal year subject to a 2% annual increase thereafter. STU's are assigned to parcels of land within CFD 1987-1 as follows:

1. Class 1 single family parcel (existing home, or where building permit was issued on or prior to July 2, 1987): 1 STU per single residence or parcel.
2. Class 2 single family parcel (any parcel designated on a final subdivision map for single family use or containing a single family home not in Class 1 – that is: building permit issued after July 2, 1987): 3 STU's per parcel.
3. Class 3 single family acreage (unsubdivided land either zoned residential or designated in a County or City master, general or specific plan for single family residential development): 0 STU's.
4. Class 1 multi-unit residential property (existing multiple units - including mobile homes not in a retirement mobile home park - or where building permit was issued on or prior to July 2, 1987): one-half STU per unit.
5. Class 2 multi-unit residential property (parcels zoned for multi-unit use or multi-unit dwelling units not in Class 1 – that is: building permit issued after July 2, 1987): 1.5 STU's per unit.
6. Class 3 multi-unit (unsubdivided acreage either zoned multi-unit residential or so designated in any County or City master, general or specific plan): 0 STU's.
7. Retirement Mobile Home Parks: Annually the board of Trustees must make a determination which mobile home parks are inhabited substantially by retired persons and such parks shall not be subject to the special tax.
8. Class 1 industrial and commercial property (developed and in industrial or commercial use): 3 STU's per acre.
9. Class 2 industrial and commercial property (undeveloped property zoned industrial or commercial or so designated in a County or City master, general or specific plan): 1.5 STU's per acre.
10. Agricultural land, except when it contains a residence which will be taxed at the residential rate, will not be subject to the special tax.

The 1987 resolution and STU schedule are included as Appendix E.

Mello-Roos funds are used for the construction and reconstruction of school facilities. The Mello-Roos construction fund balance is \$594,986 and will be used to complete a portion of the projects included in the Facility Report which is included as Appendix C. The cost to complete the projects included in Facility Report exceeds the funds available.

### *General Obligation Bonds*

General Obligation (GO) bonds may be issued by any school district for the purposes of purchasing real property or constructing or purchasing buildings or equipment "of a permanent nature." Because GO bonds are secured by an ad valorem tax levied on all taxable property in the district, their issuance is subject to two-thirds voter approval or 55% majority vote under Proposition 39 in an election. School districts are obligated, in the event of delinquent payments on the part of the property owners, to raise the amount of tax levied against the non-delinquent properties to a level sufficient to pay the principal and interest coming due on the bonds.

### *Developer Fees*

District developer fees are dedicated to the current needs related directly to modernization and new construction of school facilities. The Developer Fee fund balance is \$133,502 and will be used to complete a portion of the projects included in the Facility Report which is included as Appendix C. The cost to complete the projects included in Facility Report exceeds the funds available.

### *Expenditure of Lottery Funds*

Government Code Section 8880.5 states: "It is the intent of this chapter that all funds allocated from the California State Lottery Education Fund shall be used exclusively for the education of pupils and students and no funds shall be spent for acquisition of real property, construction of facilities, financing research, or any other non-instructional purpose."



## SECTION V: ESTABLISHING THE COST, BENEFIT AND BURDEN NEXUS

In accordance with Government Code Section 66001, the District has established a cost nexus and identified the purpose of the fee, established a benefit nexus, and a burden nexus:

### Establishment of a Cost Nexus & Identify Purpose of the Fee

The Empire Union School District chooses to construct and/or modernize facilities for the additional students created by development in the district and the cost for providing new and/or modernized facilities exceeds the amount of developer fees to be collected. It is clear that when educational facilities are provided for students generated by new residential, commercial and industrial development that the cost of new facilities exceeds developer fee generation, thereby establishing a cost nexus.

### Establishment of a Benefit Nexus

Students generated by new residential, commercial and industrial development will be attending district schools. Housing District students in new and/or modernized facilities will directly benefit those students from the new development projects upon which the fee is imposed, therefore, a benefit nexus is established.

### Establishment of a Burden Nexus

The generation of new students by development will create a need for additional and/or modernized school facilities. The District must carry the burden of constructing new facilities required by the students generated by future developments and the need for facilities will be, in part, satisfied by the levying of developer fees, therefore, a burden nexus is established.

## SECTION VI: FACILITY FUNDING ALTERNATIVES

The District does not currently have funds to provide for the shortfall in construction costs. We suggest the District continue to consider participating in the State School Facility Program

## STATEMENT TO IDENTIFY PURPOSE OF FEE

It is a requirement of AB 1600 that the District identify the purpose of the fee. The purpose of fees being levied shall be used for the construction and/or modernization of school facilities. The District will provide for the construction and/or modernization of school facilities, in part, with developer fees.

## ESTABLISHMENT OF A SPECIAL ACCOUNT

Pursuant to Government Code section 66006, the District has established a special account in which fees for capital facilities are deposited. The fees collected in this account will be expended only for the purpose for which they were collected. Any interest income earned on the fees that are deposited in such an account must remain with the principal. The school district must make specific information available to the public within 180 days of the end of each fiscal year pertaining to each developer fee fund. The information required to be made available to the public by Section 66006 (b) (1) was amended by SB 1693 and includes specific information on fees expended and refunds made during the year.

## RECOMMENDATION

Based on the fee justification provided in this report, it is recommended that the Empire Union School District levy residential development fees and commercial/industrial fees up to the statutory fee for which justification has been determined.

## SOURCES

California Basic Educational Data System. California State Department of Education. October Enrollments, 2011-2014.

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Tiger, Kristen. Administrative Assistant, Empire Union School District.

Wall, Pam. Assistant Superintendent, Business Services, Empire Union School District.

**APPENDIX A**  
**CONSTRUCTION COSTS**

<b>Elementary School Facility Construction Costs</b>		
<b>I. Allowable Building Area</b>		
A. Total Student Capacity		
B. Building Area		
600 students @ 71sf/student		42,600
Speech/Resource Specialist		600
Total		43,200
<b>II. Site Requirements</b>		
A. Purchase Price of Property (10 Acres)		
Cost per Acre	\$0	\$0
B. Appraisals		\$0
C. Costs Incurred in Escrow		\$0
D. Surveys		\$0
E. Other Costs, Geo. and Soils Reports		\$0
Total-Acquisition of Site		\$0
<b>III. Plans</b>		
A. Architect's Fee for Plans		\$909,290
B. DSA Plans Check Fee		\$73,934
C. School Planning, Plans Check Fee		\$6,266
D. Preliminary Tests		\$4,805
E. Other Costs, Energy Cons. & Advertising		\$42,187
		\$1,036,482
<b>IV. Construction Requirements</b>		
A. Utility Services		\$403,501
B. Off-site Development		\$605,250
C. Site Development, Service		\$968,399
D. Site Development, General		\$645,599
E. New Construction		\$9,830,960
F. Unconventional Energy Source		\$549,645
Total Construction		\$13,003,354
Total Items II, III and IV		\$14,039,836
Contingency 10%		\$1,403,984
Construction Tests		\$149,746
Inspection		\$105,261
<b>TOTAL ESTIMATED PROJECT COSTS</b>		<b>\$15,698,827</b>
<b>ESTIMATED COST PER STUDENT</b>		<b>\$26,165</b>
<i>*Source: California Department of Education, Jack Schreder &amp; Associates.</i>		

<b>Middle School Facility Construction Costs</b>		
<b>I. Allowable Building Area</b>		
A. Total Student Capacity		
B. Building Area		
1000 students @ 85sf/student		85,000
Speech/Resource Specialist		1,360
Total		86,360
<b>II. Site Requirements</b>		
A. Purchase Price of Property (20 Acres)		
Cost per Acre	\$0	\$0
B. Appraisals		\$0
C. Costs Incurred in Escrow		\$0
D. Surveys		\$0
E. Other Costs, Geo. and Soils Reports		<u>\$0</u>
Total-Acquisition of Site		\$0
<b>III. Plans</b>		
A. Architect's Fee for Plans		\$1,735,733
B. OSA Plans Check Fee		\$114,306
C. School Planning, Plans Check Fee		\$7,194
D. Preliminary Tests		\$7,993
E. Other Costs, Energy Cons. & Advertising		<u>\$61,549</u>
		\$1,926,775
<b>IV. Construction Requirements</b>		
A. Utility Services		\$591,993
B. Off-site Development		\$666,248
C. Site Development, Service		\$1,840,317
D. Site Development, General		\$1,312,675
E. New Construction		\$19,716,240
F. Unconventional Energy Source		<u>\$940,022</u>
Total Construction		\$25,067,495
Total Items II, III and IV		\$26,994,270
Contingency		\$2,699,427
Construction Tests		\$210,425
Inspection		\$122,458
<b>TOTAL ESTIMATED PROJECT COSTS</b>		<b>\$30,026,580</b>
<b>ESTIMATED COST PER STUDENT</b>		<b>\$30,027</b>
*Source: California Department of Education, Jack Schreder & Associates.		

**APPENDIX B**  
**PER PUPIL GRANT AMOUNTS**



ANNUAL ADJUSTMENT TO SCHOOL FACILITY PROGRAM GRANTS  
State Allocation Board Meeting, February 24, 2016

**Grant Amount Adjustments**

		Regulation Section	Current Adjusted Grant Per Pupil Effective 1-1-15	Current Adjusted Grant Per Pupil Effective 1-1-16
<b>New Construction</b>	Elementary	1859.71	\$10,345	\$10,634
	Middle	1859.71	\$10,942	\$11,247
	High	1859.71	\$13,923	\$14,311
	Special Day Class – Severe	1859.71.1	\$29,070	\$29,881
	Special Day Class – Non-Severe	1859.71.1	\$19,442	\$19,984
	Automatic Fire Detection/Alarm System – Elementary	1859.71.2	\$12	\$12
	Automatic Fire Detection/Alarm System – Middle	1859.71.2	\$17	\$17
	Automatic Fire Detection/Alarm System – High	1859.71.2	\$28	\$29
	Automatic Fire Detection/Alarm System – Special Day Class – Severe	1859.71.2	\$53	\$54
	Automatic Fire Detection/Alarm System – Special Day Class – Non-Severe	1859.71.2	\$36	\$37
	Automatic Sprinkler System – Elementary	1859.71.2	\$173	\$178
	Automatic Sprinkler System – Middle	1859.71.2	\$206	\$212
	Automatic Sprinkler System – High	1859.71.2	\$214	\$220
	Automatic Sprinkler System – Special Day Class – Severe	1859.71.2	\$548	\$563
	Automatic Sprinkler System – Special Day Class – Non-Severe	1859.71.2	\$368	\$378
<b>Modernization</b>	Elementary	1859.78	\$3,939	\$4,049
	Middle	1859.78	\$4,167	\$4,283
	High	1859.78	\$5,455	\$5,607
	Special Day Class - Severe	1859.78.3	\$12,555	\$12,905
	Special Day Class – Non-Severe	1859.78.3	\$8,399	\$8,633
	State Special School – Severe	1859.78	\$20,925	\$21,509
	Automatic Fire Detection/Alarm System – Elementary	1859.78.4	\$127	\$131
	Automatic Fire Detection/Alarm System – Middle	1859.78.4	\$127	\$131
	Automatic Fire Detection/Alarm System – High	1859.78.4	\$127	\$131
	Automatic Fire Detection/Alarm System – Special Day Class – Severe	1859.78.4	\$352	\$362
	Automatic Fire Detection/Alarm System – Special Day Class – Non-Severe	1859.78.4	\$235	\$242
	Over 50 Years Old – Elementary	1859.78.6	\$5,472	\$5,625
	Over 50 Years Old – Middle	1859.78.6	\$5,788	\$5,949
	Over 50 Years Old – High	1859.78.6	\$7,577	\$7,788
	Over 50 Years Old – Special Day Class – Severe	1859.78.6	\$17,442	\$17,929
	Over 50 Years Old – Special Day Class – Non-Severe	1859.78.6	\$11,664	\$11,989
	Over 50 Years Old – State Special School – Severe	1859.78.6	\$29,069	\$29,880

**APPENDIX C  
FACILITY REPORT**

Empire Union School District  
**Facility Cost Analysis**

June 2016

Prepared By:

Schreder & Associates Project Management

<b>Empire Union School District Facility Summary</b>	
<b>School</b>	<b>Total Estimated Costs</b>
Capistrano Elementary	\$368,921.00
Empire Elementary	\$922,032.04
Glick Middle	\$207,451.10
Hughes Elementary	\$441,726.22
Sipherd Elementary	\$459,368.46
Stroud Elementary	\$349,420.39
<b>TOTAL</b>	<b>\$2,748,919.21</b>

**Capistrano Elementary School Summary of Costs**

<b>Description</b>	<b>Soft Costs</b>	<b>Total Price</b>
Capistrano Construction Costs		\$ 280,655.00
Architect Fees	12.0%	\$ 33,678.60
Reimbursable	1.0%	\$ 2,806.55
Inspector of Record	3.0%	\$ 8,419.65
Testing	2.5%	\$ 7,016.38
DSA Fees	1.0%	\$ 2,806.55
<b>Estimated Construction/Soft Cost</b>		<b>\$ 335,382.73</b>
Contingency for Unknowns	10%	\$ 33,538.27
<b>Capistrano Total Estimated Costs</b>		<b>\$ 368,921.00</b>

**Capistrano Elementary School Estimated Costs of Construction**

<b>Description</b>	<b>Each</b>	<b>Unit</b>	<b>Unit Costs</b>	<b>Total Costs</b>
ADA Parking Not Compliant Overlay with AC	1000	sf	\$ 19.50	\$ 19,500.00
ADA Parking Signage Striping	1	ea	\$ 1,100.00	\$ 1,100.00
Path of Travel at Parking Demo Existing Concrete Parking Area South of G	3850	sf	\$ 2.25	\$ 8,662.50
Path of Travel at Parking New Concrete Sidewalks with Rebar Parking Area South of G	3850	sf	\$ 12.50	\$ 48,125.00
Path of Travel - Truncated domes missing at curb cut.	1	ea	\$ 950.00	\$ 950.00
Path of Travel - No concrete ramp provided at accessible entry to Play Area.	75	sf	\$ 12.50	\$ 937.50
Path of Travel - No concrete ramp provided at accessible entry to Play Area Demo Existing	75	sf	\$ 2.25	\$ 168.75
Path of Travel Bldg Admin Demo Existing Concrete.	3080	sf	\$ 2.25	\$ 6,930.00
Path of Travel Bldg Admin New Concrete Sidewalk with Rebar.	3080	sf	\$ 12.50	\$ 38,500.00
Path of Travel Main Building Demo Existing Concrete.	5455	sf	\$ 2.25	\$ 12,273.75
Path of Travel Main Building New Concrete Sidewalk with Rebar.	5455	sf	\$ 12.50	\$ 68,187.50
Path of Travel Classroom Addition Demo Existing Concrete.	4240	sf	\$ 2.25	\$ 9,540.00
Path of Travel Classroom Addition New Concrete Sidewalk with Rebar.	4240	sf	\$ 12.50	\$ 53,000.00
Landings not Legal at Portables	4	ea	\$ 1,200.00	\$ 4,800.00
ADA - Sink, fixtures and undercounter access not ADA compliant Remove Existing	3	ea	\$ 185.00	\$ 555.00
ADA - Sink, fixtures	3	ea	\$ 2,475.00	\$ 7,425.00
<b>Capistrano Elementary School Estimated Costs</b>				<b>\$ 280,655.00</b>

**Empire Elementary School Summary of Costs**

<b>Description</b>	<b>Soft Costs</b>	<b>Total Price</b>
Empire Construction Costs		\$ 701,431.75
Architect Fees	12.0%	\$ 84,171.81
Reimbursable	1.0%	\$ 7,014.32
Inspector of Record	3.0%	\$ 21,042.95
Testing	2.5%	\$ 17,535.79
DSA Fees	1.0%	\$ 7,014.32
<b>Estimated Construction/Soft Cost</b>		<b>\$ 838,210.94</b>
Contingency for Unknowns	10%	\$ 83,821.09
<b>Empire Total Estimated Costs</b>		<b>\$ 922,032.04</b>

### Empire Elementary School Estimated Costs of Construction

Description of Work	Each	Unit	Unit Costs	Total Costs
Owner Added Wall - Owner added Storage Shed. Remove or Relocate	1	ls	\$ 200.00	\$ 200.00
ADA Path of Travel Front of school Demo Concrete	3232	sf	\$ 2.25	\$ 7,272.00
ADA Path of Travel Front of School New Concrete Sidewalk with Rebar	3232	sf	\$ 12.50	\$ 40,400.00
Path of Travel - No passenger drop-off and loading zone access aisle provided.	400	lf	\$ 35.00	\$ 14,000.00
ADA Path of Travel Bldg A Demo Concrete under Covered Walk	1278	sf	\$ 3.25	\$ 4,153.50
ADA Path of Travel Bldg A New Concrete Sidewalk with Rebar Under Covered Walk	1278	sf	\$ 13.50	\$ 17,253.00
ADA Path of Travel Bldg B Demo Concrete under Covered Walk	1278	sf	\$ 3.25	\$ 4,153.50
ADA Path of Travel Bldg B New Concrete Sidewalk with Rebar Under Covered Walk	1278	sf	\$ 13.50	\$ 17,253.00
ADA Path of Travel Bldg F Demo Concrete under Covered Walk	1278	sf	\$ 3.25	\$ 4,153.50
ADA Path of Travel Bldg F New Concrete Sidewalk with Rebar Under Covered Walk	1278	sf	\$ 13.50	\$ 17,253.00
ADA Path of Travel Demo Concrete Bldg P4 to Bldg F	3196	sf	\$ 2.25	\$ 7,191.00
ADA Path of Travel Bldg P4 to Bldg F New Concrete Sidewalk with Rebar	3196	sf	\$ 12.50	\$ 39,950.00
ADA Path of Travel Bldg P13 to Bldg E Demo	960	sf	\$ 2.25	\$ 2,160.00
ADA Path of Travel Bldg P13 to Bldg E Demo Under Covered Walk	450	sf	\$ 3.25	\$ 1,462.50
ADA Path of Travel Bldg P13 to Bldg E New Sidewalk with Rebar	960	sf	\$ 12.50	\$ 12,000.00
ADA Path of Travel Bldg P13 to Bldg E New Sidewalk with Rebar Under Covered Walk	450	sf	\$ 13.50	\$ 6,075.00
ADA Path of Travel Bldg G Demo Concrete	1366	sf	\$ 2.25	\$ 3,073.50
ADA Path of Travel Bldg G New Concrete Sidewalk with Rebar	1366	sf	\$ 12.50	\$ 17,075.00
ADA Plaza North of Building H Demo Concrete	5850	sf	\$ 1.50	\$ 8,775.00
ADA Plaza North of Building H New Concrete Plaza with Rebar	5850	sf	\$ 9.50	\$ 55,575.00
ADA Path of Travel Bldg G to Bldg C Demo Concrete	2394	sf	\$ 2.25	\$ 5,386.50
ADA Path of Travel Bldg G to Bldg C New Concrete Sidewalk with Rebar	2394	sf	\$ 12.50	\$ 29,925.00
ADA Path of Travel Bldg C Demo Concrete	1278	sf	\$ 2.25	\$ 2,875.50
ADA Path of Travel Bldg C New Concrete Sidewalk with Rebar	1278	sf	\$ 12.50	\$ 15,975.00
ADA Path of Travel Bldg D Demo Concrete	1278	sf	\$ 2.25	\$ 2,875.50
ADA Path of Travel Bldg D New Concrete Sidewalk with Rebar	1278	sf	\$ 12.50	\$ 15,975.00
ADA Path of Travel Bldg C-D East Sidewalk Demo Concrete	1060	sf	\$ 2.25	\$ 2,385.00
ADA Path of Travel Bldg C-D East New Concrete Sidewalk with Rebar	1060	sf	\$ 12.50	\$ 13,250.00



**Empire Elementary School Estimated Costs of Construction**

Description of Work	Each	Unit	Unit Costs	Total Costs
Path of Travel - No access ramp into Play Area, current condition non-compliant.	1	ls	\$ 2,500.00	\$ 2,500.00
ADA - Drinking fountain not ADA compliant.	1	ea	\$ 4,500.00	\$ 4,500.00
ADA - Insufficient number of accessible parking stalls provided. Cumulative number of parking stalls >51, so minimum of (3) stalls required.	774	sf	\$ 4.50	\$ 3,483.00
Striping New ADA Stalls with Signage	1	ls	\$ 1,150.00	\$ 1,150.00
Path of Travel - Stair nosings don't have contrasting color, handrail diameter not code compliant - too wide.	1	ls	\$ 3,500.00	\$ 3,500.00
ADA - Exterior not ADA compliant.	1	ea	\$ 4,500.00	\$ 4,500.00
ADA - Sink, fixtures and undercounter access not ADA compliant Remove Existing	13	ea	\$ 185.00	\$ 2,405.00
ADA - Sink, fixtures	13	ea	\$ 2,475.00	\$ 32,175.00
Floor Repair at Sinks	13	ea	\$ 140.00	\$ 1,820.00
ADA - no accessible stalls Bldg A Boys	224	sf	\$ 200.00	\$ 44,800.00
ADA - no accessible stalls Bldg A Girls	184	sf	\$ 200.00	\$ 36,800.00
ADA Signage Entire Site	1	ls	\$ 7,650.00	\$ 7,650.00
Building G Roof Replacement Single Ply Includes removal of old roof	3480	sf	\$ 11.50	\$ 40,020.00
Building H Re-Roof	5501	sf	\$ 11.50	\$ 63,261.50
Bldg J Re-Roof with Comp Shingles includeds roof removal	4125	sf	\$ 8.25	\$ 34,031.25
RoofNeeds Roof Replacement Standing Seem Metal includeds removal	1128	sf	\$ 15.00	\$ 16,920.00
RoofNeeds Roof Replacement Standing Seem Metal includeds removal	1128	sf	\$ 15.00	\$ 16,920.00
RoofNeeds Roof Replacement Standing Seem Metal includeds removal	1128	sf	\$ 15.00	\$ 16,920.00
<b>Total Cost of Construction Empire</b>				<b>\$ 701,431.75</b>

**Glick Middle School Summary of Costs**

<b>Description</b>	<b>Soft Costs</b>	<b>Total Price</b>
Glick Construction Costs		\$ 157,817.50
Architect Fees	12.0%	\$ 18,938.10
Reimbursable	1.0%	\$ 1,578.18
Inspector of Record	3.0%	\$ 4,734.53
Testing	2.5%	\$ 3,945.44
DSA Fees	1.0%	\$ 1,578.18
<b>Estimated Construction/Soft Cost</b>		<b>\$ 188,591.91</b>
Contingency for Unknowns	10%	\$ 18,859.19
<b>Glick Total Estimated Costs</b>		<b>\$ 207,451.10</b>

**Glick Middle School Estimated Costs of Construction**

Description	Each	Unit	Unit Costs	Total Costs
ADA - Non-compliant version of sign and sign damaged. Replace sign with "will be towed" .	1	ea	\$ 250.00	\$ 250.00
Path of Travel - Missing "\$250 Fine" signage at all accessible stalls.	1	ea	\$ 250.00	\$ 250.00
Path of Travel - Non-compliant handrail extension, less than 24" from nosing of last stair tread.	4	ea	\$ 425.00	\$ 1,700.00
ADA Path of Travel Parking Lot New Concrete Sidewalk with Rebar	4850	sf	\$ 12.50	\$ 60,625.00
ADA Path of Travel Aprking Lot Demo Existing Concrete	4850	sf	\$ 2.25	\$ 10,912.50
Path of Travel - tNew ADA Parking Stalls Signage and Striping	1	ea	\$ 1,100.00	\$ 1,100.00
Path of Travel - New Concrete Ramp Included Demo to Parking	1	ea	\$ 5,680.00	\$ 5,680.00
ADA - Dimension to bottom of accessible drinking fountain less than required 27" min.	1	ea	\$ 4,500.00	\$ 4,500.00
ADA - Dimension to bottom of accessible drinking fountain less than required 27" min.	1	ea	\$ 4,500.00	\$ 4,500.00
ADA - Dimension to bottom of accessible drinking fountain less than required 27" min.	1	ea	\$ 4,500.00	\$ 4,500.00
Exterior - Leaks through mortar - Seal Motar Building A	1	ls	\$ 18,000.00	\$ 18,000.00
Exterior - leaks through mortar. Seal Mortar Bldg C	1	ls	\$ 32,000.00	\$ 32,000.00
ADA - Counter height >34",No accessible work stations,No accessible sinks	1	ea	\$ 3,875.00	\$ 3,875.00
ADA - sign missing on door, no room sign	1	ea	\$ 75.00	\$ 75.00
ADA - alcove width urinals 17 1/2" toilet @ 18 1/2"	1	ea	\$ 250.00	\$ 250.00
ADA - sign missing on door, no room sign	1	ea	\$ 50.00	\$ 50.00
ADA - Accessory conf w/LAV soap height	1	ea	\$ 50.00	\$ 50.00
ADA - Urinal 20" high	1	ea	\$ 250.00	\$ 250.00
ADA - Toilet 16.5" from wall	1	ea	\$ 500.00	\$ 500.00
ADA - Toilet 20" from wall. Sink 14" from wall.	1	ea	\$ 750.00	\$ 750.00
ADA - Toilet 17.5" from wall	1	ea	\$ 500.00	\$ 500.00
Counter height greater than 34"	6	ea	\$ 875.00	\$ 5,250.00
Fixture Clearance Issues	5	ea	\$ 450.00	\$ 2,250.00
<b>Glick Elementary Estimated Costs of Construction</b>				<b>\$ 157,817.50</b>

**Hughes Elementary School Summary of Costs**

<b>Description</b>	<b>Soft Costs</b>	<b>Total Price</b>
Hughes Construction Costs		\$ 336,041.25
Architect Fees	12.0%	\$ 40,324.95
Reimbursable	1.0%	\$ 3,360.41
Inspector of Record	3.0%	\$ 10,081.24
Testing	2.5%	\$ 8,401.03
DSA Fees	1.0%	\$ 3,360.41
<b>Estimated Construction/Soft Cost</b>		<b>\$ 401,569.29</b>
Contingency for Unknowns	10%	\$ 40,156.93
<b>Hughes Total Estimated Costs</b>		<b>\$ 441,726.22</b>

**Hughes Elementary School Estimated Costs of Construction**

<b>Description</b>	<b>Each</b>	<b>Unit</b>	<b>Unit Costs</b>	<b>Total Costs</b>
ADA Parking Not Compliant Overlay with AC	1000	sf	\$ 19.50	\$ 19,500.00
ADA Parking Signage Striping	1	ea	\$ 1,100.00	\$ 1,100.00
Path of Travel at Parking Demo Existing Concrete Parking Area South of G	2200	sf	\$ 2.25	\$ 4,950.00
Path of Travel at Parking New Concrete Sidewalks with Rebar Parking Area South of G	2200	sf	\$ 12.50	\$ 27,500.00
Path of Travel - No ADA drop-off/pick-up aisle demo existing concrete	1200	sf	\$ 2.25	\$ 2,700.00
Path of Travel - No ADA drop-off/pick-up aisle provided.	1200	sf	\$ 12.50	\$ 15,000.00
Truncated Domes	1	ls	\$ 3,500.00	\$ 3,500.00
Path of Travel Bldg A Demo Existing Concrete.	2100	sf	\$ 2.25	\$ 4,725.00
Path of Travel Bldg A New Concrete Sidewalk with Rebar.	2100	sf	\$ 12.50	\$ 26,250.00
Path of Travel Bldg E Demo Existing Concrete.	2200	sf	\$ 2.25	\$ 4,950.00
Path of Travel Bldg E Demo Existing Concrete.	2200	sf	\$ 12.50	\$ 27,500.00
Path of Travel Bldg D Demo Existing Concrete.	1500	sf	\$ 2.25	\$ 3,375.00
Path of Travel Bldg D Demo Existing Concrete.	1500	sf	\$ 12.50	\$ 18,750.00
Path of Travel Bldg C Demo Existing Concrete.	1210	sf	\$ 2.25	\$ 2,722.50
Path of Travel Bldg C Demo Existing Concrete.	1210	sf	\$ 12.50	\$ 15,125.00
Path of Travel Bldg B Demo Existing Concrete.	1425	sf	\$ 2.25	\$ 3,206.25
Path of Travel Bldg B New Concrete Sidewalk with Rebar.	1425	sf	\$ 12.50	\$ 17,812.50
Path of Travel Bldg G Demo Existing Concrete.	5150	sf	\$ 2.25	\$ 11,587.50
Path of Travel Bldg G New Concrete Sidewalk with Rebar.	5150	sf	\$ 12.50	\$ 64,375.00
Path of Travel South Portables Demo Existing Concrete.	3150	sf	\$ 2.25	\$ 7,087.50
Path of Travel South Portables New Concrete Sidewalk with Rebar.	3150	sf	\$ 12.50	\$ 39,375.00
ADA - Non-compliant version of sign and sign damaged. Replace sign with "will be towed" language.	1	ea	\$ 250.00	\$ 250.00
ADA - Non-compliant drinking fountain.	1	ea	\$ 4,500.00	\$ 4,500.00
ADA - Non-compliant drinking fountain.	1	ea	\$ 4,500.00	\$ 4,500.00
ADA - Non-compliant drinking fountain.	1	ea	\$ 4,500.00	\$ 4,500.00
Owner Added Wall	1	ea	\$ 1,200.00	\$ 1,200.00
<b>Hughes Cost of Construction</b>				<b>\$ 336,041.25</b>

**Sipherd Elementary School Summary of Costs**

<b>Description</b>	<b>Soft Costs</b>	<b>Total Price</b>
Sipherd Construction Costs		\$ 349,462.50
Architect Fees	12.0%	\$ 41,935.50
Reimbursable	1.0%	\$ 3,494.63
Inspector of Record	3.0%	\$ 10,483.88
Testing	2.5%	\$ 8,736.56
DSA Fees	1.0%	\$ 3,494.63
<b>Estimated Construction/Soft Cost</b>		<b>\$ 417,607.69</b>
Contingency for Unknowns	10%	\$ 41,760.77
<b>Sipherd Total Estimated Costs</b>		<b>\$ 459,368.46</b>

**Sipherd Elementary School Estimated Costs of Construction**

Description	Each	Unit	Unit Costs	Total Costs
Path of Travel -Main Parking Northwest Corner Demo Existing Concrete	3100	sf	2.25	\$ 6,975.00
Path of Travel -Main Parking Northwest Corner New Concrete Sidewalk	3100	sf	\$ 12.50	\$ 38,750.00
Path of Travel Parking Northeast Corner Demo Existing Concrete	2800	sf	2.25	\$ 6,300.00
Path of Travel Parking Northeast Corner New Concrete Sidewalk	2800	sf	\$ 12.50	\$ 35,000.00
ADA Parking Overlay	650	sf	\$ 19.50	\$ 12,675.00
ADA Striping and Signage	1	ls	\$ 1,100.00	\$ 1,100.00
Path of Travel Bldg A Pods A,B,C Demo Existing Concrete.	10210	sf	\$ 2.25	\$ 22,972.50
Path of Travel Bldg A Pods A,B,C New Concrete Sidewalk with Rebar.	10210	lf	\$ 12.50	\$ 127,625.00
Path of Travel 3 South Portables Demo Existing Concrete.	1100	sf	\$ 2.25	\$ 2,475.00
Path of Travel 3 South Portables New Concrete Sidewalk with Rebar.	1100	sf	\$ 12.50	\$ 13,750.00
ADA - Sink, fixtures and undercounter access not ADA compliant Remove Existing	19	ea	\$ 185.00	\$ 3,515.00
ADA - Sink, fixtures	19	ea	\$ 2,475.00	\$ 47,025.00
Remove Owner Added Wall	6	ea	\$ 650.00	\$ 3,900.00
ADA	12	ea	\$ 350.00	\$ 4,200.00
ADA - no accessible counter at reception	1	ea	\$ 1,750.00	\$ 1,750.00
New walk in	1	ea	\$ 21,450.00	\$ 21,450.00
<b>Sipherd Elementary Estimated Costs</b>				<b>\$ 349,462.50</b>

**Stroud Elementary School Summary of Costs**

<b>Description</b>	<b>Soft Costs</b>	<b>Total Price</b>
Stroud Construction Costs		\$ 265,820.00
Architect Fees	12.0%	\$ 31,898.40
Reimbursable	1.0%	\$ 2,658.20
Inspector of Record	3.0%	\$ 7,974.60
Testing	2.5%	\$ 6,645.50
DSA Fees	1.0%	\$ 2,658.20
<b>Estimated Construction/Soft Cost</b>		<b>\$ 317,654.90</b>
Contingency for Unknowns	10%	\$ 31,765.49
<b>Stroud Total Estimated Costs</b>		<b>\$ 349,420.39</b>



**Stroud Elementary School Estimated Costs of Construction**

<b>Description of Work</b>	<b>Each</b>	<b>Unit</b>	<b>Unit Costs</b>	<b>Total Costs</b>
ADA- Railing extensions not compliant - 12" level.	4	ea	\$ 375.00	\$ 1,500.00
ADA - Drinking fountain not accessible - fixture and approach/curb.	2	ea	\$ 3,500.00	\$ 7,000.00
ADA Parking Not Compliant Overlay with AC	2000	sf	\$ 19.50	\$ 39,000.00
ADA Parking Signage Striping	2	ea	\$ 1,100.00	\$ 2,200.00
ADA Path of Travel at Drop off Demo Concrete	3600	sf	\$ 2.25	\$ 8,100.00
ADA Path of Travel at Drop off New Concrete Sidewalk with Rebar	3600	sf	\$ 12.50	\$ 45,000.00
ADA Path of Travel at Bldg D & E Demo Existing Concrete	4400	sf	\$ 3.50	\$ 15,400.00
ADA Path of Travel at Bldg D & E New Concrete Sidewalk with Rebar	4400	sf	\$ 13.50	\$ 59,400.00
ADA Path of Travel at Relocatables Demo Existing Concrete	3570	sf	\$ 2.25	\$ 8,032.50
ADA Path of Travel at Relocatables New Concrete Sidewalk with Rebar	3570	sf	\$ 12.50	\$ 44,625.00
ADA Path of Travel at Playgrounds	225	sf	\$ 12.50	\$ 2,812.50
ADA - Sink, fixtures and undercounter access not ADA compliant Remove Existing	11	ea	\$ 185.00	\$ 2,035.00
ADA - Sink, fixtures	11	ea	\$ 2,475.00	\$ 27,225.00
Floor Repair at Sinks	11	ea	\$ 140.00	\$ 1,540.00
Remove Owner Added Wall	3	ea	\$ 650.00	\$ 1,950.00
<b>Stroud Elementary School Estimated Costs of Construction</b>				<b>\$ 265,820.00</b>

**APPENDIX D  
COMMERCIAL/INDUSTRIAL  
CALCULATIONS**

Empire Union School District						
Commercial/Industrial Calculations						
	EMP/ 1000 SQ.FT	DIST.HH/ EMP	HH/SF	% EMP IN EXIST HH	ADJUSTED HH/SF	ADJ % DIST HH/EMP
MEDICAL	4.27	0.2	0.000854	0.4	0.0003416	0.08
CORP. OFFICE	2.68	0.2	0.000536	0.4	0.0002144	0.08
COM. OFFICE	4.78	0.2	0.000956	0.4	0.0003824	0.08
LODGING	1.55	0.3	0.000465	0.4	0.0001860	0.12
R&D	3.04	0.2	0.000608	0.4	0.0002432	0.08
IN. PARK	1.68	0.2	0.000336	0.4	0.0001344	0.08
IN/COM PARK	2.21	0.2	0.000442	0.4	0.0001768	0.08
NBHD COMM SC	3.62	0.3	0.001086	0.4	0.0004344	0.12
COMMUNITY SC	1.09	0.3	0.000327	0.4	0.0001308	0.12
BANKS	2.82	0.3	0.000846	0.4	0.0003384	0.12
MINI-STORAGE	0.06	0.2	0.000012	0.4	0.0000048	0.08
AGRICULTURE	0.31	0.5	0.000155	0.4	0.0000620	0.20
STUDENT YIELDS			COST PER STUDENT			
K-8	0.5000		K-8	\$11,106		
<b>STUDENTS PER SQUARE FOOT</b>						
(YIELD FACTORS X ADJ HH/SQ. FT IN COLUMN F)						
	K-8					
MEDICAL	0.000171					
CORP. OFFICE	0.000107					
COM. OFFICE	0.000191					
LODGING	0.000093					
R&D	0.000122					
IN. PARK	0.000067					
IN/COM PARK	0.000088					
NBHD COMM SC	0.000217					
COMMUNITY SC	0.000065					
BANKS	0.000169					
MINI-STORAGE	0.000002					
AGRICULTURE	0.000031					
<b>COSTS PER SQUARE FOOT</b>						
(STUDENTS/ SQ. FOOT X STUDENT COST/SQ. FOOT IN EACH CATEGORY)						
	K-8					
MEDICAL	\$1.90					
CORP. OFFICE	\$1.19					
COM. OFFICE	\$2.12					
LODGING	\$1.03					
R&D	\$1.35					
IN. PARK	\$0.75					
IN/COM PARK	\$0.98					
NBHD COMM SC	\$2.41					
COMMUNITY SC	\$0.73					
BANKS	\$1.88					
MINI-STORAGE	\$0.03					
AGRICULTURE	\$0.34					
Source: San Diego Association of Governments						



**MAP LEGEND**

SCHOOLS	ATTENDANCE BOUNDARIES
■ ELEMENTARY K-6	— ELEMENTARY K-6
▲ MIDDLE 7-8	— MIDDLE 7-8
● EMPIRE K-8	— EMPIRE K-8
	— DISTRICT
■ AREA WITHIN EMPIRE UNION SCHOOL DISTRICT	
□ AREA OUTSIDE DISTRICT	

Please exercise caution in using this map for determining the final assignment of students. If you need additional information please visit [www.empire.k12.ca.us](http://www.empire.k12.ca.us) or if additional copies are needed contact Modesto City Schools at 521-2800.

Prepared by Empire Union School District & MCR Engineering Inc.  
Project 11-068  
December 7, 2011

# EMPIRE UNION SCHOOL DISTRICT

ATTENDANCE BOUNDARIES

