

**School Facility
Needs Analysis
for
Milpitas Unified
School District**
September 29, 2016

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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 reconstruction of school facilities provided the school district meets the applicable legal requirements including justification for levying of fees.
- Government Code Section 65995¹ limits the fee to be collected subject to therein stated exceptions to a specified amount (“Level I Fee”), presently in the amount of \$3.48 per square foot of assessable area for new residential construction.² There are provisions for a greater alternative fee (“Level II Fee” and “Level III Fee”) if the school district meets specified legal requirements and adopts a School Facility Needs Analysis.
- In February 2016, the State Allocation Board (“SAB”) increased the Level I Fee to \$3.48 per square foot of residential construction and \$0.56 per square foot of commercial/industrial construction.
- This study finds that justification exists for levying Level II Fees and Level III Fees to new residential construction within the Milpitas Unified School District (“District”) in amounts determined pursuant to Sections 65995.5, 65995.6, and 65995.7. However, Level II and III Fees do not apply to commercial and industrial construction.
- The Capacity for the District is based on Education Code Section 17071.10. State Allocation Board forms 50-01, 50-02 and 50-03 are included as Appendix B.
- Each new single-family detached residential unit expected to be constructed in the District is estimated to average 1,905 square feet and

¹ All references made hereafter are to the Government Code unless otherwise indicated.

² New Construction is defined as new residential construction, redevelopment residential construction, or remodeled residential construction of residences larger than 500 square feet.

will generate an average of .135 K-12th grade students for the District to house.

- 236 new unmitigated single-family detached residential units are expected to be constructed within the District over the next five years.
- Each new single-family attached residential unit expected to be constructed in the District is estimated to average 1500 square feet and will generate an average of .087 K-12th grade students for the District to house.
- 1,176 new unmitigated single-family attached residential units are expected to be constructed within the District over the next five years.
- Each new multi-family residential unit expected to be constructed in the District is estimated to average 850 square feet and will generate an average of .139 K-12th grade students for the District to house.
- 3,699 new unmitigated multi-family residential units are expected to be constructed within the District over the next five years.
- Based on determinations consistent with Section 65995.5, the District is justified in establishing a Level II fee of \$4.15 per assessable square foot of residential construction.
- Based on determinations consistent with Section 65995.5 and 65995.7, the District is justified in establishing a Level III fee of \$8.29 per square foot of assessable space of residential construction applicable as permitted by law after such time as the "SAB" is no longer apportioning funds to school districts for new construction.

INTRODUCTION

Developer Fee Legislation: Background

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 (formerly Government Code Section 53080) 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 reconstruction of school facilities."

The statutory fee that is adjusted every two years by the State Allocation Board ("SAB") according to the adjustment for inflation in the statewide index for Class B construction. In February of 2016, the SAB increased the school fee to \$3.48 ("Level I Fee") per square foot of assessable space for residential construction and \$0.56 per square foot of chargeable covered and enclosed space for commercial and industrial construction.

Senate Bill 50: Background

In August 1998, the Governor signed into legislation Chapter 407 of the 1998 legislative session ("SB-50") which includes, in part, the Leroy F. Greene School Facilities Act of 1998 ("SFP"). This bill made major changes in the State school building program as well as the level of permissible school fees for school districts in California. Education Code 17620 was amended to include the revised provisions of Government Code Sections 65995, 65995.5, 65995.6 and 65995.7.

Prior to the passage of SB-50, school districts had been able to rely on a series of appellate court decisions known as "Mira-Hart-Murrieta." These court decisions had allowed or in some instances required municipalities, when making a legislative decision (such as general plan amendments, development agreements, zoning changes, etc.) concerning land use, to consider the impacts of that decision on school facilities and condition their approval on mitigation measures. These cases allowed cities and counties to assist school districts by using their legislative power to fully mitigate the impacts of land development on school facilities. These measures could be in the form of mitigation payments higher than a Level I Fee, land dedication or other measures which the land use

agencies agreed would mitigate the impacts of the proposed development. In addition, the California Environmental Quality Act (“CEQA”) was interpreted by the “Mira” decisions to include mitigation for the environmental impact of a development, providing the school districts with a concurrent means to procure mitigation agreements to fund school facilities to meet the need resulting from additional development.

SB-50 imposes limitations on the power of cities and counties in regard to requiring mitigation of school facilities impacts of new development. The law amends Section 65995(a) to provide that only those fees authorized by Education Code Section 17620 or Government Code Section 65970 and following may be imposed in connection with or made conditions of any legislative or adjudicative act by a local agency involving planning, use, or development of real property. A copy of Sections 65995-65998 is included as Appendix A for reference.

Subsequent to the enactment of SB-50, authority exists for collection of three levels of developer fees:

Level I Fees

Level I Fees are authorized pursuant to Section 65995. These fees, currently \$3.48 per assessable square foot of residential construction and \$0.56 per assessable square foot of commercial construction on a K-12 basis, may be increased in the year 2018 and every two years thereafter in accordance with the statewide cost index for Class B Construction as determined by the SAB.

Level II Fees:

Level II Fees are authorized pursuant to Section 65995.5. This authority allows a school district to impose a higher fee on residential construction if certain conditions are met. This amount of Level II Fees is the subject of this School Facility Needs Analysis (“SFNA”). The requirements for these fees are outlined in Section I of the SFNA, beginning on page 6.

Level III Fees

Level III Fees are authorized pursuant to Section 65995.7. If State funding for new construction becomes unavailable and certain findings are made pursuant to Section 65995.7, this authority allows a school district that has met the applicable statutory requirements to collect Level III Fees as herein described. This Level III Fee is equal to twice the amount of Level II Fees excluding specified reductions, if any, to the Level II Fee.

Under Section 65995.7(b), a governing board may offer a reimbursement election to the person subject to the Level III Fee that provides the person with the right to monetary reimbursement of an agreed portion of the difference between the Level III and the Level II Fee to the extent that the school district receives funds from State sources for construction of the facilities for which that amount was required, less any amount expended by the district for interim housing. At the option of the person subject to the Level III Fee, if the school district elects to make reimbursement available, the reimbursement election may be made on a tract or lot basis. Reimbursement of available funds is to be made within 30 days after they are received by the school district.

A governing board may offer the person subject to the Level III Fee an opportunity to negotiate an alternative reimbursement agreement.

A governing board may provide that the rights granted by the reimbursement election of the alternative reimbursement agreement are assignable.

If a school district fails to offer a reimbursement election or enter into a mitigation agreement, the amount of State funding subsequently received shall be reduced by the difference between the Level II Fee and the Level III Fee.

SECTION I: LEVEL II FEES/ ELIGIBILITY REQUIREMENTS

Eligibility Requirements

In order for a school district to collect Level II Fees, the District must meet the following conditions set forth in Government Code Section 65995.5. Government Code Sections 65995-65998 are attached as Appendix A.

1. A school district must make a timely application for funding pursuant to the SFP and obtain a determination of its eligibility for new construction. An application is deemed eligible if the SAB fails to notify the school district of its eligibility within 120 days of receipt of the application by the SAB.
2. A school district must conduct and adopt an SFNA according to Government Code Section 65995.6.
3. As of January 1, 2000, a district must satisfy at least two of the four Statutory Requirements. The Statutory Requirements are outlined in detail in Government Code Section 65995.5(b).
 - a. Year Round Schools—Unified and elementary school districts must have at least 30% of their K-6 pupils in the high school attendance area in which all or some of the new residential units are planned on a multi-track year-round schedule. For high school districts at least 30% of their pupils or at least 40% of the K-12 pupils in the high school attendance area for which the district is applying for new school facilities must be on a multi-track, year-round schedule.
 - b. General Obligation Bonds—The school district must have placed a General Obligation bond on the ballot in the previous four years and the measure must have received approval of at least 50% plus one of the votes cast.

- c. Debt Incurred—The school district must have issued debt or incurred obligations for capital outlay in an amount equal to 15% or 30%, as applicable, of the district’s local bonding capacity.
- d. Relocatable Classrooms—At least 20% of the teaching stations within the school district must be relocatable classrooms.

The District satisfies the necessary two of the four statutory requirements in that:

c. The District has issued debt in an amount of 56.2% of their local bonding capacity to fund facilities projects. The District’s current bonding capacity is \$187,446,844. The District’s bond debt is currently \$105,435,000, or 56.2% of its bonding capacity.

d. The District also has at least 20% of its classrooms as relocatable classrooms, thereby satisfying a second requirement of the statute. The Milpitas Unified School District currently has approximately 23.9% of its classrooms as portable classrooms.

Purpose of Study

The purpose of the SFNA is to: (1) establish the needs for new school facilities for unhoused students which are attributable to new residential development (as described in Section II) in the District over the next five years; 2) establish the amount of the Level II Fees and Level III Fees, and 3) demonstrate that such fees are roughly proportional and reasonably related to the cost of school facilities for the future development within the District. In order to collect the Level II Fees, certain requirements must be fulfilled by a school district. The SFNA will demonstrate that the District satisfies the applicable requirements to collect the Level II Fees and Level III Fees.

SECTION II: NEEDS ANALYSIS

This section of the SFNA factually substantiates that the District meets the necessary requirements outlined in Section I, is eligible to collect Level II and III Fees in excess of the statutory fee for constructing school facilities, and establishes the amount thereof as authorized by applicable law.

School Facilities Program Application

To be eligible to collect Level II Fees, the District must have made a “timely application to the (“SFP”) for new construction funding for which it is eligible”³ The District updated this application in 2016. The filing of this application by the District satisfies this requirement for collecting Level II and Level III Fees.

In order to determine the eligibility for the District, both the school capacity and the enrollment projection were completed on OPSC forms and submitted for review and approval. The District’s capacity determination and enrollment projection (Forms SAB-50-01, 02, and 03) are included as Appendix B.

School Capacity

The District capacity was determined according to the methodology specified by Education Code Section 17071.10 and provided for in the OPSC eligibility determination forms. “For new construction projects, the District shall complete, on a one-time basis, the classroom inventory pursuant to Sections 1859.31 and 1859.32 of the SAB Regulations and report that inventory on the Existing School Building Capacity Form SAB 50-02, attached as Appendix B. Completion of the calculations made on this Form shall represent the District’s Existing School Building Capacity.”⁴ For purposes of this capacity, Kindergarten through 6th grade standard classrooms are loaded at 25 students per classroom and 7-12th grade classrooms are loaded at 27 students per classroom.

According to AB 695, which was enacted during the 1999 Legislative Session and amended Government Code Section 65995.6(a), a school district must recalculate its capacity for the Needs Analysis. The Existing School Building Capacity of the District was recalculated for purposes of the SFNA.

³ Senate Bill 50, Chaptered August 27, 1998, Section 65995.5 (b)(1).

⁴ Ibid, Section 1859.30. SAB Regulations for Senate Bill 50.

Enrollment Projection

According to SB-50, the enrollment projection will be calculated as therein provided and as on the Enrollment Certification/Projection Form SAB 50-01. Projections shall be calculated pursuant to the cohort survival enrollment projection system described in Sections 1859.40 to 1859.43 of Article 5 of the SAB Regulations. The cohort survival method of projecting enrollments identifies the probability that a student will “survive” from one school year to the next in the successive grade level. This projection may be augmented by utilizing the number of residential units to be constructed in the District. These units must have tentative map approval at the time of the calculation of the projection.

School Facility Needs Analysis

Once a school district's eligibility is established, Section 65995.6 requires that a school district conduct an SFNA before Level II Fees and Level III Fees can be imposed. The SFNA must demonstrate that the need for new school facilities for unhoused pupils is attributable to projected enrollment growth from the construction of new residential units over the next five years.

The SFNA shall project the number of unhoused elementary, middle, and high school pupils generated by new residential units. This projection is calculated for each category of pupils enrolled in the District. "This projection of unhoused pupils shall be based on the historical student generation rates of new residential units constructed during the previous five years that are of a similar type of unit to those anticipated to be constructed . . .,"⁵ which determination may be modified by relevant planning information.

New Residential Units

The District, the City of Milpitas “Planning Department”, and the County of Santa Clara “Planning Department” were contacted to provide information regarding the construction of new residential units in the District.

The calculation, which must be completed for the SFNA, can include only residential units projected to be constructed within the next five years. According to the Planning Department’s information, approximately 5,111 non-mitigated units are being planned for construction in the Milpitas Unified School District

⁵ Ibid., Section 65995.6 (a).

over the next five years. Of the 5,111 non-mitigated residential units, it is estimated that there are 236 single-family detached residential units, 1,176 single-family attached housing units as well as 3,699 multi-family residential units to be built.

According to the City of Milpitas Planning Department the average square footage of single-family detached residential units is approximately 1,905 square feet, single family attached residential unit's average approximately 1,500 square feet and multi-family residential units average approximately 850 square feet each.

By multiplying the average square footage (1,905 sq. ft.) of one single-family detached home by the total number of unmitigated single-family residences to be constructed over the next five years (236) the total square footage of single-family detached residential units to be constructed in the District over the next five years is estimated to be 449,580 square feet.

By multiplying the average square footage (1,500 sq. ft.) of one single-family attached housing unit by the total number of single-family attached housing units to be constructed over the next five years (1,176), the total square footage of single-family attached housing units to be constructed in the District over the next five years is estimated to be 1,764,000 square feet.

By multiplying the average square footage (850 sq. ft.) of one multi-family housing unit by the total number of multi-family housing units to be constructed over the next five years (3,699), the total square footage of multi-family housing units to be constructed in the District over the next five years is estimated to be 3,144,150 square feet.

The total estimated projected residential square footage is approximately 5,357,730 square feet.

Student Generation

In order to determine the number of students generated by residential units in the District constructed in the last five years, Jack Schreder & Associates conducted a survey of 2,361 units in July and August 2016. This study utilized only residential units constructed within the last five years. A database of

residential development was accessed to provide the units. All of the units were compared to current construction according to square footage and type of unit.

A student yield factor of .135 has been identified for single-family detached units in the District. A student yield factor of .087 has been identified for single family attached units in the District. Additionally, a student yield factor of .139 has been identified for multi-family units in the District.

The results of this survey are outlined in Table 1 and the calculations are attached in Appendix C.

Table 1. Student Generation Factors

Single-Family Detached Units	
<u>Grade Level</u>	<u>Yield</u>
K-6	.063
7-8	.038
9-12	<u>.034</u>
Total	.135
Single-Family Attached Housing Units	
<u>Grade Level</u>	<u>Yield</u>
K-6	.055
7-8	.010
9-12	<u>.022</u>
Total	.087
Multi-Family Housing Units	
<u>Grade Level</u>	<u>Yield</u>
K-6	.101
7-8	.010
9-12	<u>.028</u>
Total	.139

Source: Jack Schreder & Associates, Original Research. Milpitas Unified School District.

Housing of Excess Students

Section 65995.6 requires districts to analyze the following areas to determine if the District can house excess students either in current facilities or with monies currently available to construct new classrooms.

In order to fulfill the requirements of 65995.6 (b)(1),(2), and (3), a district must evaluate the following:

- 1) Identify and consider any surplus property owned by the school district that can be used as a school site or that is available for sale to finance school facilities.
- 2) Identify and consider the extent to which projected enrollment growth may be accommodated by excess capacity in existing facilities.
- 3) Identify and consider local sources other than fees, charges, dedications, or other requirements imposed on residential construction available to finance the construction or reconstruction of school facilities needed to accommodate any growth in enrollment attributable to the construction of new residential units.⁶

Surplus Property

The district currently owns one elementary school site.

Excess Capacity

According to State loading standards (Form SAB 50-02) utilized to apply to the SFP, the District is currently over capacity and has new construction eligibility in the State program. (See the District's SAB 50-02 attached as Appendix B.)

⁶ Ibid., Section 65995.6(b).

Local Sources⁷

Prior to the collection of Level II Fees and Level III Fees, the District must conduct an analysis of local revenues available in order to assist in constructing new schools for students generated by new development. The District has no available funds for facility construction/reconstruction projects.

The District has considered these sources of revenue.

a) General Obligation Bond Funds.

The District passed a General Obligation Bond in June 2012. However, these monies are encumbered for various facility projects within the district including a future new elementary school.

b) Mitigation Agreements.

In order to mitigate the impact of new development, the District has mitigation agreements with various developers.

The students generated from the mitigated residential units were not included in the Level II and III Fee calculation.

c) Other Local Funds.

Government Code Section 65995.5 (c) (2) states "...local funds include fees, charges, dedications, or other requirements imposed on commercial or industrial construction. . . ."

The District currently collects the statutory commercial/industrial fees at \$0.54 per square foot. However, the monies in this fund are utilized for the following projects:

1. Payment of annual leases on portable classrooms.
2. Purchase of portable classrooms to accommodate increased enrollments.

⁷ Ibid, Section 65995.6 (b).

No monies are available from these funds to house future students from new development.

Methodology for Fee Calculation

It has been shown that the District has met the State requirements for eligibility in order to levy the Level II Fees and Level III Fees.

SB-50 outlines the methodology for the calculation of Level II fees in Section 65995.5(c) as follows:

- 1) The number of unhoused pupils identified in the school facilities needs analysis shall be multiplied by the appropriate grant amounts provided in subdivision (a) of Education Code Section 17072.10. This sum shall be added to the site acquisition and development cost determined pursuant to Government Code 65995.5 (h).
- 2) The full amount of local funds the governing board has dedicated to facilities necessitated by new construction shall be subtracted from the amount determined pursuant to paragraph (1).
- 3) The resulting amount . . . shall be divided by the projected total square footage of assessable space of residential units anticipated to be constructed during the next five-year period in the school district. . . .
- 4) Site acquisition costs shall not exceed half the amount determined by multiplying the land acreage determined to be necessary under the guidelines of the State Department of Education. . . .⁸

In order to determine Level II Fees and Level III Fees, several calculations are necessary. These calculations are outlined below and attached as Appendix D.

⁸ Ibid, Section 65995.5 (h)

Future projected students are estimated by multiplying the total number of unmitigated residential units to be constructed in the District over the next five years by the student yield factor at the appropriate grade levels. This calculation is outlined in Tables 2 and 3.

Table 2. Future Projected Students from Proposed Residential Units

Development Type	#Units	x	SGR	=	# of Students Generated
Single Family Detached					
K-6	236	x	.063	=	15
7-8	236	x	.038	=	9
9-12	236	x	.034	=	8
Single Family Attached					
K-6	1,176	x	.055	=	65
7-8	1,176	x	.010	=	12
9-12	1,176	x	.022	=	26
Multi Family					
K-6	3,699	x	.101	=	374
7-8	3,699	x	.010	=	37
9-12	3,699	x	.028	=	104

Source: Milpitas Unified School District; City of Milpitas Planning Department; Jack Schreder & Associates, 2016.

Table 3. Total Projected Students from Proposed Residential Units by Grade Group

Grade	SFD Units/ Students	+	SFA Units/ Students	+	MF Units/ Students	=	Total
K-6	15	+	65	+	374	=	454
7-8	9	+	12	+	37	=	58
9-12	8	+	26	+	104	=	138

Source: Milpitas Unified School District; City of Milpitas Planning Department; Jack Schreder & Associates, 2016.

State School Facility Program Grant Calculations

Under the SFP, the State provides “regular grants” (“Regular Grant”), which amount is assumed to, although in actuality it will not, provide a school district with 50% of the cost to house a student who is unhoused. These amounts are estimated to be 50% of the cost of housing one student. The District is responsible for matching these State funds with 50% of District money. For example, a K-6 grant of \$10,634 is presumed to pay for 50% of the cost to house one elementary student, with the District paying the other 50%, for a total of \$21,268 per unhoused student. These grants are not reflective of actual construction costs for constructing schools.

It is important to note that the Regular Grant amounts are based on a formula developed by the OPSC and are not reflective of the actual cost to the District to house excess students.

The current Regular Grant amounts, for purposes of the SFP, are outlined in Table 4. For the Level II Fee calculations, these Regular Grant amounts are multiplied by the total number of projected unhoused students for each type of housing at the respective grade levels in the District.

Table 4. State School Facility Program Grant Calculations

<u>Grade Group</u>	<u>Future Unhoused Students</u>	<u>Per Pupil Grant Amount</u>	<u>Total State Grant</u>
K6	454	\$10,634	\$4,827,836
7-8	58	\$11,247	\$652,326
912	138	\$14,311	\$1,974,918
Total eligible grant amount			\$7,455,080

In addition to the regular grant amounts outlined in Table 4, the OPSC provides additional grants for automatic fire detection/alarm systems, and automatic sprinkler systems at all grade groups. Milpitas Unified School District has automatic fire detection alarm systems. These additional per pupil grants are

outlined in Table 5 and calculated for the future unhoused students in the Milpitas Unified School District.

Table 5. State School Facility Program Grant Calculations; OPSC Additional Grants

Grade Group	Future Unhoused Students	Additional Per Pupil Grant Amount	Total State Grant
K-6	454	\$190	\$86,260
7-8	58	\$229	\$13,282
9-12	138	\$249	<u>\$34,362</u>
Total eligible additional grant amount		\$133,904	

Site Acquisition Costs

The next step in the fee calculation is to estimate the total Site Acquisition Cost. The current land cost in the District is \$3,100,000 per acre. This cost per acre is based on properties currently for sale within the District. This research was conducted by JSA and is an average based on price per acre for various types of undeveloped land (i.e. commercial, residential, industrial, multi-family). Per Government Code Section 65995, fifty per cent of this cost (\$1,550,000) can be utilized to determine the cost to the District for new facilities as a result of the future unhoused students.

The calculations to house the future unhoused students in the District are outlined in Table 6. The acreage of elementary, middle and high school sites are calculated according to *School Site Analysis and Development Handbook*, January, 1998, California Department of Education guidelines as follows: 10 acres for an elementary school of 500 students, 20 acres for a middle school of 900 students, and 40 acres for a high school with fewer than 1,500 students.

Table 6. Site Acquisition Cost

Site Acquisition Cost @ 50% of per acre cost (\$3,100,000 per acre)			
Grade	Future Unhoused Students	# of Students	# of sites needed
K-6	454	500	.908
7-8	58	900	.064
9-12	138	1500	.092
*.908 Elementary Sites (9.08 acres x \$1,550,000)			\$00
.064 Middle School Sites (1.28 acres x \$1,550,000)			\$1,984,000
.092 High School Sites (3.68 acres x \$1,550,000)			<u>\$5,704,000</u>
Total Site Acquisition Costs			\$7,688,000

*District owns an elementary site

Site Development Costs

In order to calculate the Site Development Costs, a design firm under contract with the District, *IBI Group*, was contacted to provide an estimate for the District. These estimates are based on current site development costs for other school projects completed by the architects in the area and current market costs for site development items. These site development costs must be calculated for all sites at each grade group (K-6, 7-8 and 9-12). The total site development costs are: \$9,696,450 for K-6th grade sites, \$19,796,930 for 7-8th grade sites, and \$35,957,700 for 9-12th grade sites. This cost is then reduced by 50% for the fee calculation. A copy of the estimates provided by the *IBI Group* in this regard are shown in Table 7 and attached as Appendix E.

In addition, the SAB approved emergency amendments to SAB Regulation 1859.76 providing for a General Site Development Grant. This grant amount is currently calculated as \$17,308 per new useable acre acquired for new school construction. The District will incur site development costs for 14.04 acres pursuant to the calculation reflected in Table 6.

Table 7. Site Development Costs

.908 Elementary Sites x \$4,848,225	\$4,402,188
.064 Middle School Sites x \$9,898,480	\$633,503
.092 High School Sites x \$17,978,850	\$1,654,054
K-12 OPSC General Site Grant— 14.04 acres x \$17,308	<u>\$243,004</u>
Total Site Development Cost	\$6,932,749

Level II and Level III Fee Calculations

As outlined previously in Section II of the study, the total square footage of unmitigated residential units projected to be constructed in the next five years is 5,357,730. The total cost to house students in the next five years is the sum of the Regular Grant Amount, the Site Acquisition Costs and the Site Development Costs minus any Local Funds available from the District.⁹ This cost is then divided by the total square footage to obtain the Level II Fee the District is eligible to collect. This calculation is shown in Table 8.

Table 8. Calculations for Level II Developer Fees

Total Base Grant Amount	\$7,455,080		
Total Additional OPSC Grant	\$133,904		
Total Site Acquisition	\$7,688,000		
Total Site Development	<u>\$6,932,749</u>		
Total District Cost	\$22,209,733		
		Less Available	
Total District Cost	\$22,209,733	Local Revenues	
		\$-0-	=
			\$22,209,733
Total Need for District			\$22,209,733
Total Need		÷	Square Footage = Fee
\$22,209,733		÷	5,357,730 = \$4.15

⁹ This fee calculation is outlined in Government Code Section 65995.5.

Level III Fees

As previously stated, if State funding becomes unavailable, Section 65995.7 authorizes a school district that is eligible to collect the Level II Fee to calculate and collect the Level III Fees.

The Level III Fees authorized by Section 65995.7 equal the amount of the Level II Fee plus that quantity calculated again but **without subtracting local sources of funds and local funds**. Table 9 shows this calculation.

Table 9. Calculations for Level III Developer Fees

Total Need for District \$44,419,466 (at 100% of costs)			
Total Need	÷	Square Footage =	Fee
\$44,419,466	÷	5,357,730 =	\$8.29

However, it is important to note that if the District eventually receives State funding, the additional amount authorized under this Section may be deducted from the amount of such State funding if the funding is for the same facilities.¹⁰ Any reimbursement by the District is at its option and discretion.

Levy of Fees: Residential Construction

According to Sections 66000 *et seq.*, all public agencies must satisfy the following requirements when establishing, increasing, or imposing a fee.

1. Determine the purpose of the fee.

The Fees collected by the District are for the purpose of constructing school facilities to offset impacts to school facilities as a result of residential development.

2. Identify the use to which the fee will be put.

¹⁰ Government Code Section 65995.7.

The Fees collected by the Milpitas Unified School District will be utilized to construct or add school facilities as necessitated from development and as outlined in the district's master plan.

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.

The fees are imposed on new residential construction (defined as new homes, redevelopment residential construction), and "other residential construction" which is remodeled homes with an increase in square footage larger than 500 square feet which creates a direct impact on the need for school facilities. The fees will offset the impact created from such construction.

4. Determine how there is a reasonable relationship between the amount of the fee and the public facility or portion of the public facility attributable to the development on which the fee is imposed.

Since the Milpitas Unified School District will have to house students from new construction, and has new construction eligibility within the State School Building Program, the fee will assist the District in housing unhoused students generated by the new development.

5. Provide an accounting of any portion of the fee remaining unexpended or uncommitted in the district's account.

For the fifth fiscal year after the first deposit of Fees, and every five years thereafter, the District must make findings as to the unexpended committed or uncommitted Fees regarding: the Fee's purpose, the reasonable relationship between the Fees and the purpose for which the Fee is charged, identification of all sources and amounts of funding anticipated to complete financing of

identified incomplete improvements, and designation of the approximate dates on which funding is anticipated. Within 180 days of determining that sufficient Fees have been collected and facilities remain incomplete, the District must identify an approximate date by which construction will be commenced or shall refund the unexpended portion of the Fee in accordance with Government Code Section 66001 *et seq.* The District maintains ongoing records of the expended Fees in order to meet this requirement.

Prior to increasing or adopting Level II Fees or III Fees, the District must meet the requirements of Section 66000 *et seq.* The District has met this requirement.

Summary

This study has demonstrated the following:

1. The number of future unhoused students from residential housing units to be constructed in the next five years is 454 K-6th grade students, 58 7-8th grade students, and 138 9-12th grade students.
2. The Level I Fee of \$3.48 is inadequate to provide the necessary facilities for the District.
3. The total unmitigated residential square footage projected to be constructed in the City of Milpitas in the next five years is 5,357,730 square feet.
4. As of 2016, the current cost of an acre of land in the District is \$3,100,000. For the calculations in this SFNA, 50% of this cost, or \$1,550,000 per acre, was utilized.
5. The total site development costs for each school site is \$9,696,450 for K-6th grade sites, \$19,796,930 for 7-8th grade sites, and \$35,957,700 for 9-12th grade sites. For calculations in this SFNA, 50% of the total site development costs, \$4,848,225 for K-6th grade sites, \$9,898,480 7-8th grade sites, and \$17,978,850 for 9-12th grade sites, was utilized.

6. The Level II Fee calculations demonstrate that each square foot of residential development yields a developer fee of \$4.15 per square foot.
7. The Level III Fee calculations demonstrate that each square foot of residential development yields a developer fee of \$8.29 per square foot.
8. The Board may find based on the information herein that it has satisfied the requirements of Section 66000 *et seq.*

RECOMMENDATION

Based on the SFNA provided, it is recommended that the District, subject to fulfilling applicable statutory requirements, adopt this SFNA, as meeting all applicable findings and adopt the Level II Fee of \$4.15 per square foot on new residential construction.

It is also recommended that the District, subject to fulfilling applicable statutory requirements, adopt the Level III Fee of \$8.29 per square foot of residential construction. If the requirements of Section 65995.7 are satisfied, including the SAB no longer apportioning funds to school districts for new construction, the District would be authorized to collect the Level III Fee of \$8.29 per square foot for new residential construction. Level III Fees are currently suspended and are not expected to be reinstated in the foreseeable future; therefore, the District can collect Level II Fees only.

SOURCES

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APPENDIX A

**GOVERNMENT CODE
SECTION 65995-65998**

**CALIFORNIA CODES
GOVERNMENT CODE
SECTION 65995-65998**

65995. (a) Except for a fee, charge, dedication, or other requirement authorized under Section 17620 of the Education **Code**, or pursuant to Chapter 4.7 (commencing with Section 65970), a fee, charge, dedication, or other requirement for the construction or reconstruction of school facilities may not be levied or imposed in connection with, or made a condition of, any legislative or adjudicative act, or both, by any state or local agency involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization, as defined in Section 56021 or 56073.

(b) Except as provided in Sections **65995.5** and **65995.7**, the amount of any fees, charges, dedications, or other requirements authorized under Section 17620 of the Education **Code**, or pursuant to Chapter 4.7 (commencing with Section 65970), or both, may not exceed the following:

(1) In the case of residential construction, including the location, installation, or occupancy of manufactured homes and mobilehomes, one dollar and ninety-three cents (\$1.93) per square foot of assessable space. "Assessable space," for this purpose, means all of the square footage within the perimeter of a residential structure, not including any carport, walkway, garage, overhang, patio, enclosed patio, detached accessory structure, or similar area. The amount of the square footage within the perimeter of a residential structure shall be calculated by the building department of the city or county issuing the building permit, in accordance with the standard practice of that city or county in calculating structural perimeters. "Manufactured home" and "mobilehome" have the meanings set forth in subdivision (f) of Section 17625 of the Education **Code**. The application of any fee, charge, dedication, or other form of requirement to the location, installation, or occupancy of manufactured homes and mobilehomes is subject to Section 17625 of the Education **Code**.

(2) In the case of any commercial or industrial construction, thirty-one cents (\$0.31) per square foot of chargeable covered and enclosed space. "Chargeable covered and enclosed space," for this purpose, means the covered and enclosed space determined to be within the perimeter of a commercial or industrial structure, not including any storage areas incidental to the principal use of the construction, garage, parking structure, unenclosed walkway, or utility or disposal area. The determination of the chargeable covered and enclosed space within the perimeter of a commercial or industrial structure shall be made by the building department of the city or county issuing the building permit, in accordance with the building standards of that city or county.

(3) The amount of the limits set forth in paragraphs (1) and (2) shall be increased in 2000, and every two years thereafter, according to the adjustment for inflation set forth in the statewide cost index for class B construction, as determined by the State Allocation Board at its January meeting, which increase shall be effective as of the date of that meeting.

(c) (1) Notwithstanding any other provision of law, during the term of a contract entered into between a subdivider or builder and a school district, city, county, or city and county, whether general law or chartered, on or before January 1, 1987, that requires the payment of a fee, charge, or dedication for the construction of school facilities as a condition to the approval of residential construction, neither Section 17620 of the Education **Code** nor this chapter applies to that residential construction.

(2) Notwithstanding any other provision of state or local law, construction that is subject to a contract entered into between a person and a school district, city, county, or city and county, whether general law or chartered, after January 1, 1987, and before the operative date of the act that adds paragraph (3) that requires the payment of a fee, charge, or dedication for the construction of school facilities as a condition to the approval of construction, may not be affected by the act that adds paragraph (3).

(3) Notwithstanding any other provision of state or local law, until January 1, 2000, any construction not subject to a contract as described in paragraph (2) that is carried out on real property for which residential development was made subject to a condition relating to school facilities imposed by a state or local agency in connection with a legislative act approving or authorizing the residential development of that property after January 1, 1987, and before the operative date of the act adding this paragraph, shall be required to comply with that condition.

Notwithstanding any other provision of state or local law, on and after January 1, 2000, any construction not subject to a contract as described in paragraph (2) that is carried out on real property for which residential development was made subject to a condition relating to school facilities imposed by a state or local agency in connection with a legislative act approving or authorizing the residential development of that property after January 1, 1987, and before the operative date of the act adding this paragraph, may not be subject to a fee, charge, dedication, or other requirement exceeding the amount specified in paragraphs (1) and (2) of subdivision (b), or, if a district has increased the limit specified in paragraph (1) of subdivision (b) pursuant to either Section 65995.5 or 65995.7, that increased amount.

(4) Any construction that is not subject to a contract as described in paragraph (2), or to paragraph (3), and that satisfies both of the requirements of this paragraph, may not be subject to any increased fee, charge, dedication, or other requirement authorized by the act that adds this paragraph beyond the amount specified in paragraphs (1) and (2) of subdivision (b).

(A) A tentative map, development permit, or conditional use permit was approved before the operative date of the act that amends this subdivision.

(B) A building permit is issued before January 1, 2000.

(d) For purposes of this chapter, "construction" means new construction and reconstruction of existing building for residential, commercial, or industrial. "Residential, commercial, or industrial construction" does not include any facility used exclusively for religious purposes that is thereby exempt from property taxation under the laws of this state, any facility used exclusively as a private full-time day school as described in Section 48222 of the Education **Code**, or any facility that is owned and occupied by one or more agencies of federal, state, or local **government**. In

addition, "commercial or industrial construction" includes, but is not limited to, any hotel, inn, motel, tourist home, or other lodging for which the maximum term of occupancy for guests does not exceed 30 days, but does not include any residential hotel, as defined in paragraph (1) of subdivision (b) of Section 50519 of the Health and Safety Code.

(e) The Legislature finds and declares that the financing of school facilities and the mitigation of the impacts of land use approvals, whether legislative or adjudicative, or both, on the need for school facilities are matters of statewide concern. For this reason, the Legislature hereby occupies the subject matter of requirements related to school facilities levied or imposed in connection with, or made a condition of, any land use approval, whether legislative or adjudicative act, or both, and the mitigation of the impacts of land use approvals, whether legislative or adjudicative, or both, on the need for school facilities, to the exclusion of all other measures, financial or nonfinancial, on the subjects. For purposes of this subdivision, "school facilities" means any school-related consideration relating to a school district's ability to accommodate enrollment.

(f) Nothing in this section shall be interpreted to limit or prohibit the use of Chapter 2.5 (commencing with Section 53311) of Division 2 of Title 5 to finance the construction or reconstruction of school facilities. However, the use of Chapter 2.5 (commencing with Section 53311) of Division 2 of Title 5 may not be required as a condition of approval of any legislative or adjudicative act, or both, if the purpose of the community facilities district is to finance school facilities.

(g) (1) The refusal of a person to agree to undertake or cause to be undertaken an act relating to Chapter 2.5 (commencing with Section 53311) of Division 2 of Title 5, including formation of, or annexation to, a community facilities district, voting to levy a special tax, or authorizing another to vote to levy a special tax, may not be a factor when considering the approval of a legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization, as defined in Section 56021 or 56073, if the purpose of the community facilities district is to finance school facilities.

(2) If a person voluntarily elects to establish, or annex into, a community facilities district and levy a special tax approved by landowner vote to finance school facilities, the present value of the special tax specified in the resolution of formation shall be calculated as an amount per square foot of assessable space and that amount shall be a credit against any applicable fee, charge, dedication, or other requirement for the construction or reconstruction of school facilities. For purposes of this paragraph, the calculation of present value shall use the interest rate paid on the United States Treasury's 30-year bond on the date of the formation of, or annexation to, the community facilities district, as the capitalization rate.

(3) For purposes of subdivisions (f), (h), and (i), and this subdivision, "school facilities" means any school-related consideration relating to a school district's ability to accommodate enrollment.

(h) The payment or satisfaction of a fee, charge, or other requirement levied or imposed pursuant to Section 17620 of the Education Code in the amount specified in Section 65995 and, if applicable, any amounts specified in Section 65995.5 or 65995.7 are hereby deemed to be full and complete mitigation of the impacts of any legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or

development of real property, or any change in governmental organization or reorganization as defined in Section 56021 or 56073, on the provision of adequate school facilities.

(i) A state or local agency may not deny or refuse to approve a legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property, or any change in governmental organization or reorganization as defined in Section 56021 or 56073 on the basis of a person's refusal to provide school facilities mitigation that exceeds the amounts authorized pursuant to this section or pursuant to Section 65995.5 or 65995.7, as applicable.

65995.1. (a) Notwithstanding any other provision of law, as to any development project for the construction of senior citizen housing, as described in Section 51.3 of the Civil Code, a residential care facility for the elderly as described in subdivision (k) of Section 1569.2 of the Health and Safety Code, or a multilevel facility for the elderly as described in paragraph (9) of subdivision (d) of Section 15432, any fee, charge, dedication, or other form of requirement that is levied under Section 53080 may be applied only to new construction, and is subject to the limits and conditions applicable under subdivision (b) of Section 65995 in the case of commercial or industrial development.

(b) Notwithstanding any other provision of law, as to any development project for the construction of agricultural migrant worker housing financed in whole or part pursuant to Chapter 8.5 (commencing with Section 50710) of Part 2 of Division 31 of the Health and Safety Code, no fees, charges, dedications, or other forms of requirements that are levied under Section 53080 shall be applied to new construction, reconstruction, or rehabilitation of this housing. The exemption provided by this subdivision shall be applicable only to that agricultural migrant worker housing which is owned by the state and which is subject to a contract ensuring compliance with the requirements of Chapter 8.5 (commencing with Section 50710) of Part 2 of Division 31 of the Health and Safety Code.

(c) Any development project against which school facilities fees or other requirements have been levied or waived in accordance with the limit or exemption set forth in subdivision (a) or (b) may be converted to any use other than those uses described in the statutes cited in that subdivision only with the approval of the city or county that issued the building permit for the project. That approval shall not be granted absent certification by the appropriate school district that payment has been made on the part of the development project at the rate of the school facilities fee, charge, dedication, or other form of requirement applied by the district under Section 53080 to residential development as of the date of conversion, less the amount of any school facilities fees or other requirements paid on the part of the project in accordance with the limits set forth in subdivision (a) or (b).

65995.2. (a) Notwithstanding any other provision of law, the imposition of any fee, charge, dedication, or other requirement authorized under Section 53080, or Chapter 4.7 (commencing with Section 65970), or both, against any manufactured home or mobilehome that is located within a mobilehome park, or subdivision, cooperative, or condominium for mobilehomes, in which residence is limited to older persons, as defined pursuant to the federal Fair Housing Amendments Act of 1988, is subject to the limits and conditions that are applicable under subdivision (b) of Section **65995** in the case of commercial and industrial development.

(b) Any mobilehome park, or subdivision, cooperative, or condominium for mobilehomes, in which school facilities fees, charges, dedications, or other requirements have been imposed against one or more manufactured homes or mobilehomes in accordance with the limit set forth in subdivision (a) may subsequently choose to permit the residence of persons other than older persons, in which event it shall so notify the appropriate school district and city or county. As a condition of the first sale, subsequent to that notification, of each manufactured home or mobilehome in the mobilehome park, or subdivision, cooperative, or condominium for mobilehomes, payment shall be made to the school district in the amount of the school facilities fee or other requirement applied by the district under Section 53080, or Chapter 4.7 (commencing with Section 65970), or both, to residential development as of the date of that sale, less the amount of any school facilities fees, charges, dedications, or other requirements imposed against that manufactured home or mobilehome in accordance with the limits described in subdivision (a). Any prospective purchaser of a manufactured home or mobilehome that is subject to the requirement set forth in this subdivision shall be given written notice of the existence of that requirement by the seller prior to entering into any contract for that purchase.

(c) Compliance on the part of any manufactured home or mobilehome with any additional fee or other requirement applied by the school district pursuant to subdivision (b), and certification by the appropriate school district of that compliance, shall be required as a condition of the following, as applicable:

(1) The close of escrow of the first sale of the manufactured home or mobilehome following the notice required by subdivision (b), where the manufactured home or mobilehome is to be located, installed, or occupied in a mobilehome park that has chosen to permit the residence of persons other than older persons pursuant to subdivision (b) and the sale or transfer of the manufactured home or mobilehome is subject to escrow as provided in Section 18035 or 18035.2 of the Health and Safety **Code**.

(2) The approval of the manufactured home or mobilehomes for

initial occupancy pursuant to Section 18551 or 18613 of the Health and Safety Code following the notice required by subdivision (b), where the manufactured home or mobilehome is to be located, installed, or occupied in a mobilehome park that has chosen to permit the residence of persons other than older persons pursuant to subdivision (b), in the event that paragraph (1) does not apply.

65995.5. (a) The governing board of a school district may impose the amount calculated pursuant to this section as an alternative to the amount that may be imposed on residential construction calculated pursuant to subdivision (b) of Section **65995**.

(b) To be eligible to impose the fee, charge, dedication, or other requirement up to the amount calculated pursuant to this section, a governing board shall do all of the following:

(1) Make a timely application to the State Allocation Board for new construction funding for which it is eligible and be determined by the board to meet the eligibility requirements for new construction funding set forth in Article 2 (commencing with Section 17071.10) and Article 3 (commencing with Section 17071.75) of Chapter 12.5 of Part 10 of the Education Code. A governing board that submits an application to determine the district's eligibility for new construction funding shall be deemed eligible if the State Allocation Board fails to notify the district of the district's eligibility within 120 days of receipt of the application.

(2) Conduct and adopt a school facility needs analysis pursuant to Section **65995.6**.

(3) Until January 1, 2000, satisfy at least one of the requirements set forth in subparagraphs (A) to (D), inclusive, and, on and after January 1, 2000, satisfy at least two of the requirements set forth in subparagraphs (A) to (D), inclusive:

(A) The district is a unified or elementary school district that has a substantial enrollment of its elementary school pupils on a multitrack year-round schedule. "Substantial enrollment" for purposes of this paragraph means at least 30 percent of district pupils in kindergarten and grades 1 to 6, inclusive, in the high school attendance area in which all or some of the new residential units identified in the needs analysis are planned for construction. A high school district shall be deemed to have met the requirements of this paragraph if either of the following apply:

(i) At least 30 percent of the high school district's pupils are on a multitrack year-round schedule.

(ii) At least 40 percent of the pupils enrolled in public schools in kindergarten and grades 1 to 12, inclusive, within the boundaries of the high school attendance area for which the school district is applying for new facilities are enrolled in multitrack year-round schools.

(B) The district has placed on the ballot in the previous four

years a local general obligation bond to finance school facilities and the measure received at least 50 percent plus one of the votes cast.

(C) The district meets one of the following:

(i) The district has issued debt or incurred obligations for capital outlay in an amount equivalent to 15 percent of the district's local bonding capacity, including indebtedness that is repaid from property taxes, parcel taxes, the district's general fund, special taxes levied pursuant to Section 4 of Article XIII A of the California Constitution, special taxes levied pursuant to Chapter 2.5 (commencing with Section 53311) of Division 2 of Title 5 that are approved by a vote of registered voters, special taxes levied pursuant to Chapter 2.5 (commencing with Section 53311) of Division 2 of Title 5 that are approved by a vote of landowners prior to November 4, 1998, and revenues received pursuant to the Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code). Indebtedness or other obligation to finance school facilities to be owned, leased, or used by the district, that is incurred by another public agency, shall be counted for the purpose of calculating whether the district has met the debt percentage requirement contained herein.

(ii) The district has issued debt or incurred obligations for capital outlay in an amount equivalent to 30 percent of the district's local bonding capacity, including indebtedness that is repaid from property taxes, parcel taxes, the district's general fund, special taxes levied pursuant to Section 4 of Article XIII A of the California Constitution, special taxes levied pursuant to Chapter 2.5 (commencing with Section 53311) of Division 2 of Title 5 that are approved by a vote of registered voters, special taxes levied pursuant to Chapter 2.5 (commencing with Section 53311) of Division 2 of Title 5 that are approved by a vote of landowners after November 4, 1998, and revenues received pursuant to the Community Redevelopment Law (Part 1 (commencing with Section 33000) of Division 24 of the Health and Safety Code). Indebtedness or other obligation to finance school facilities to be owned, leased, or used by the district, that is incurred by another public agency, shall be counted for the purpose of calculating whether the district has met the debt percentage requirement contained herein.

(D) At least 20 percent of the teaching stations within the district are relocatable classrooms.

(c) The maximum square foot fee, charge, dedication, or other requirement authorized by this section that may be collected in accordance with Chapter 6 (commencing with Section 17620) of Part 10.5 of the Education Code shall be calculated by a governing board of a school district, as follows:

(1) The number of unhoused pupils identified in the school facilities needs analysis shall be multiplied by the appropriate

amounts provided in subdivision (a) of Section 17072.10. This sum shall be added to the site acquisition and development cost determined pursuant to subdivision (h).

(2) The full amount of local funds the governing board has dedicated to facilities necessitated by new construction shall be subtracted from the amount determined pursuant to paragraph (1). Local funds include fees, charges, dedications, or other requirements imposed on commercial or industrial construction.

(3) The resulting amount determined pursuant to paragraph (2) shall be divided by the projected total square footage of assessable space of residential units anticipated to be constructed during the next five-year period in the school district or the city and county in which the school district is located. The estimate of the projected total square footage shall be based on information available from the city or county within which the residential units are anticipated to be constructed or a market report prepared by an independent third party.

(d) A school district that has a common territorial jurisdiction with a district that imposes the fee, charge, dedication, or other requirement up to the amount calculated pursuant to this section or Section 65995.7, may not impose a fee, charge, dedication, or other requirement on residential construction that exceeds the limit set forth in subdivision (b) of Section 65995 less the portion of that amount it would be required to share pursuant to Section 17623 of the Education Code, unless that district is eligible to impose the fee, charge, dedication, or other requirement up to the amount calculated pursuant to this section or Section 65995.7.

(e) Nothing in this section is intended to limit or discourage the joint use of school facilities or to limit the ability of a school district to construct school facilities that exceed the amount of funds authorized by Section 17620 of the Education Code and provided by the state grant program, if the additional costs are funded solely by local revenue sources other than fees, charges, dedications, or other requirements imposed on new construction.

(f) Except as provided in paragraph (5) of subdivision (a) of Section 17620 of the Education Code, a fee, charge, dedication, or other requirement authorized under this section and Section 65995.7 shall be expended solely on the school facilities identified in the needs analysis as being attributable to projected enrollment growth from the construction of new residential units. This subdivision does not preclude the expenditure of a fee, charge, dedication, or other requirement, authorized pursuant to subparagraph (C) of paragraph (1) of subdivision (a) of Section 17620, on school facilities identified in the needs analysis as necessary due to projected enrollment growth attributable to the new residential units.

(g) "Residential units" and "residences" as used in this section

and in Sections **65995.6** and **65995.7** means the development of single-family detached housing units, single-family attached housing units, manufactured homes and mobilehomes, as defined in subdivision (f) of Section 17625 of the Education **Code**, condominiums, and multifamily housing units, including apartments, residential hotels, as defined in paragraph (1) of subdivision (b) of Section 50519 of the Health and Safety **Code**, and stock cooperatives, as defined in Section 1351 of the Civil **Code**.

(h) Site acquisition costs shall not exceed half of the amount determined by multiplying the land acreage determined to be necessary under the guidelines of the State Department of Education, as published in the "School Site Analysis and Development Handbook," as that handbook read as of January 1, 1998, by the estimated cost determined pursuant to Section 17072.12 of the Education **Code**. Site development costs shall not exceed the estimated amount that would be funded by the State Allocation Board pursuant to its regulations governing grants for site development costs.

65995.6. (a) The school facilities needs analysis required by paragraph (2) of subdivision (b) of Section **65995.5** shall be conducted by the governing board of a school district to determine the need for new school facilities for unhoused pupils that are attributable to projected enrollment growth from the development of new residential units over the next five years. The school facilities needs analysis shall project the number of unhoused elementary, middle, and high school pupils generated by new residential units, in each category of pupils enrolled in the district. This projection of unhoused pupils shall be based on the historical student generation rates of new residential units constructed during the previous five years that are of a similar type of unit to those anticipated to be constructed either in the school district or the city or county in which the school district is located, and relevant planning agency information, such as multiphased development projects, that may modify the historical figures. For purposes of this paragraph, "type" means a single family detached, single family attached, or multifamily unit. The existing school building capacity shall be calculated pursuant to Article 2 (commencing with Section 17071.10) of Chapter 12.5 of Part 10 of the Education **Code**. The existing school building capacity shall be recalculated by the school district as part of any revision of the needs analysis pursuant to subdivision (e) of this section. If a district meets the requirements of paragraph (3) of subdivision (b) of Section **65995.5** by having a substantial enrollment on a multitrack year-round schedule, the determination of whether the district has school building capacity area shall reflect the additional capacity created by the multitrack year-round schedule.

(b) When determining the funds necessary to meet its facility

needs, the governing board shall do each of the following:

(1) Identify and consider any surplus property owned by the district that can be used as a schoolsite or that is available for sale to finance school facilities.

(2) Identify and consider the extent to which projected enrollment growth may be accommodated by excess capacity in existing facilities.

(3) Identify and consider local sources other than fees, charges, dedications, or other requirements imposed on residential construction available to finance the construction or reconstruction of school facilities needed to accommodate any growth in enrollment attributable to the construction of new residential units.

(c) The governing board shall adopt the school facility needs analysis by resolution at a public hearing. The school facilities needs analysis may not be adopted until the school facilities needs analysis in its final form has been made available to the public for a period of not less than 30 days during which time the school facilities needs analysis shall be provided to the local agency responsible for land use planning for its review and comment. Prior to the adoption of the school facilities needs analysis, the public shall have the opportunity to review and comment on the school facilities needs analysis and the governing board shall respond to written comments it receives regarding the school facilities needs analysis.

(d) Notice of the time and place of the hearing, including the location and procedure for viewing or requesting a copy of the proposed school facilities needs analysis and any proposed revision of the school facilities needs analysis, shall be published in at least one newspaper of general circulation within the jurisdiction of the school district that is conducting the hearing no less than 30 days prior to the hearing. If there is no paper of general circulation, the notice shall be posted in at least three conspicuous public places within the jurisdiction of the school district not less than 30 days prior to the hearing. In addition to these notice requirements, the governing board shall mail a copy of the school facilities needs analysis and any proposed revision to the school facilities needs analysis not less than 30 days prior to the hearing to any person who has made a written request if the written request was made 45 days prior to the hearing. The governing board may charge a fee reasonably related to the cost of providing these materials to those persons who request the school facilities needs analysis or revision.

(e) The school facilities needs analysis may be revised at any time in the same manner, and the revision is subject to the same conditions and requirements, applicable to the adoption of the school facilities needs analysis.

(f) A fee, charge, dedication, or other requirement in an amount

authorized by this section or Section 65995.7, shall be adopted by a resolution of the governing board as part of the adoption or revision of the school facilities needs analysis and may not be effective for more than one year. Notwithstanding subdivision (a) of Section 17621 of the Education Code, or any other provision of law, the fee, charge, dedication, or other requirement authorized by the resolution shall take effect immediately after the adoption of the resolution.

(g) Division 13 (commencing with Section 21000) of the Public Resources Code may not apply to the preparation, adoption, or update of the school facilities needs analysis, or adoption of the resolution specified in this section.

(h) Notice and hearing requirements other than those provided in this section may not be applicable to the adoption or revision of a school facilities needs analysis or the resolutions adopted pursuant to this section.

65995.7. (a) If state funds for new school facility construction are not available, the governing board of a school district that complies with Section 65995.5 may increase the alternative fee, charge, dedication, or other requirement calculated pursuant to subdivision (c) of Section 65995.5 by an amount that may not exceed the amount calculated pursuant to subdivision (c) of Section 65995.5, except that for the purposes of calculating this additional amount, the amount identified in paragraph (2) of subdivision (c) of Section 65995.5 may not be subtracted from the amount determined pursuant to paragraph (1) of subdivision (c) of Section 65995.5. For purposes of this section, state funds are not available if the State Allocation Board is no longer approving apportionments for new construction pursuant to Article 5 (commencing with Section 17072.20) of Chapter 12.5 of Part 10 of the Education Code due to a lack of funds available for new construction. Upon making a determination that state funds are no longer available, the State Allocation Board shall notify the Secretary of the Senate and the Chief Clerk of the Assembly, in writing, of that determination and the date when state funds are no longer available for publication in the respective journal of each house.

(b) A governing board may offer a reimbursement election to the person subject to the fee, charge, dedication, or other requirement that provides the person with the right to monetary reimbursement of the supplemental amount authorized by this section, to the extent that the district receives funds from state sources for construction of the facilities for which that amount was required, less any amount expended by the district for interim housing. At the option of the person subject to the fee, charge, dedication, or other requirement the reimbursement election may be made on a tract or lot basis. Reimbursement of available funds shall be made within 30 days as they

are received by the district.

(c) A governing board may offer the person subject to the fee, charge, dedication, or other requirement an opportunity to negotiate an alternative reimbursement agreement if the terms of the agreement are mutually agreed upon.

(d) A governing board may provide that the rights granted by the reimbursement election or the alternative reimbursement agreement are assignable.

65996. (a) Notwithstanding Section 65858, or Division 13 (commencing with Section 21000) of the Public Resources **Code**, or any other provision of state or local law, the following provisions shall be the exclusive methods of considering and mitigating impacts on school facilities that occur or might occur as a result of any legislative or adjudicative act, or both, by any state or local agency involving, but not limited to, the planning, use, or development of real property or any change of governmental organization or reorganization, as defined in Section 56021 or 56073:

(1) Section 17620 of the Education **Code**.

(2) Chapter 4.7 (commencing with Section 65970) of Division 1 of Title 7.

(b) The provisions of this chapter are hereby deemed to provide full and complete school facilities mitigation and, notwithstanding Section 65858, or Division 13 (commencing with Section 21000) of the Public Resources **Code**, or any other provision of state or local law, a state or local agency may not deny or refuse to approve a legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property or any change in governmental organization or reorganization, as defined in Section 56021 or 56073, on the basis that school facilities are inadequate.

(c) For purposes of this section, "school facilities" means any school-related consideration relating to a school district's ability to accommodate enrollment.

(d) Nothing in this chapter shall be interpreted to limit or prohibit the ability of a local agency to utilize other methods to provide school facilities if these methods are not levied or imposed in connection with, or made a condition of, a legislative or adjudicative act, or both, involving, but not limited to, the planning, use, or development of real property or a change in governmental organization or reorganization, as defined in Section 56021 or 56073. Nothing in this chapter shall be interpreted to limit or prohibit the assessment or reassessment of property in conjunction with ad valorem taxes, or the placement of a parcel on the secured roll in conjunction with qualified special taxes as that term is used in Section 50079.

(e) Nothing in this section shall be interpreted to limit or prohibit the ability of a local agency to mitigate the impacts of land use approvals other than on the need for school facilities, as defined in this section.

(f) This section shall become inoperative during any time that Section 65997 is operative and this section shall become operative at any time that Section 65997 is inoperative.

65997. (a) The following provisions shall be the exclusive methods of mitigating environmental effects related to the adequacy of school facilities when considering the approval or the establishment of conditions for the approval of a development project, as defined in Section 17620, pursuant to Division 13 (commencing with Section 21000) of the Public Resources **Code**:

(1) Chapter 12 (commencing with Section 17000) of Part 10 of the Education **Code** or Chapter 12.5 (commencing with Section 17070.10).

(2) Chapter 14 (commencing with Section 17085) of Part 10 of the Education **Code**.

(3) Chapter 18 (commencing with Section 17170) of Part 10 of the Education **Code**.

(4) Article 2.5 (commencing with Section 17430) of Chapter 4 of Part 10.5 of the Education **Code**.

(5) Section 17620 of the Education **Code**.

(6) Chapter 2.5 (commencing with Section 53311) of Division 2 of Title 5 of the **Government Code**.

(7) Chapter 4.7 (commencing with Section 65970) of Division 1 of Title 7 of the **Government Code**.

(b) A public agency may not, pursuant to Division 13 (commencing with Section 21000) of the Public Resources **Code** or Division 2 (commencing with Section 66410) of this **code**, deny approval of a project on the basis of the adequacy of school facilities.

(c) (1) This section shall become operative on or after any statewide election in 2006, if a statewide general obligation bond measure submitted for voter approval in 2006 or thereafter that includes bond issuance authority to fund construction of kindergarten and grades 1 to 12, inclusive, public school facilities is submitted to the voters and fails to be approved.

(2) (A) This section shall become inoperative if subsequent to the failure of a general obligation bond measure described in paragraph (1) a statewide general bond measure as described in paragraph (1) is approved by the voters.

(B) Thereafter, this section shall become operative if a statewide general obligation bond measure submitted for voter approval that includes bond issuance authority to fund construction of kindergarten and grades 1 to 12, inclusive, public school facilities is submitted to the voters and fails to be approved and shall become inoperative if subsequent to the failure of the general obligation bond measure a

statewide bond measure as described in this subparagraph is approved by the voters.

(d) Notwithstanding any other provision of law, a public agency may deny or refuse to approve a legislative act involving, but not limited to, the planning, use, or development of real property, on the basis that school facilities are inadequate, except that a public agency may not require the payment or satisfaction of a fee, charge, dedication, or other financial requirement in excess of that levied or imposed pursuant to Section 65995 and, if applicable, any amounts specified in Sections 65995.5 or 65995.7.

65998. (a) Nothing in this chapter or in Section 17620 of the Education Code shall be interpreted to limit or prohibit the authority of a local agency to reserve or designate real property for a schoolsite.

(b) Nothing in this chapter or in Section 17620 of the Education Code shall be interpreted to limit or prohibit the ability of a local agency to mitigate the impacts of a land use approval involving, but not limited to, the planning, use, or development of real property other than on the need for school facilities.

APPENDIX B

STATE ELIGIBILITY SB 50-01, 50-02, and 50-03

SCHOOL DISTRICT Milpitas Unified School District	FIVE DIGIT DISTRICT CODE NUMBER (see California Public School Directory) 73387
COUNTY Santa Clara	HIGH SCHOOL ATTENDANCE AREA (HSAA) OR SUPER HSAA (if applicable)

Check one: Fifth-Year Enrollment Projection Tenth-Year Enrollment Projection
 HSAA Districts Only - Check one: Attendance Residency
 Residency - COS Districts Only - (Fifth Year Projection Only)

<input type="checkbox"/> Modified Weighting (Fifth-Year Projection Only)	3rd Prev. to 2nd Prev.	2nd Prev. to Prev.	Previous to Current
<input type="checkbox"/> Alternate Weighting - (Fill in boxes to the right):			

Part G. Number of New Dwelling Units
 (Fifth-Year Projection Only)

Part H. District Student Yield Factor
 (Fifth-Year Projection Only)

Part A. K-12 Pupil Data

Grade	7th Prev.	6th Prev.	5th Prev.	4th Prev.	3rd Prev.	2nd Prev.	Previous	Current
	2008 / 2009	2009 / 2010	2010 / 2011	2011 / 2012	2012 / 2013	2013 / 2014	2014 / 2015	2015 / 2016
K	696	638	648	634	689	785	850	839
1	693	775	694	696	775	729	716	730
2	702	728	772	681	711	779	755	735
3	776	702	747	778	719	742	789	742
4	720	798	702	762	776	732	763	800
5	691	723	809	738	754	791	724	773
6	727	734	730	824	726	744	794	725
7	754	720	727	813	821	734	761	794
8	725	745	730	724	731	814	741	762
9	735	790	789	777	744	765	872	777
10	738	750	801	792	769	765	744	855
11	706	666	698	739	727	742	726	727
12	661	669	643	636	719	700	699	709
TOTAL	9324	9438	9490	9594	9661	9822	9934	9968

Part B. Pupils Attending Schools Chartered By Another District

7th Prev.	6th Prev.	5th Prev.	4th Prev.	3rd Prev.	2nd Prev.	Previous	Current
0	0	0	0	0	0	0	0

Part C. Continuation High School Pupils - (Districts Only)

Grade	7th Prev.	6th Prev.	5th Prev.	4th Prev.	3rd Prev.	2nd Prev.	Previous	Current
9	0	0	0	0	0	0	0	0
10	0	5	2	5	0	0	15	0
11	61	73	60	60	75	26	46	42
12	119	108	119	104	99	103	76	72
TOTAL	180	186	181	169	174	129	137	114

Part D. Special Day Class Pupils - (Districts or County Superintendent of Schools)

	Elementary	Secondary	TOTAL
Non-Severe	88	44	132
Severe	55	22	77
TOTAL	143	66	

Part E. Special Day Class Pupils - (County Superintendent of Schools Only)

7th Prev.	6th Prev.	5th Prev.	4th Prev.	3rd Prev.	2nd Prev.	Previous	Current
2008 / 2009	2009 / 2010	2010 / 2011	2011 / 2012	2012 / 2013	2013 / 2014	2014 / 2015	2015 / 2016

Part F. Birth Data - (Fifth-Year Projection Only)

County Birth Data Birth Data by District ZIP Codes Estimate Estimate Estimate

8th Prev.	7th Prev.	6th Prev.	5th Prev.	4th Prev.	3rd Prev.	2nd Prev.	Previous	Current

Part I. Projected Enrollment

1. Fifth-Year Projection

Enrollment/Residency - (except Special Day Class pupils)

K-6	7-8	9-12	TOTAL

Special Day Class pupils only - Enrollment/Residency

	Elementary	Secondary	TOTAL
Non-Severe			
Severe			
TOTAL			

2. Tenth-Year Projection

Enrollment/Residency - (except Special Day Class pupils)

K-6	7-8	9-12	TOTAL
7618	1936	3518	13072

Special Day Class pupils only - Enrollment/Residency

	Elementary	Secondary	TOTAL
Non-Severe	125	51	176
Severe	78	25	103
TOTAL	203	76	

I certify, as the District Representative, that the information reported on this form and, when applicable, the High School Attendance Area Residency Reporting Worksheet attached, is true and correct and that:

- I am designated as an authorized district representative by the governing board of the district.
- If the district is requesting an augmentation in the enrollment projection pursuant to Regulation Section 1859.42.1 (a), the local planning commission or approval authority has approved the tentative subdivision map used for augmentation of the enrollment and the district has identified dwelling units in that map to be contracted. All subdivision maps used for augmentation of enrollment are available at the district for review by the Office of Public School Construction (OPSC).
- This form is an exact duplicate (verbatim) of the form provided by the Office of Public School Construction. In the event a conflict should exist, then the language in the OPSC form will prevail.

NAME OF DISTRICT REPRESENTATIVE (PRINT OR TYPE)

Wendy Zhang

SIGNATURE OF DISTRICT REPRESENTATIVE

DATE

8/2/16

TELEPHONE NUMBER

408.635.2600 x 6023

E-MAIL ADDRESS

wzhang@musd.org

SCHOOL DISTRICT Milpitas Unified School District	FIVE DIGIT DISTRICT CODE NUMBER (see California Public School Directory) 73387
COUNTY Santa Clara	HIGH SCHOOL ATTENDANCE AREA (HSAA) OR SUPER HSAA (if applicable)

PART I - Classroom Inventory NEW ADJUSTED

	K-6	7-8	9-12	Non-Severe	Severe	Total
Line 1. Leased State Relocatable Classrooms						
Line 2. Portable Classrooms leased less than 5 years						
Line 3. Interim Housing Portables leased less than 5 years						
Line 4. Interim Housing Portables leased at least 5 years						
Line 5. Portable Classrooms leased at least 5 years						
Line 6. Portable Classrooms owned by district	73	12	20	1	3	109
Line 7. Permanent Classrooms	174	49	125	11	7	366
Line 8. Total (Lines 1 through 7)	247	61	145	12	10	475

PART II - Available Classrooms

	K-6	7-8	9-12	Non-Severe	Severe	Total
Option A.						
a. Part I, line 4						
b. Part I, line 5						
c. Part I, line 6	73	12	20	1	3	109
d. Part I, line 7	174	49	125	11	7	366
e. Total (a, b, c, & d)	247	61	145	12	10	475

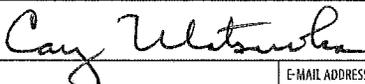
	K-6	7-8	9-12	Non-Severe	Severe	Total
Option B.						
a. Part I, line 8	247	61	145	12	10	475
b. Part I, lines 1, 2, 5 and 6 (total only)						109
c. 25 percent of Part I, line 7 (total only)						92
d. Subtract c from b (enter 0 if negative)	12	2	3			17
e. Total (a minus d)	235	59	142	12	10	458

PART III - Determination of Existing School Building Capacity

	K-6	7-8	9-12	Non-Severe	Severe
Line 1. Classroom capacity	5,875	1,593	3,834	156	90
Line 2. SER adjustment	0	0	353	5	3
Line 3. Total of lines 1 and 2	5,875	1,593	4,187	161	93

I certify, as the District Representative, that the information reported on this form is true and correct and that:

- I am designated as an authorized district representative by the governing board of the district; and,
- This form is an exact duplicate (verbatim) of the form provided by the Office of Public School Construction (OPSC). In the event a conflict should exist, then the language in the OPSC form will prevail.

SIGNATURE OF DISTRICT REPRESENTATIVE 	DATE OCT 30 2013
NAME OF DISTRICT REPRESENTATIVE (PRINT OR TYPE) Cary Matsuoka	E-MAIL ADDRESS cmatsuoka@musd.org
	TELEPHONE 408.635.2600 x6013

SCHOOL DISTRICT Milpitas Unified School District	FIVE-DIGIT DISTRICT CODE NUMBER (SEE CALIFORNIA PUBLIC SCHOOL DIRECTORY) 73387
BUSINESS ADDRESS 1331 East Calaveras Blvd.	HIGH SCHOOL ATTENDANCE AREA (HSAA) OR SUPER HSAA (IF APPLICABLE)
CITY/COUNTY Milpitas CA 95035	Santa Clara

Part I – District Representative Information

The following individual(s) have been designated as district representative(s) by school board minutes or the designee of the Superintendent of Public Instruction:

DISTRICT REPRESENTATIVE Cary Matsuoka	TELEPHONE NUMBER 408.635.2600x 6013	E-MAIL ADDRESS cmatsuoka@musd.org
DISTRICT REPRESENTATIVE	TELEPHONE NUMBER	E-MAIL ADDRESS

Part II – New Construction Eligibility Determination NEW ADJUSTED

	K-6	7-8	9-12	Non-Severe	Severe
1. Projected Enrollment (Part I, Form SAB 50-01)	6,798	1,795	3,811	129	87
2. Existing School Building Capacity (Part III, Line 3 of Form SAB 50-02)	5,875	1,593	4,187	161	93
3. New Construction Baseline Eligibility (Line 1 minus Line 2)	923	202	-376	-32	-6

Part III – Modernization Eligibility Determination NEW ADJUSTED

1. School Name

Option A	K-6	7-8	9-12	Non-Severe	Severe
2. Permanent classrooms at least 25 years old					
3. Portable classrooms at least 20 years old					
4. Total (Lines 2 and 3)					
5. Multiply Line 4 by: 25 for K-6, 27 for 7-8 and 9-12, 13 for Non-Severe and 9 for Severe					
6. CBEDS enrollment at school					
7. Modernization Eligibility (lesser of each column of Lines 5 or 6)					

Option B

2. Permanent space at least 25 years old (report by classroom or square footage)					
3. Portable space at least 20 years old					
4. Total (Lines 2 and 3)					
5. Remaining permanent and portable space (report by classroom or square footage)					
6. Total (Lines 4 and 5)					
7. Percentage (divide Line 4 by Line 6)					
	K-6	7-8	9-12	Non-Severe	Severe
8. CBEDS enrollment at school					
9. Modernization Eligibility (multiply Line 7 by each grade group reported on Line 8)					

I certify, as the District Representative, that the information reported on this form is true and correct and that:

- I am designated as an authorized district representative by the governing board of the district or the designee of the Superintendent of Public Instruction; and,
- A resolution or other appropriate documentation supporting this application under Chapter 12.5, Part 10, Division 1, commencing with Section 17070.10, et seq., of the Education Code was adopted by the School District's Governing Board or the designee of the Superintendent of Public Instruction on September 11, 2012; and,
- This form is an exact duplicate (verbatim) of the form provided by Office of Public School Construction. In the event a conflict should exist, then the language in the OPSC form will prevail.

SIGNATURE OF DISTRICT REPRESENTATIVE <i>Cary Matsuoka</i>	DATE OCT 30 2013
NAME OF DISTRICT REPRESENTATIVE (PRINT OR TYPE) Cary Matsuoka	E-MAIL ADDRESS cmatsuoka@musd.org
	TELEPHONE 408.635.2600 x6013

APPENDIX C

STUDENT GENERATION STUDY

Milpitas Unified School District															
Student Generation Study															
Single Family Detached															
Street	K	1	2	3	4	5	6	7	8	9	10	11	12	Students	Units
Ashland Dr	1	0	1	0	0	0	0	0	0	0	0	0	0	2	1
Bates Ln	0	0	0	0	0	0	0	0	0	0	0	0	0	0	9
Berkshire Pl	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Butero Ln	0	0	0	0	0	0	0	0	0	0	0	0	0	0	10
Caladenia Ln	0	0	0	0	0	0	0	0	1	1	0	0	0	2	18
Calaveras Ridge Dr	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Calypto Ct	0	0	0	0	0	0	0	0	0	0	0	0	1	1	20
Cardoza Ln	0	0	0	0	0	0	0	0	0	0	0	0	0	0	12
Castillo Ln	0	0	0	0	0	0	0	0	0	0	0	1	0	1	10
Chysis Rd	1	0	1	0	0	1	0	1	2	3	0	0	0	9	41
Cobblestone Loop	1	0	0	0	0	0	0	0	0	0	0	1	0	2	15
Columbus Cir	0	0	0	0	0	1	0	0	1	0	0	0	0	2	1
Del Rio Ct	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Gerald Cir	0	0	1	1	4	0	0	0	2	1	1	0	0	10	55
Gomes Ln	0	1	1	0	0	0	0	1	1	0	0	0	0	4	11
Goodman Ln	0	0	0	0	0	0	0	0	1	0	0	0	0	1	8
Henriques Ln	1	0	0	0	0	0	0	0	0	0	1	0	0	2	9
Los Coches St	0	0	0	0	0	0	0	1	0	0	0	0	0	1	14
Mattos Dr	0	0	0	0	0	1	0	0	0	0	0	0	0	1	1
Momentum Dr	0	0	0	0	0	0	0	0	0	0	0	0	0	0	20
Odyssey Ln	0	0	0	0	0	0	0	0	0	0	0	0	0	0	18
Pimentel Cir	0	0	0	0	0	0	0	1	0	0	1	0	0	2	19
Pyle Ln	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4
S Milpitas Blvd	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3
S Temple Dr	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1
Smith Ln	0	0	0	0	1	0	0	0	0	0	0	0	0	1	8
Tahoe Dr	0	0	1	0	1	0	0	0	0	0	0	0	0	2	1
Tempo Ln	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5
Ware Ln	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2
Total	4	1	5	1	6	3	0	4	8	5	3	2	1	43	319
Student Generation Rate Single Family Detached															
K-6	0.063														
7-8	0.038														
9-12	0.034														
Total	0.135														

Milpitas Unified School District															
Student Generation Study															
Single Family Attached															
Street	K	1	2	3	4	5	6	7	8	9	10	11	12	Students	Units
Barcelona Loop	0	0	0	0	0	0	0	0	0	0	0	0	0	0	30
Bettencourt Way	0	0	0	0	0	1	1	0	0	0	0	0	0	2	20
Bleeker St	0	0	0	1	0	0	0	0	0	0	0	0	0	1	56
Bond St	0	0	0	0	0	0	0	0	0	0	0	0	0	0	16
Cadence Ln	0	0	0	0	0	0	0	0	0	0	0	0	0	0	13
Canal St	0	1	0	0	1	0	0	1	0	0	1	0	0	4	63
Coyote Creek Way	5	5	2	0	2	1	1	0	2	2	1	0	2	23	104
Creekside Way	0	0	0	0	0	0	0	0	0	0	0	0	0	0	9
Currilin Cir	0	0	0	0	0	0	0	0	1	0	1	0	0	2	47
Delong Ln	0	0	1	0	0	0	0	0	0	0	0	0	0	1	6
Elderberry Dr	0	0	1	0	0	0	0	0	0	0	1	0	0	2	43
Expedition Ln	0	0	0	0	0	0	0	0	0	0	0	0	0	0	7
Fernleaf Dr	3	1	3	1	0	0	1	0	1	0	0	0	0	10	24
Garden St	0	0	0	0	0	0	0	0	0	0	0	1	0	1	10
Lee Way	3	1	4	0	2	0	2	1	1	0	2	1	1	18	185
Mccandless Dr	1	0	1	0	0	0	0	1	1	0	1	1	0	6	70
Momentum Dr	1	0	0	0	0	0	0	0	0	0	0	0	0	1	20
Murphy Ranch Rd	0	0	0	0	0	0	0	0	0	1	0	0	1	2	21
Nestwood Way	0	3	0	0	0	0	0	0	0	0	0	1	0	4	81
Newbury St	0	0	0	0	0	1	0	0	0	0	0	0	0	1	27
Odyssey Ln	0	0	0	0	0	0	0	0	0	0	0	0	1	1	61
Pace Way	0	0	0	0	0	0	0	0	0	0	0	0	0	0	9
Snell Pl	2	4	0	1	0	1	0	0	1	1	2	1	1	14	83
Tempo Ln	0	0	0	0	0	0	0	0	0	0	0	0	0	0	8
Trade Zone Blvd	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4
Trento Ln	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4
Trento Loop	1	0	0	0	0	0	1	1	0	0	0	0	0	3	82
Total	16	15	12	3	5	4	6	4	7	4	9	5	6	96	1103
Student Generation Rate Single Family Attached															
K-6	0.055														
7-8	0.010														
9-12	0.022														
Total	0.087														
Milpitas Unified School District															
Student Generation Study															
Multi Family															
Street	K	1	2	3	4	5	6	7	8	9	10	11	12	Students	Units
Murphy Ranch Rd	12	10	9	7	5	6	8	3	2	5	6	5	0	78	373
S Abel St	2	6	4	3	4	4	4	1	1	1	4	3	1	38	366
S Main St	2	4	3	0	0	1	1	0	2	0	0	0	1	14	200
Total	16	20	16	10	9	11	13	4	5	6	10	8	2	130	939
Student Generation Rate Multi Family															
K-6	0.101														
7-8	0.010														
9-12	0.028														
Total	0.138														

APPENDIX D

NEEDS ANALYSIS CALCULATIONS

Milpitas Unified School District						
Worksheets for Level II Fees						
Grant Calculations/		# of units		Student Gen. Rate		Unhoused Students
Single Family Detached	K-6	236	×	0.063	=	15
	7-8	236	×	0.038	=	9
	9-12	236	×	0.034	=	8
				0.135		
Grant Calculations/		# of units		Student Gen. Rate		Unhoused Students
Single Family Attached	K-6	1176	×	0.055	=	65
	7-8	1176	×	0.010	=	12
	9-12	1176	×	0.022	=	26
				0.087		
Grant Calculations/		# of units		Student Gen. Rate		Unhoused Students
Multi Family	K-6	3699	×	0.101	=	374
	7-8	3699	×	0.010	=	37
	9-12	3699	×	0.028	=	104
				0.139		
Total Students/Grade Level		Single-Family Detached Students		Single-Family Attacehd Students		Multi Family Housing
	K-6	15	+	65	+	374
	7-8	9	+	12	+	37
	9-12	8	+	26	+	104
						=
						454
						=
						58
						=
						138
		Unhoused Students		Grant Amount		Total Grant Amount
	K-6	454	×	\$10,634	=	\$4,827,836
	7-8	58	×	\$11,247	=	\$652,326
	9-12	138	×	\$14,311	=	\$1,974,918
Total Amount of Base Grant						\$7,455,080
Additional Grants from OPSC		Unhoused Students		Additional Grants		
	K-6	454	×	\$190	=	\$86,260
	7-8	58	×	\$229	=	\$13,282
	9-12	138	×	\$249	=	\$34,362
Total Amount of Additional Grant						\$133,904

Milpitas Unified School District					
Worksheets for Level II Fees (cont.)					
Site Acquisition Calculations		Unhoused Students		Students per site	Sites needed
Acreage cost = \$3,100,000	K-6	454	÷	500	= 0.908
	7-8	58	÷	900	= 0.064
	9-12	138	÷	1500	= 0.092
		Sites needed		Site size	Needed acreage
	K-6	0.908	×	10	= 9.08
	7-8	0.064	×	20	= 1.28
	9-12	0.092	×	40	= 3.68
Total Acreage Needed					14.04
		Needed acreage		50% of acreage cost	Site Acquisition
	K-6	9.08	×	\$0	= \$0
	7-8	1.28	×	\$1,550,000	= \$1,984,000
	9-12	3.68	×	\$1,550,000	= \$5,704,000
Total Site Acquisition Costs					\$7,688,000

Milpitas Unified School District						
Worksheets for Level II Fees (cont.)						
Site Development Calculations		# of Sites		50% of site cost		Site Development
Site Cost K-6 = \$9,696,450	K-6	0.908	×	\$4,848,225	=	\$4,402,188
Site Cost 7-8 = \$19,796,930	7-8	0.064	×	\$9,898,480	=	\$633,503
Site Cost 9-12 = \$35,957,700	9-12	0.092	×	\$17,978,850	=	\$1,654,054
General Site Cost K-12	K-12	14.04	×	\$17,308	=	\$243,004
Total Site Development Costs						\$6,932,750
Square Footage Calculation		Units		Sq Ft per unit		Square Footage
	SFD	236	×	1905	=	449,580
	SFA	1176	×	1500	=	1,764,000
	MF	3699	×	850	=	3,144,150
Total Square Footage						5,357,730
Summary of Costs		Grant Amount		Site Acquisition		Site Development
		\$7,588,984	+	\$7,688,000	+	\$6,932,750
						=
						\$22,209,734
TOTAL COSTS		\$22,209,734				
Level II Calculations		Total Costs		Square Feet		Level II Fee
		\$22,209,734	÷	5,357,730	=	\$4.15
LEVEL II FEE		\$4.15				

APPENDIX E

**SITE DEVELOPMENT
COSTS**



IBI GROUP
160 West Santa Clara Street – Suite 800
San Jose CA 95113 USA
tel 408 924 0811 fax 408 924 0844
ibigroup.com

September 22, 2016

Ms. Cheryl King
Jack Schreder & Associates
22230 K Street
Sacramento, CA 95816

**RE: ESTIMATED STIE DEVELOPMENT COSTS FOR MILPITAS UNIFIED
SCHOOL DISTRICT FACILITY NEEDS ANALYSIS**

Dear Ms. King:

Per review between Milpitas Unified School District and IBI Group, the following is an update to the site development costs information provided to your office last September 2015 for Milpitas Unified School District. The table below illustrates benchmark costs for an elementary school, a middle school and a high school. Each of the costs represents the site construction costs to develop a site prior to building construction. This includes underground utilities such as fire lines, gas, domestic water, etc. The costs also include grading and site access for fire roads. It does not include the cost of the land, finished paving, planting, irrigation, or play equipment. These benchmark estimates are based on current market conditions, recent site development costs and a target size for each school type.

School Type	Site Development Cost	Acres
850 Student Elementary School	\$ 9,696,450.00	9.5
900 Student Middle School	\$ 19,796,930.00	20
1200 Student High School	\$ 35,957,700.00	35

Let us know if further information is needed.

Sincerely,

A handwritten signature in blue ink that reads "Patricia Lock".

Patricia Lock, AIA
Principal Architect

Cc: J. Flatley, MUSD
D. Harn, MUSD
S. Sowa, IBI
file