



CITY OF RIVERBANK
Regular Planning Commission Meeting
Tuesday, August 20, 2024 AT 6:00 P.M.
Council Chambers, 6707 Third St., Suite B, Riverbank CA 95367

PLANNING COMMISSION AGENDA

TUESDAY, AUGUST 20, 2024 – 6:00 P.M.

(THE AGENDA PACKET IS ONLINE AT [T HTTP://WWW.RIVERBANK.ORG/AGENDACENTER](http://www.riverbank.org/agendacenter))

CALL TO ORDER: Chair: Joan Stewart

ROLL CALL: Chair: Joan Stewart
Vice Chair: Taide Zamora
Commissioner: John Dinan
Commissioner: Michael “Syd” Halterman
Commissioner: Natasha Basso
Commissioner (Alternant): Steve Link
Commissioner (Alternant): Ben Reuben

CONFLICT OF INTEREST

Any Planning Commission Member or Staff who has a direct Conflict of Interest on any scheduled agenda item to be considered is to declare their conflict at this time.

1. PUBLIC COMMENTS (No Action Can Be Taken)

At this time, members of the public may comment on any item **not appearing on the agenda** and within the subject matter jurisdiction of the Planning Commission Board. Individual comments will be limited to a **maximum of 3 minutes (or as stated by the presiding Officer)** and time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon. For record purposes, state your name and City of residence. Please make your comments directly to the Planning Commission Members.

2. CONSENT CALENDAR

All items listed on the Consent Calendar are to be acted upon by a single action of the Planning Commission Board unless requested by an individual Planning Commission Member or member of the public for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by motion of the Planning Commission Board.

Item 2.1: Posting of the Agenda. The Agenda for the August 20, 2024 Planning Commission meeting was posted on the City Community Center bulletin board, City Hall North & South bulletin boards, Post Office, City website, and emailed to the Library on August 15, 2024.

Item 2.2: Approval of the August 20, 2024 Agenda. This provides an opportunity for the Planning Commission or Staff to recommend that an item be placed on the agenda for discussion or to adjust the proposed agenda to allow an item to be taken out of order.

Recommendation: **Approval by roll call vote.**

1st _____ 2nd _____

Item 2.3: Approval of the June 18, 2024 Planning Commission Meeting minutes, having been read by the individual Commissioners and stands approved as submitted. *Abstain from voting: Basso, Stewart and Halterman.*

Recommendation: **Approval by roll call vote.**

1st _____ 2nd _____

3. POLICE & FIRE PRESENTATION – (Informational Only – No Action)

Item 3.1: Presentation from Chief Ridenour and Deputy Chief Clint Bray on illegal firework dangers and enforcement strategies.

4. PLANNING COMMISSION PUBLIC HEARINGS

The public notice for items 4.1 were published on August 7, 2024 in the Riverbank News.

Item 4.1: **Architecture & Site Plan Review 04-2024 (Dept. File #24-0010) – Countryside III – California Avenue and Central Avenue, APN: 062-022-020.** Architecture and Site Plan Review (ASPR) for Countryside III, a twenty-three (23) lot subdivision with one (1) lot, Lot A, serving as the development's storm drain basin. Countryside III is the third and final phase for the Countryside development

Recommendation: **Approval of Resolution 2024-004 to approve the ASPR**

1st _____ 2nd _____

5. PLANNING COMMISSION COMMENTS

6. COUNTY REFERRAL/CORRESPONDENCE/INFORMATION (Information only – No Action)

Item 6.1: Correspondence received from Modesto City Schools regarding 2024 School Impact Fee Increases

7. STAFF COMMENTS (Information Only – No Action)

Item 7.2: Joshua Mann, Community Development Director to update the Commission on upcoming planning applications and Council actions.

8. ADJOURNMENT

Next Regular Planning Commission meeting – September 17, 2024 @ 6:00 pm.

AFFIDAVIT OF POSTING

I hereby certify under penalty of perjury, under the laws of the State of California that the foregoing agenda was posted at the meeting location, on the North & South City Hall public exterior bulletin board, Riverbank Community Center exterior bulletin, and the City's website 72 hours prior to the meeting in accordance to the California Ralph M. Brown Act. Posted this 15th day of August, 2024.

/s/ *Janet Smallsen, Sr. CDS, City of Riverbank*



ADA COMPLIANCE STATEMENT

In compliance with the Americans with Disabilities Act, and the Governor's Executive Order N-29-20, the City will make every effort to make reasonable modifications or accommodations from individuals with disabilities. Contact the Administration Dept. at (209) 863-7122 or the City Clerk at cityclerk@riverbank.org at least (48) hours prior to the meeting to enable the City to make reasonable arrangements for accessibility.

NOTICE REGARDING NON-ENGLISH SPEAKERS

Pursuant to California Constitution Article III, Section IV, establishing English as the official language for the State of California, and in accordance with California Code of Civil Procedures Section 185, which requires proceedings before any State Court to be in English, notice is hereby given that all proceedings before the City of Riverbank City Planning Commission shall be in English and anyone wishing to address the Planning Commission is required to have a translator present who will take an oath to make an accurate translation from any language not English into the English language. (Exception: When a State statute requires that at a public hearing that includes a substantial number of the population that are not able to speak or understand English, the City should provide interpreters. This determination is left at the discretion of the City.)

General Information

Meeting Schedule: The Planning Commission meets on the third Tuesday of each month at 6:00 p.m.

Any documents that are not privileged or part of a Closed Session provided to a majority of the Planning Commission Board after distribution of the agenda packet, regarding any item on this agenda, will be made available for public inspection at the City Clerk's Office, 6707 Third Street, Suite A, Riverbank, CA, during normal business hours.



TELECONFERENCE/VIRTUAL PLATFORM PUBLIC PARTICIPATION COMMENT PROCEDURES FOR THE PLANNING COMMISSION MEETING HELD IN CONFORMANCE WITH THE BROWN ACT

PUBLIC “LIVE” VIEWING

- Government Channels: Charter – 2 and AT&T U-VERSE – 99
- YouTube Live – City of Riverbank
- Via ZOOM Platform (See instructions below)

SUBMITTING PUBLIC COMMENTS FOR THE RECORD

Written comments must be received before 4:00 p.m. on the day of the meeting in order for them to be distributed to the Planning Commission prior to consideration of the matter. Written comments will not be read aloud at the meeting, but will be reported as received for the record. If you do not receive an acknowledgement of receipt within an hour of submission or by 5:00 p.m., please call the Planning and Building Manager at (209) 863-7124.

ACCEPTABLE METHODS OF SUBMITTING COMMENTS BEFORE THE 4:00 PM DEADLINE

- **Via Mail Service:** Mail comments to City of Riverbank, Attn. Planning and Building Manager, 6707 Third Street, Suite A, Riverbank, CA 95367.
(Call 209-863-7124 / 209-863-7198 to ensure they were received.)
- **Via Email:** Email to jmann@riverbank.org (Note: This technology is not a guaranteed method.)
 - Indicate Agenda Item # in the ***subject line***. (Call 209-863-7124 / 209-863-7198 to ensure receipt.)
- **Oral Comments In-Person:** The Chair will ask the public if anyone wishes to comment, at that time you may approach the podium.
- **Oral Comments Via Zoom:** The Chair will announce when public comments may be made for a limit of 3minutes on the agenda item being considered, at which time you will:
(please make sure the volume on your video device or any nearby device is turned down.)
 - Using a computer – click on the “raise hand” feature in the webinar controls. This will alert staff that you wish to speak, and you will be unmuted.
 - Using a Phone – press *9 to “raise the hand”. This will alert staff that you wish to speak, and you will be unmuted.

Teleconference Phone Number (This system is a backup for ZOOM technical difficulties only when providing oral comments.) If there are technical difficulties or disconnection with ZOOM while making oral comments, please immediately call the teleconference phone number (209) 863-7151 so that Planning may receive your comments. Planning will be waiting for your call. Thank you.

JOIN THE MEETING VIA ZOOM PLATFORM

Join by this link: <https://us02web.zoom.us/j/86737881996>

Join by accessing website: <https://zoom.us/join>, enter **Webinar ID: 867 3788 1996**

Join by telephone: 1-669-444-9171 OR 1-669-900-9128 or 1-336-248-27799, enter **Webinar ID: 867 3788 1996**

Learn about using ZOOM: - Visit <https://zoom.us/j/94943925973?status+success> for a free account or to download the application.



City of Riverbank
Community Development Department
Planning • Building • Code Enforcement
6617 Third Street, Riverbank, CA 95367
Mailing Address: 6707 Third Street, Riverbank, CA 95367
Office (209) 863-7127 Fax (209) 869-7126

This table is not for publication	
PUBLISH DATE: August 7, 2024	
DEPT.: Planning	Riverbank News

NOTICE OF PUBLIC HEARING
CITY OF RIVERBANK PLANNING COMMISSION

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Riverbank will hold a public hearing on **Tuesday, August 20, 2024, at 6:00 p.m.** or soon thereafter as practical via the Zoom virtual platform and in-person attendance in the City Council Chambers at 6707 Third Street, Suite B, Riverbank, CA. This meeting will be held in accordance with the Brown Act amendment (AB 361). This public hearing is to consider the following matter:

Architecture and Site Plan Review 04-2024 (Dept. File #24-0010) – Countryside III

The proposed project is an application for Architecture and Site Plan Review (ASPR) for Countryside III, a twenty-three (23) lot subdivision with one (1) lot, Lot A, serving as the development's storm drain basin. Countryside III is the third and final phase for the Countryside development. The proposed project is located at the northwest corner of Kentucky Avenue and Central Avenue; located east of Claus Road, south of Riverbank Highschool, and south of California Street. The proposed project offers four (4) different plans ranging in size from 1,742 square feet to 2,118 square feet; each plan offers three (3) unique elevations and up to twelve (12) color schemes across all plans offered. This ASPR will not have a significant effect on the environment. The architectural review of structures for an approved subdivision is not considered a Project pursuant to CEQA Guidelines.

Planning Commission Meeting
August 20, 2024 at 6:00 pm
City Hall Council Chambers - 6707 Third St., Suite B - Riverbank, California

REPORT AVAILABILITY: Public materials pertaining to the presentation of the subject matter are made available as part of the agenda packet at <http://www.riverbank.org/AgendaCenter> upon distribution to a majority of the Planning Commission, (72 hours prior to the meeting), and may be viewed at the City Clerk's Office, 6707 Third St., Suite A, Riverbank, during normal business hours.

ALL INTERESTED PERSONS are invited to participate in this public meeting to express views or submit evidence for or against the subject matter being considered. Comments are not accepted via telephone. The following submission of comments are accepted for the record.

Written Comments Prior to the Meeting. Written comments may be delivered in-person to the City of Riverbank, City Clerk's Office, 6707 Third St., Suite A, Riverbank, 95367. Written comments submitted via email to jmann@riverbank.org or via Mail Delivery Service requires a follow up phone call to (209) 863-7124 for verification of receipt by staff. All written comments must be received by the City Clerk **no later than 4:00 p.m. on the day of the meeting.** Comments received by the deadline will be distributed to the Planning Commission for consideration and will be made part of the official record, but will not be read aloud during the meeting.

Oral Comments In-Person During the Meeting. Oral comments may be made at the time the Chair officially opens the hearing for public comment and in the order as called upon by the Chair. Public attendees in the Council Chambers may approach the podium upon the Chair's request to do so.

ADA COMPLIANCE: In accordance with ADA, every effort will be made to accommodate any person requiring special assistance to participate in the meeting. Contact the City Clerk at (209) 863-7198 or cityclerk@riverbank.org at least (48) hours prior to the meeting.

Questions regarding the proposed subject matter may be made to Contract City Planner Michael Arroyo at (209) 863-7124 or email planning@riverbank.org or email the City Clerk. Questions in regards to meeting procedures contact the City Clerk (209) 863-7198 or call the Administration Dept. at (209) 863-7122 **prior to 4:00 p.m. on the day of the meeting.**

Published this 7th day of August 2024.

/s/ Michael Arroyo, Contract Planner, City of Riverbank

AFFIDAVIT OF POSTING I, Janette Vasquez, hereby certify under penalty of perjury under the laws of the State of California that the foregoing public notice was posted on the exterior bulletin board of North City Hall, South City Hall, and at the Community Center, Riverbank, CA. Dated this 7th day of August 2024. /s/ Janette Vasquez, Community Development Specialist, Riverbank, CA
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For official use only:

Posted: 8/7/2024	Publish: 8/7/2024	Remove: 8/21/2024
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COMMISSION**

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**Architecture and Site Plan Review
04-2024 (Dept. File #24-0010) –**

Countryside III The proposed project is an application for Architecture and Site Plan Review (ASPR) for Countryside III, a twenty-three (23) lot subdivision with one (1) lot, Lot A, serving as the development's storm drain basin. Countryside III is the third and final phase for the Countryside development. The proposed project is located at the northwest corner of Kentucky Avenue and Central Avenue; located east of Claus Road, south of Riverbank Highschool, and south of California Street. The proposed project offers four (4) different plans ranging in size from 1,742 square feet to 2,118 square feet; each plan offers three (3) unique elevations and up to twelve (12) color schemes across all plans offered. This ASPR will not have a significant effect on the environment. The architectural review of structures for an approved subdivision is not considered a Project pursuant to CEQA Guidelines.

**Planning Commission Meeting
August 20, 2024 at 6:00 pm
City Hall Council Chambers - 6707
Third St., Suite B -
Riverbank, California**

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distributed to the Planning Commission for consideration and will be made part of the official record, but will not be read aloud during the meeting.

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August 7, 2024

RN#24-109



City of Riverbank
Planning Commission Meeting
City Hall North • Council Chambers
6707 Third Street • Suite B • Riverbank • CA 95367

MINUTES
Tuesday, June 18, 2024
(In-Person)

The following minutes reflect action minutes, with added clarification for the record. A copy of the verbatim recording may be obtained, if available, for a fee by contacting the Development Services Department at (209) 863-7128.

CALL TO ORDER/ROLL CALL:

Present: Commissioners: Dinan, Zamora, Link (Alternate) and Reuben (Alternate)

Absent: Commissioners: Basso, Stewart and Halterman

CONFLICT OF INTEREST: Any Planning Commissioner and Staff who would have a direct Conflict of Interest on any scheduled agenda item to be considered are to declare their conflict.

No one declared a conflict.

1. PUBLIC COMMENTS (No action to be taken)

At this time, members of the public may comment on any item not appearing on the agenda, and within the subject matter jurisdiction of the Planning Commission. Individual comments will be limited to a **maximum of 3 minutes** per person and each person may speak once during this time; time cannot be yielded to another person. Under State Law, matters presented during the public comment period cannot be discussed or acted upon. For record purposes, state your name and City of residence. Please make your comments directly to the Planning Commission.

- *Richard Homer spoke on the need of a park in District 3 on Jackson, instead of the site being considered a tiny home village.*

2. CONSENT CALENDAR

All items on the Consent Calendar are to be acted upon by a single action of the Planning Commission unless otherwise requested by an individual Planning Commissioner for special consideration. Otherwise, the recommendation of staff will be accepted and acted upon by roll call vote.

Item 2.1: Posting of the Agenda. The Agenda for the June 18, 2024, Planning Commission Meeting was posted on the City Community Center bulletin board, City Hall North & South bulletin boards, Post Office, city website and emailed to the Library on June 14, 2024.

Item 2.2: Approval of the June 18, 2024 Agenda. This provides an opportunity for the Planning Commission or Staff to recommend that an item be placed on the agenda for discussion or to adjust the proposed agenda to allow an item to be taken out of order.

Item 2.3: Approval of the March 19, 2024 Planning Commission Meeting minutes.

ACTION: By motion moved/second (Dinan / Rueben passed 3-0-1) was approved as submitted; Motion carried by unanimous roll call vote.

Ayes: Planning Commissioners: Basso, Dinan, Zamora, and Reuben (Alternate)

Nays: None

Absent: Commissioners: Basso, Stewart and Halterman

Abstained: Link absent

3. PLANNING COMMISSION PUBLIC WORKSHOP & OTHER MATTERS

The public workshop for Item 3.1 & 3.2 were published on June 5, 2024 in the Riverbank News

Item 3.1: Architecture and Site Plan Review 08-2023 (Dept. File #23-0020) – Masonic Lodge - Black Diamond Event Center, 6701 2nd St., APN: 132-010-051

The proposed Architecture and Site Plan Review (ASPR) application proposes modifications to the exterior of the existing building located at 6701 Second Street, Riverbank (APN 132-010-051). A Conditional Use Permit was previously approved on March 21, 2023, to allow the sale of alcohol by the drink and live music with dancing for the Black Diamond Event Center. The current application is to consider the installation of new windows and doors on the existing building. This ASPR was analyzed pursuant to the California Environmental Quality Act (CEQA). The Project is categorically exempt pursuant to CEQA Guidelines Section 15301, Exemption for Existing Facilities.

- Michael Arroyo, contract planner with JB Anderson Land Use Planning, presented item 3.1 and Power Point.
- Staff had no comments
- Public Hearing was opened at 6:19 p.m.
- Evelyn Halbert resident spoke against item 3.1 and had questions on the standard conditions.
- Michael Arroyo responded the questions on the standard conditions.
- Being no further comments the Public Hearing was closed at 6:25 p.m.

ACTION: By motion moved/second (Link / Dinan / passed 4-0) was approved as submitted; Motion carried by unanimous roll call vote.

Ayes: Planning Commissioners: Dinan, Zamora, Link (Alternate) and Reuben (Alternate)

Nays: None

Absent: Commissioners: Basso, Stewart and Halterman

Abstained: None

Item 3.2: Architecture and Site Plan Review 09-2023 (Dept. File #23-0026) – Lucky House Tiny Homes – Yongwei Huang, APN: 075-010-065

The proposed Architecture and Site Plan Review (ASPR) application proposes the development of a Tiny House Village of thirty-eight detached residential dwellings with private streets to be located on vacant land between Ward Avenue and the westerly extension of Ross Avenue (APN 075-010-065). This ASPR was analyzed pursuant to the California Environmental Quality Act (CEQA). The Project is categorically exempt pursuant to CEQA Guidelines Section 15332, Exemption for In-fill Development Projects.

- Joshua Mann, Community Development Director excused himself from item 3.2, as he was previously involved with the project at his prior place of employment, before coming to the city.
- Miguel Galvez, contract planner with JB Anderson Land Use Planning, presented item 3.2 and Power Point.
- Planning Commissioner Zamora asked some questions on the private streets north and how would the rent would be based.
- Miguel Galvez, explained that due to state funding it will be monitored by the state for the low income and discussed the private street questions.
- Planning Commissioner Link, asked about it being possible gated.
- Miguel Galvez responded that the applicant purposed the project as is.
- Public Hearing was opened at 6:56 p.m.
- Owner of Smooth as Glass asked if Ross Ave. would be going through, as he stated cars would speed down it.
- Miguel Galvez responded to his question.
- Derrick Artis with Mid Valley Engineering, Engineer spoke on the project.
- Planning Commissioner Zamora asked if there would be speed bumps for traffic calming.
- Being no further comments the Public Hearing was closed at 6:59 p.m.

ACTION: *By motion moved/second (Rueben / Dinan / passed 4-0) was approved as submitted; Motion carried by unanimous roll call vote.*

Ayes: Planning Commissioners: Dinan, Zamora, Link (Alternate) and Reuben (Alternate)

Nays: None

Absent: Commissioners: Basso, Stewart and Halterman

Abstained: None

4. PLANNING COMMISSION COMMENTS

None

5. COUNTY REFERRAL/CORRESPONDENCE/INFORMATION (Information Only) NO ACTION

None

6. STAFF COMMENTS (Information Only) NO ACTION

Item 6.1: Miguel Galvez, contract Planner with JB Anderson Land Use Planning, gave an updated on future outreach and upcoming workshops for the Housing Element Update.

Item 6.2: Miguel Galvez, introduced Joshua Mann to the Commission as the new Community Development Director.

Item 6.3: Joshua updated the Commission on some items that will be going to City Council and also informed them of some applications that will be coming to the Planning Commission in the near future. He also gave them an update of the River Walk Draft EIR where it is at in the process.

9. ADJOURNMENT - Regular Planning Commission Meeting – July 16, 2024 at 6:00 p.m.

ATTEST:

APPROVED:

Joshua Mann
Community Development Director

Taide Zamora
Vice Chair Planning Commission

**CITY OF RIVERBANK
PLANNING COMMISSION**

STAFF REPORT

ITEM NO: 3.1 August 20, 2024

SUBJECT: **Presentation – Illegal Fireworks** – Presentation by Ed Ridenour, Chief of Police and Clint Bray, Stanislaus Consolidated Fire Protection District.

SUBMITTED BY: Ed Ridenour, Police Chief

RECOMMENDATION:

It is recommended that the Planning Commission receive a presentation from Chief Ridenour and Deputy Chief Clint Bray on illegal firework dangers and enforcement strategies.

SUMMARY:

The City of Riverbank is committed to the safety and wellbeing of all residents. As part of this commitment, Deputies identified illegal fireworks activity throughout the City of Riverbank during the 4th of July Holiday.

Those found in the possession or discharge of illegal fireworks were sent an administrative citation for \$1,000 for the first offense, \$2,000 for the second, and \$3,000 for any subsequent offense.

The goal of the safety campaign is to provide education and make residents aware of the potential risks of using fireworks, the consequences of possessing/using illegal fireworks, and provide tips on how to correctly use legal fireworks for safe 4th of July celebrations.

To report misuse of fireworks and possession/use of illegal fireworks contact non-emergency dispatch's phoneline at (209) 552- 2472. Only call 9-1-1 in an emergency.

FINANCIAL IMPACT

There is no financial impact with the report.

**CITY OF RIVERBANK
PLANNING COMMISSION**

STAFF REPORT

ITEM NO: 3.1 August 20, 2024

APPLICATION: **Architecture & Site Plan Review 04-2024 (Dept. File #24-0010) – Countryside III – California Avenue and Central Avenue, APN: 062-022-020.** Architecture and Site Plan Review (ASPR) for Countryside III, a twenty-three (23) lot subdivision with one (1) lot, Lot A, serving as the development's storm drain basin. Countryside III is the third and final phase for the Countryside development. The proposed Architecture and Site Plan review is subject to approval by the Planning Commission pursuant to Section 153.095(G) of the City of Riverbank Code of Ordinances.

OWNER: McRoy Wilbur Communities
605 Standiford Avenue Suite H
Modesto, CA 95350

**APPLICANT
REPRESTATIVE:** Ian Wilbur

GENERAL PLAN: Low Density Residential (LDR)

ZONING: Planned Development (PD)

**ENVIRONMENTAL
DETERMINATION:** This ASPR will not have a significant effect on the environment. The architectural review of structures for an approved subdivision is not considered a Project pursuant to CEQA Guidelines.

PROJECT PLANNER: Michael Arroyo, Contract City Planner

RECOMMENDATION: Approve the Architecture and Site Plan Review subject to the conditions in Resolution 2024-004 (Attachment 1).

ACROMYMS: CEQA – California Environmental Quality Act
 FT – Feet or foot
 HOA - Home Owners Association
 LDR - Low Density Residential
 LID - Low Impact Development

I. EXECUTIVE SUMMARY:

The applicant proposes the architectural review of twenty-two (22) single family residences within Countryside III subdivision. The Vesting Tentative Subdivision Map (VTM 04-2023) to subdivide Countryside III was approved by the City of Riverbank's Planning Commission on November 21st, 2023. On and off-site improvements are currently being constructed. The architecture and design proposed, including the Elevations and Plans offered, are identical to the Countryside I and Countryside II developments. The City of Riverbank's Planning Commission recommended approval for Architecture and Site Plan Review No. 02-2020 for Countryside I and Countryside II to City Council by Resolution No. 2020-006 on Tuesday, July 21, 2020.

II. ARCHITECTURE AND DESIGN:

Model Name	Sq. Ft.	Bedrooms	Bathrooms	Notes
Peach Tree	1742 sf	3	2	Energy efficient stucco application, vinyl clad windows, front yard
Grapevine	1868 sf	3	3	landscaping, rear and side yard fencing, color accented window trim
Orange Blossom	2105 sf	4	2.5	and doors, stone accents, tile roofs, metal garage doors with remote
Willow Tree	2118 sf	4	3	control openers, full perimeter rain gutters, covered rear patio, satellite connection.

1. Porches, Entries, and Courts – A clear sense of entry and design interest to a home is provided through the inclusion of porches and other architectural elements that contribute to a sense of place and activity. All four (4) floor plans include a small front porch and a rear covered patio. In addition, all have a foyer or entry hall at the front door. There are two (2) courts proposed.

2. Garage Frontage and Placement – Each dwelling unit has two (2) covered spaces in the garage. For garages accessed from the street, the zoning code requires the garage face to be recessed a minimum of twenty (20) feet from the front property line. Garages are recessed behind the house facades to reduce the prominence of the garage doors.
3. Driveways and Parking – As noted above, there are two (2) parking spaces in each garage. All driveways have room to park two (2) vehicles and still provide clearance for the public sidewalk. Street parking is permitted.
4. Fences, Walls, and Entry Features – The designs of walls and fences, as well as the materials used, should be consistent with the overall development's design. Fence and wall color should be compatible with the development and adjacent properties.
5. Landscaping – Front yard, basin, and any common area landscape and irrigation plans will be reviewed and approved as a Condition of Approval. The City currently contracts with a landscape architect for those approvals upon application by the developer.

III. GENERAL PLAN CONSISTENCY:

The Planning Commission must determine General Plan consistency relevant to the Architectural and Site Plan Review:

1. **Policy Design-3.2: Approved plans, projects, and subdivision requests shall provide residential site and building design that contributes to an attractive pedestrian friendly environment along neighborhood streets.** *The developer has provided residential building designs with garage placements that are recessed to prevent monotonous streetscapes and adds to a pedestrian friendly environment.*
2. **Policy Design-4.2: Approved projects, plans and subdivisions shall provide diversity among dwelling units in the use of color, building materials, floor plan lay-outs, square footages, and roof-lines. Approved projects, plans, and subdivision requests shall maintain continuity of a few overall urban design features to provide context between individual units and the neighborhood.** *The developer has provided four (4) models and twelve (12) color schemes to provide diversity among the dwelling units. The dwellings will vary in the use of color, building materials, floor plan lay-outs, square footages, roof-lines, and architectural details. These details include shutters, flower boxes, pillars, decorative vents, brick, rock, shake shingles, accent windows and foam trim.*

3. **Policy Design-5.2: The City will encourage the use of porches, stoops, and other elements that provide a place to comfortably linger and thereby “provide eyes on the street,” helping to maintain a sense of security within neighborhoods.** *The developer has provided a street-facing front porch for each unit and mailboxes will be installed in a heavy use area.*

IV. FINDINGS

The Riverbank Planning Commission must make the following findings in order to approve the project:

1. **The proposed project, together with the provisions for its design and improvements, is consistent with the goals, policies, program and uses of the General Plan.** *The proposed project is consistent with General Plan Policies Design-3.2, Design-4.2, and Design-5.2 as discussed above.*
2. **The proposed Architecture and Site Plan Review along with Conditions of Approval is in conformity with both the intent and provisions of the Zoning Ordinance, Title 153, of the City of Riverbank Code of Ordinances.** *As reviewed by staff, all requirements and conditions conform to both the intent and provisions of the Zoning Ordinance.*

V. ENVIRONMENTAL REVIEW:

The proposed project will not have a significant effect on the environment. The architectural review of structures for an approved subdivision is not considered a Project pursuant to CEQA Guidelines.

VI. PUBLIC NOTICE:

The Planning Commission hearing notice was published in the Riverbank News on August 7, 2024 and posted at City Hall North, South, Post Office, Community Center and website on August 7, 2024. In addition, the Applicant posted a Notice of Development Permit Application at Kentucky Avenue and Central Avenue on August 7th, 2024 and notices were distributed to residents and business within 300-feet of the Project site in accordance with City standard practices on August 5th, 2024. At the time of writing this Staff Report (August 6, 2024), the City has not received any written public comment. Written comments received by the City shall be supplied to the Commission on the day of the meeting.

VII. RECOMMENDATION:

Approve the Architectural and Site Plan Review based upon the findings contained in Resolution 2024-004.

VII. ATTACHMENTS:

1. Planning Commission Resolution No. 2024-004 (ASPR 004-2024)
Exhibit A – Plans, Elevations, and Colors & Materials
2. City of Riverbank Standard Conditions

Respectfully Submitted By:

Michael Arroyo

Michael Arroyo
Contract Planner

**City of Riverbank
Planning Commission
Resolution No. 2024-004**

**APPROVAL OF ARCHITECTURE SITE PLAN REVIEW 04-2024
FOR COUNTRYSIDE III, 4131 KENTUCKY AVENUE
APN: 062-022-020**

WHEREAS, an Architecture and Site Plan Review application has been received from McRoy Wilbur Communities with a proposal for twenty-two (22) single-family dwelling units within the Countryside III subdivision located at Kentucky Avenue and Central Avenue (APN: 062-022-020); and

WHEREAS, the Planning Commission held a public hearing on August 20, 2024, to consider Architecture and Site Plan Review 04-2024 and take public comment; and

WHEREAS, the architectural review of structures for an approved subdivision is not a Project pursuant to CEQA Guidelines; and

WHEREAS, the Riverbank Planning Commission made the following findings:

1. The proposed project, together with the provisions for its design and improvements, is consistent with the goals, policies, program and uses of the General Plan.
2. The proposed Architecture and Site Plan Review along with the Conditions of Approval is in conformity with both the intent and provisions of the Zoning Ordinance, Title 153, of the City of Riverbank Code of Ordinances.

WHEREAS, the proposed project is consistent with the following aspects of the General Plan:

1. Policy Design-3.2: Approved plans, projects, and subdivision requests shall provide residential site and building design that contributes to an attractive pedestrian friendly environment along neighborhood streets.
2. Policy Design-4.2: Approved projects, plans and subdivisions shall provide diversity among dwelling units in the use of color, building materials, floor plan lay-outs, square footages, and roof-lines. Approved projects, plans, and subdivision requests shall maintain continuity of a few overall urban design features to provide context between individual units and the neighborhood.

3. Policy Design-5.2: The City will encourage the use of porches, stoops, and other elements that provide a place to comfortably linger and thereby “provide eyes on the street,” helping to maintain a sense of security within neighborhoods.

WHEREAS, the plans and elevations of McRoy Wilbur Communities, Inc. are hereby granted and approved, subject to the following conditions:

1. Applicant shall comply with the City of Riverbank Standard Conditions as contained in the Planning Commission Resolution 2013-014 and/or receive confirmation from the Community Development Director that a specific condition or conditions does not apply to the project;
2. The applicant shall build the entire project according to the floor plans and elevations date stamped August 6, 2024 and on file with the Community Development Department and as presented to the Planning Commission as part of this action;
3. The Community Development Director shall approve block walls and fencing;
4. An application, plans, and current fee shall be submitted for the approval of landscaping and irrigation;
5. The Subdivision Improvement Agreement shall be signed and submitted to the Community Development Director before Final Map adoption;
6. CC&R documents, if used, shall be submitted to the Community Development Director for staff and City Attorney review and approval. The CC&Rs shall prohibit Recreational Vehicle (RV) parking in driveways and mobile basketball hoops from streets, sidewalks, and any common areas. Property owners shall be responsible for the maintenance and replacement of their walls and fences, including graffiti;
7. Street names shall not be final until Final Map adoption; and
8. Any subdivision signage shall be approved under separate permit.

NOW THEREFORE, BE IT RESOLVED by the City of Riverbank Planning Commission that Architecture and Site Plan Review 04-2024 is hereby approved, subject to those conditions established by Resolution No. 2024-004 and as illustrated in “**Exhibit A**” Floor Plans, Elevations, and Colors and Materials.

PASSED AND ADOPTED by the Planning Commission of the City of Riverbank at a meeting held on the 20th of August, 2024; motioned by Commissioner _____, seconded by Commissioner _____, and upon roll call was carried by the following vote of ____-____:

AYES: Commissioners:

NOES:

ABSENT:

ABSTAIN:

Attest:

Approved:

Joshua E. Mann,
Community Development Director

Joan Stewart, Chairperson
Planning Commission

Exhibit A – Plans, Elevations, and Colors & Materials

The Peach
Tree

1742 SQUARE FEET
3 BEDROOM | 2 BATH
GREAT ROOM | 2-CAR GARAGE



ELEVATION A

* All floor plans and renderings are based on the artist's conceptions and may include optional masonry upgrades and plan options. Plan details and square footage shown are estimated and may vary. Variations between elevations may create differences to floor plans.



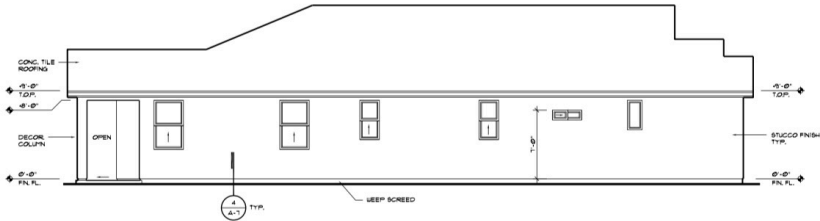
ELEVATION B



ELEVATION C

Plan 1742 A

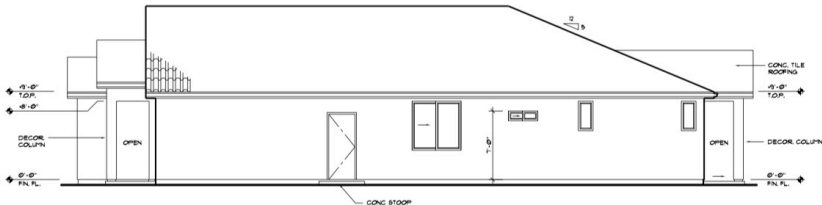
- NOTE:
- CONTRACTOR SHALL PROVIDE:
 - FLASHING TO ENSURE WEATHER-TIGHT CONSTRUCTION.
 - A MIN. OF 1 SQ. FT. OF FREE AREA PER 100 SQ. FT. OF FLOOR AREA FOR ATTIC VENTILATION. SEE VENTILATION SCHED. ON SHEET A-2.
 - ALL EXPOSED WOOD FASCIA BEAMS & POSTS SHALL BE PAINT GRACE SMOOTH.
 - WHERE EAVE OR CORNICE VENTS ARE USED TO PROVIDE ATTIC VENTILATION VENT OPENINGS SHALL NOT BE RE-PAILED WITHIN 5 FT. MEASURED Laterally ABOVE UNOCUR OR DOOR OPENINGS.
 - ADDRESS NUMBERS WITH CONTRASTING BACKGROUND SHALL BE CLEARLY VISIBLE FROM STREET OR ROAD FRONTING THE PROPERTY. ADDRESS NUMBERS SHALL BE ARABIC NUMBERS OR ALPHABETICAL LETTERS. NUMBERS SHALL BE MINIMUM OF 4 INCHES HIGH WITH A MINIMUM STROKE WIDTH OF 1/2 INCH. ONE INCHES.



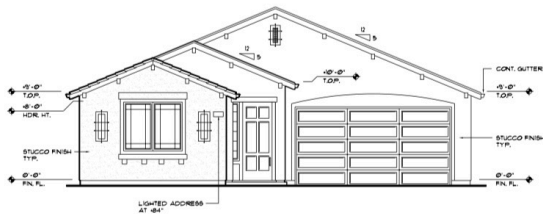
LEFT ELEVATION - A



REAR ELEVATION - A

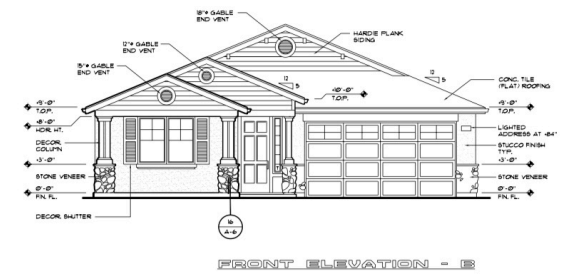
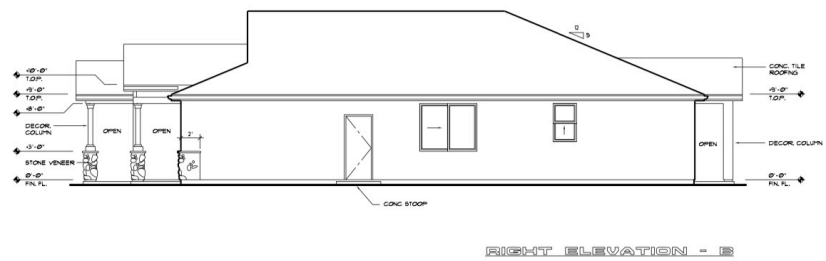
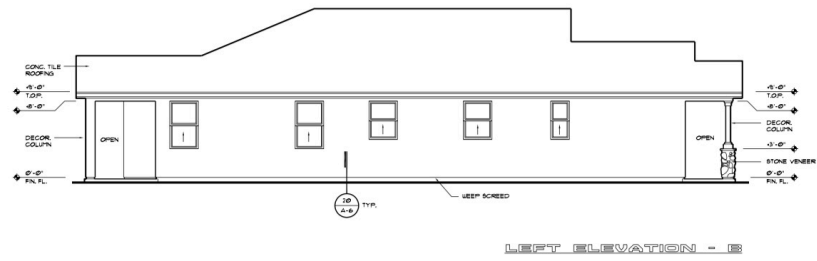


RIGHT ELEVATION - A

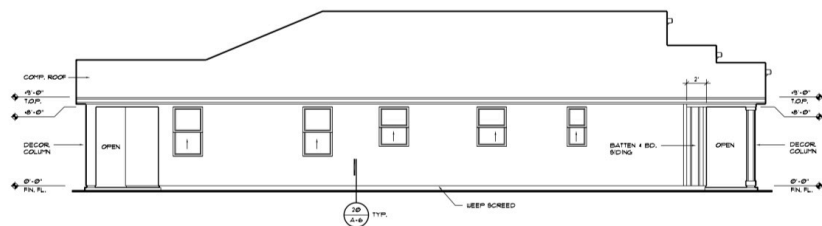


FRONT ELEVATION - A

PLAN 1742 B



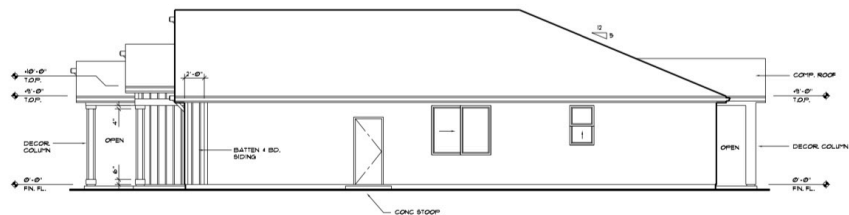
PLAN 1742 C



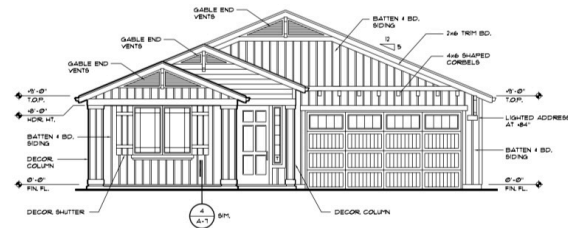
LEFT ELEVATION - C



REAR ELEVATION - C

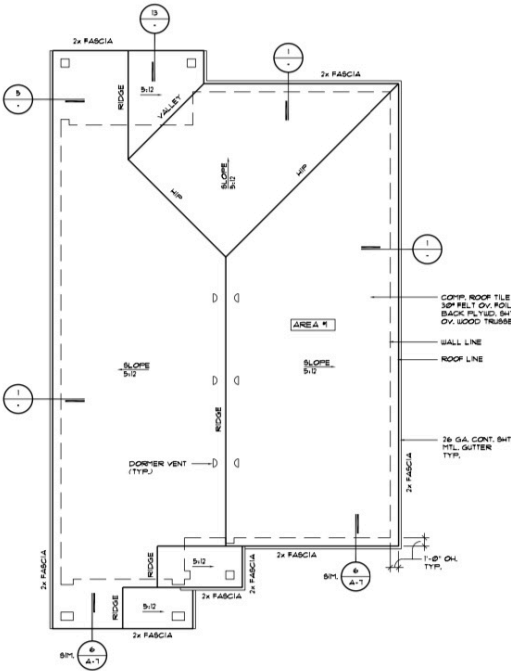


RIGHT ELEVATION - C

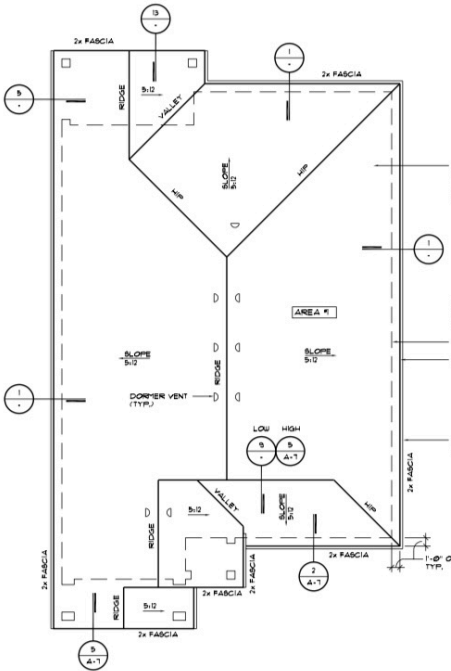


FRONT ELEVATION - C

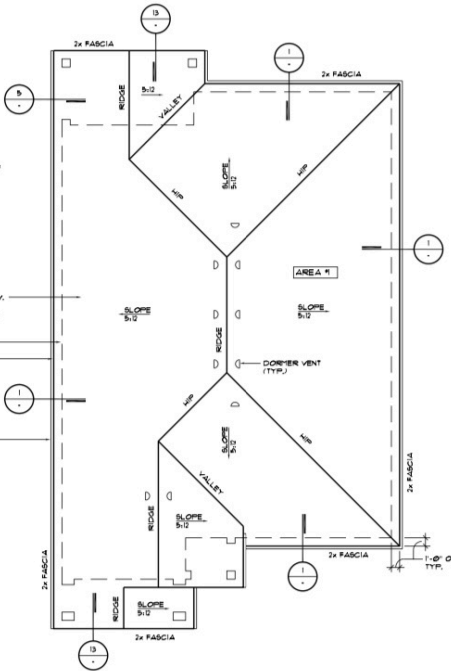
PLAN 1742 ROOF



ELEV. "C"



ELEV. "B"



ELEV. "A"

ROOF PLANS

1/8"

PLAN 1868

The Grapevine

1868 SQUARE FEET
3 BEDROOM | 3 BATH
GREAT ROOM | 2-CAR GARAGE



ELEVATION A



ELEVATION B

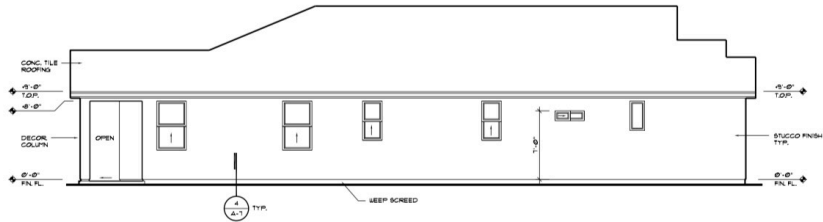


ELEVATION C

*All floor plans and renderings are based on the artist's conceptions and may include optional masonry upgrades and plan options. Plan details and square footage shown are estimated and may vary. Variations between elevations may create differences to floor plans.

PLAN 1868 A

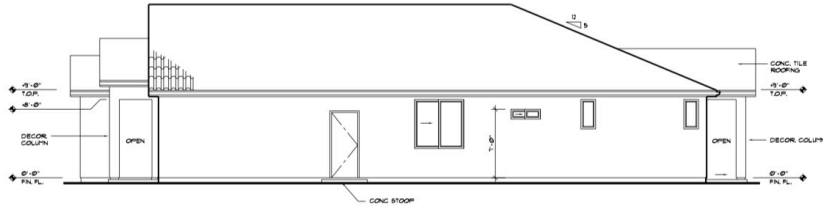
- NOTE:
1. CONTRACTOR SHALL PROVIDE:
 - A. FLASHING TO INSURE WEATHER-TIGHT CONSTRUCTION.
 - B. A MIN. OF 1 SQ. FT. OF FREE AREA PER 150 SQ. FT. OF FLOOR AREA FOR ATTIC VENTILATION. SEE VENTILATION SCHED. ON SHEET A-2.
 2. ALL EXPOSED WOOD FASCIA BEAMS & POSTS SHALL BE PAINT GRADE SMOOTH.
 3. WHERE EAVES OR CORNICE VENTS ARE USED TO PROVIDE ATTIC VENTILATION VENT OPENING SHALL NOT BE DETALLED WITHIN 3 FT. MEASURED LATERALLY ABOVE WINDOW OR DOOR OPENING.
 4. ADDRESS NUMBERS WITH CONTRASTING BACKGROUND SHALL BE CLEARLY VISIBLE FROM STREET OR ROAD FRONTING THE PROPERTY. ADDRESS NUMBERS SHALL BE ARABIC NUMBERS OR ALPHABETICAL LETTERS NUMBERS SHALL BE MINIMUM OF 4" HIGH HIGH WITH A MINIMUM STROKE WIDTH OF 1/2 INCH (CNC RIBS)



LEFT ELEVATION - A



REAR ELEVATION - A

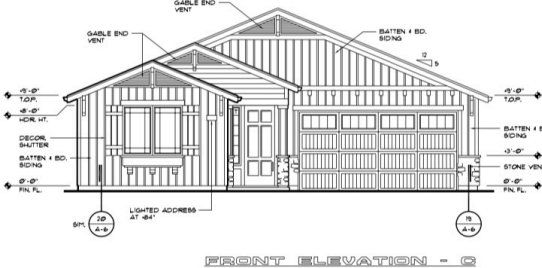
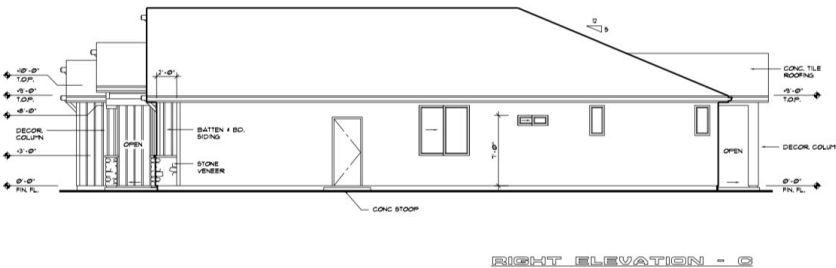
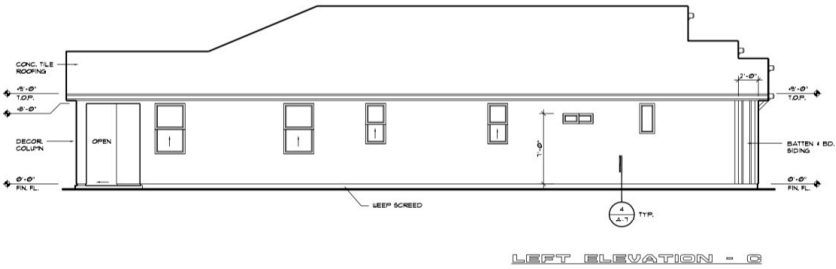


RIGHT ELEVATION - A

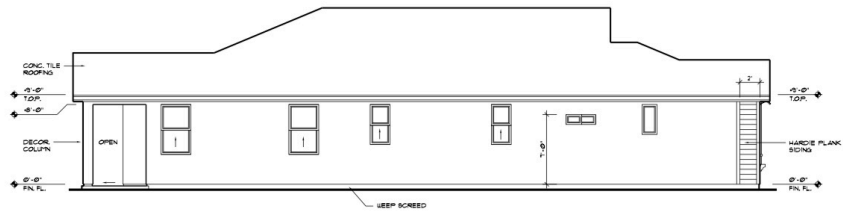


FRONT ELEVATION - A

Plan 1868 B



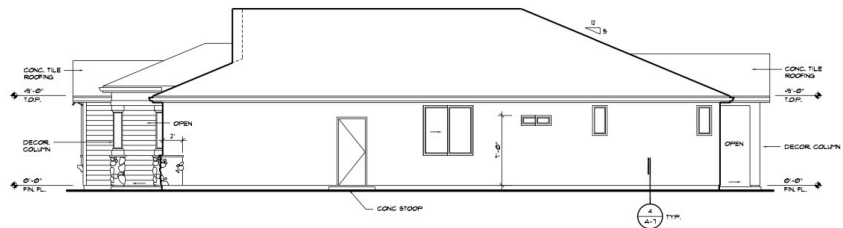
PLAN 1868 C



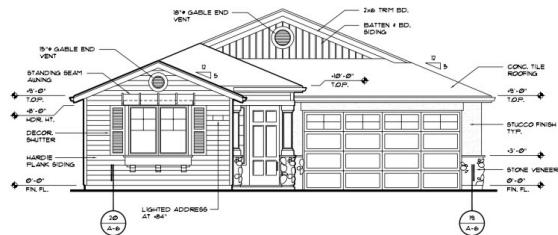
LEFT ELEVATION - B



REAR ELEVATION - B

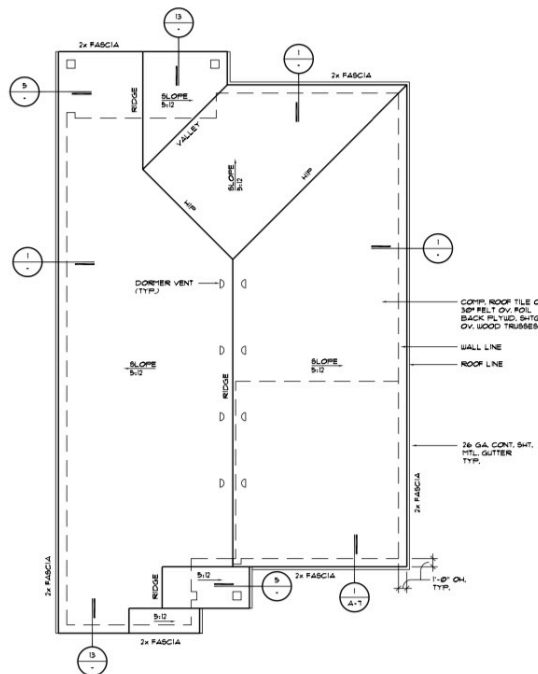
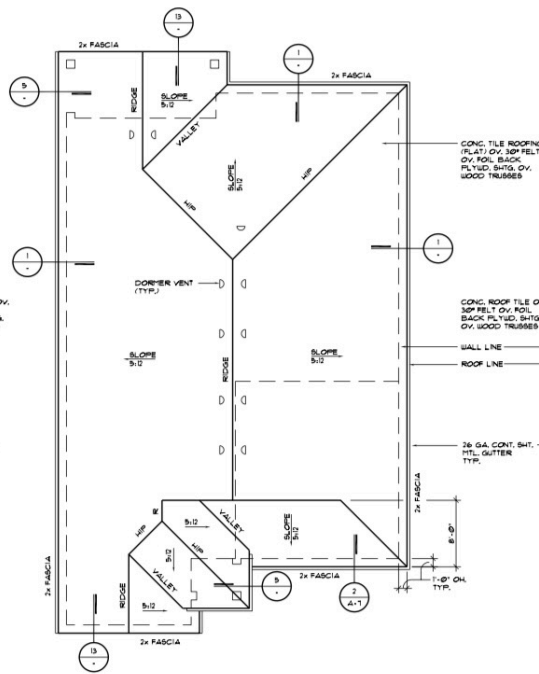


RIGHT ELEVATION - B

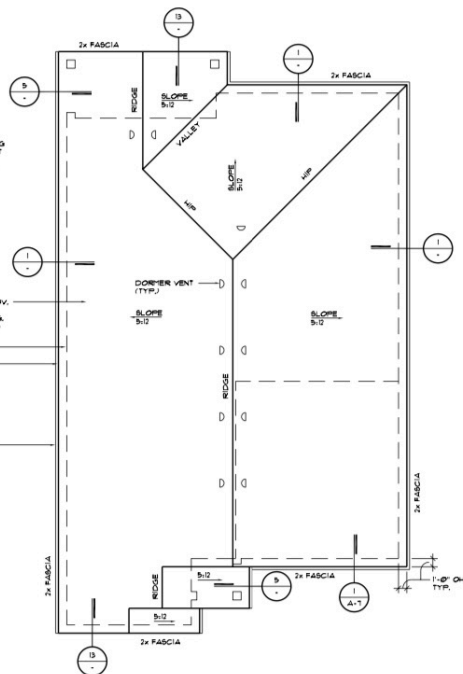


FRONT ELEVATION - B

PLAN 1868 ROOF

ELEV. "C"

ELEV. "B"



ELEV. "A"

ROOF PLANS

 $1/8" \times 1'-0"$

PLAN 2105

The Orange Blossom

2105 SQUARE FEET
4 BEDROOM | 2.5 BATH
GREAT ROOM | 2-CAR GARAGE



ELEVATION A



ELEVATION B

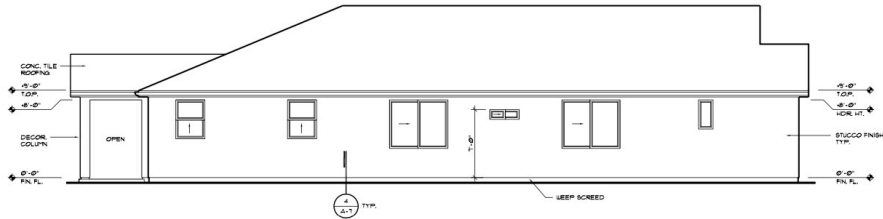


ELEVATION C

* All floor plans and renderings are based on the artist's conceptions and may include optional masonry upgrades and plan options. Plan details and square footage shown are estimated and may vary. Variations between elevations may create differences to floor plans.

PLAN 2105 A

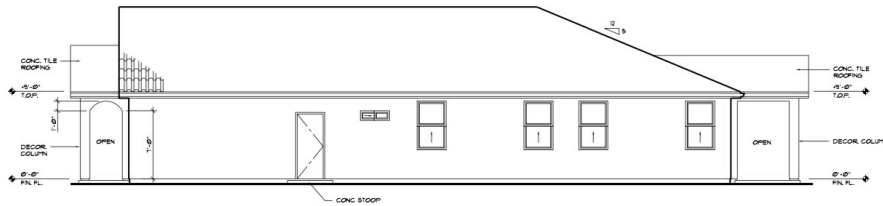
- NOTE:
CONTRACTOR SHALL PROVIDE:
A. FLASHING TO INSURE WEATHER-TIGHT CONSTRUCTION.
B. A MIN. OF 1 SQ. FT. OF FREE AREA PER 50 SQ. FT. OF FLOOR AREA FOR ATTIC VENTILATION. SEE VENTILATION SCHED. ON SHEET A-2.
C. ALL EXPOSED WOOD FASCIA, BEAMS & POSTS SHALL BE PAINT GRACE SMOOTH.
D. WHERE EAVE OR CORNICE VENTS ARE USED TO PROVIDE ATTIC VENTILATION, VENT OPENINGS SHALL NOT BE INSTALLED WITHIN 3 FT. MEASURED LATERNALLY ABOVE WINDOWS OR DOOR OPENINGS.
E. ADDRESS NUMBERS WITH CONTRASTING BACKGROUND SHALL BE CLEARLY VISIBLE FROM STREET OR ROAD FRONTING THE PROPERTY. ADDRESS NUMBERS SHALL BE PERMANENT NUMBERS OR ALPHABETICAL LETTERS. NUMBERS SHALL BE MINIMUM OF 4 INCHES HIGH WITH A MINIMUM SPACING BETWEEN OF 10 INCHES AND 10 INCHES.



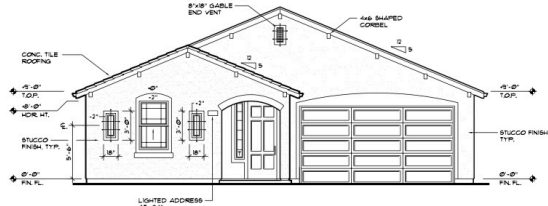
LEFT ELEVATION - A



REAR ELEVATION - A

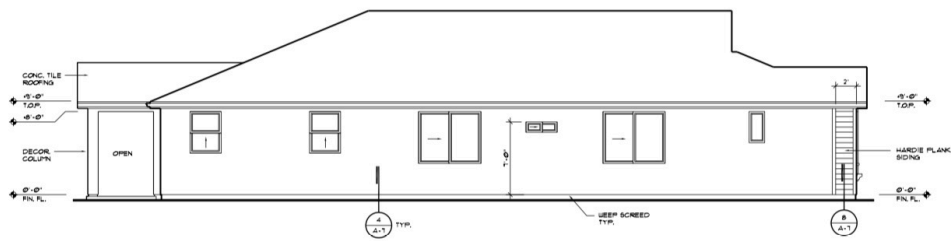


RIGHT ELEVATION - A



FRONT ELEVATION - A

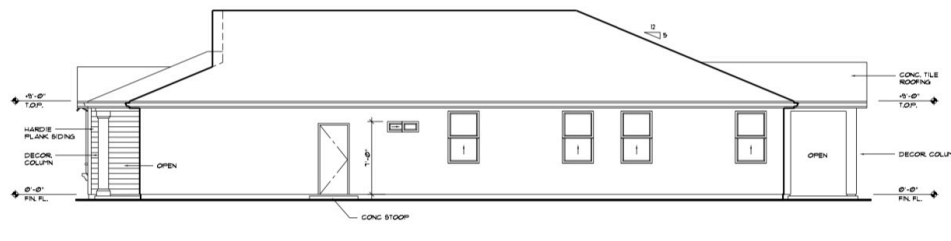
PLAN 2105 B



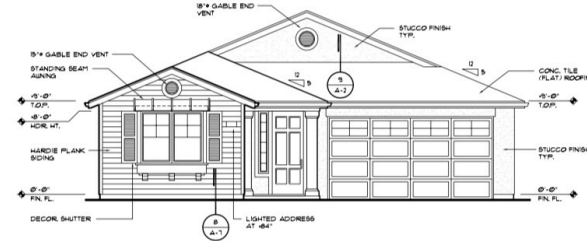
LEFT ELEVATION - B



REAR ELEVATION - B

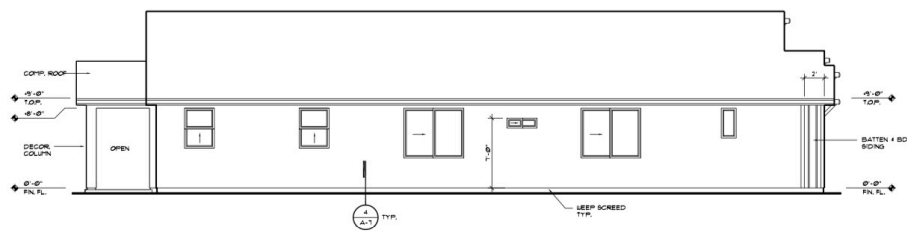


RIGHT ELEVATION - B

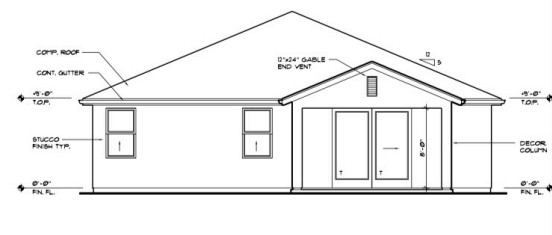


FRONT ELEVATION - B

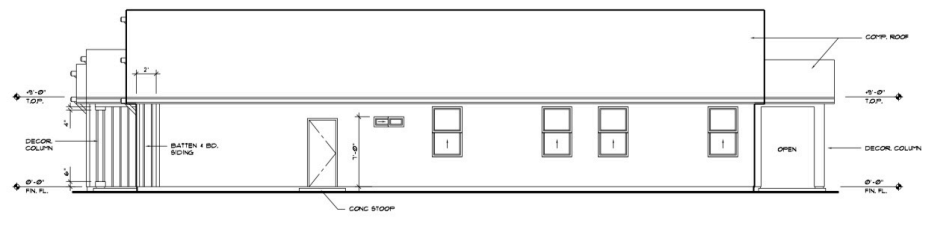
PLAN 2105 C



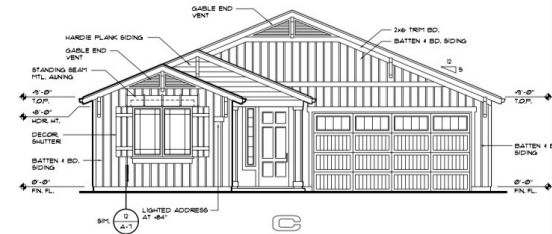
LEFT ELEVATION - C



REAR ELEVATION - C



RIGHT ELEVATION - C



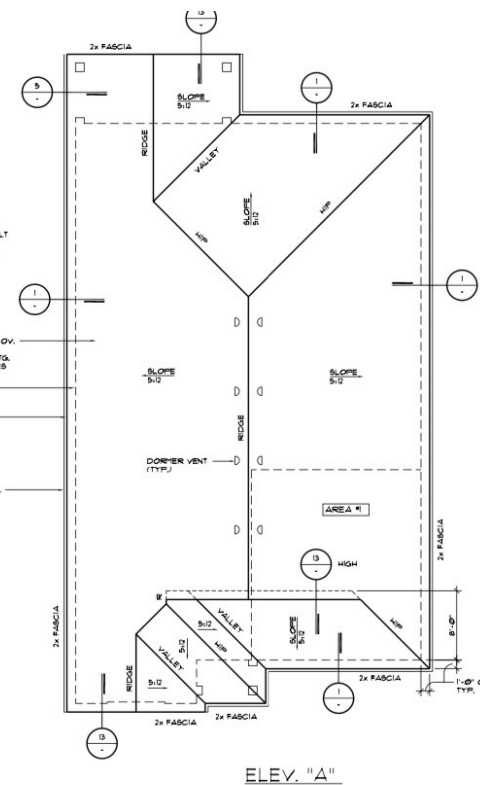
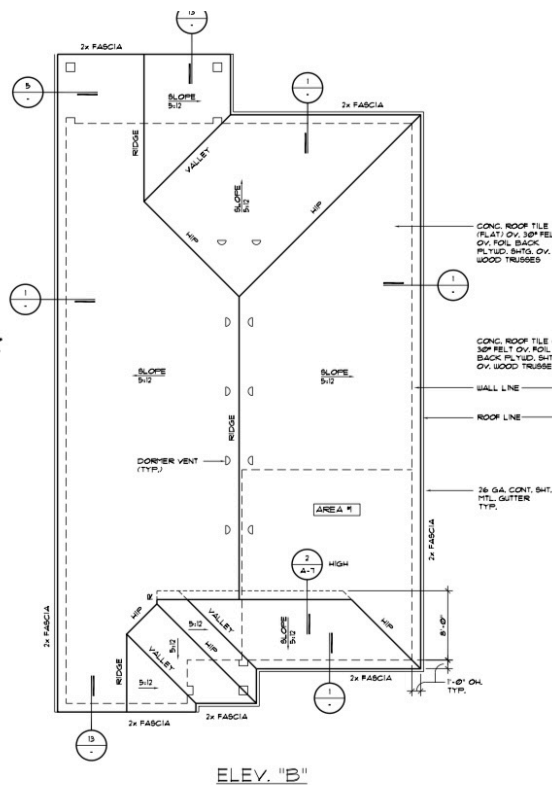
FRONT ELEVATION - C

Architectural drawing of ELEV. "C" showing a complex roof structure. The drawing includes various annotations for slopes, fascia, and structural details.

Annotations:

- SLOPE 5:12**: Indicated in multiple locations on the roof.
- 2x FASCIA**: Indicated along the edges of the roof.
- ROOF LINE**: Indicated by a dashed line.
- WALL LINE**: Indicated by a solid line.
- 2x 6x4 CONT. SHUT. MTL. GUTTER TYP.**: Indicated along the edge of the roof.
- AREA #1**: Indicated in a central section of the roof.
- 1'-0" OH. TYP.**: Indicated at the bottom right corner.
- 5:12**: Indicated in a small section at the bottom left.
- DOORMT VENT (TYP.)**: Indicated in a small section at the bottom left.
- 8:12**: Indicated in a small section at the bottom left.
- 1'-0" OH. TYP.**: Indicated at the bottom right corner.

ELEV. "C"



PLAN 2118

The Willow Tree

2118 SQUARE FEET
4 BEDROOM | 3 BATH
GREAT ROOM | 2-CAR GARAGE



ELEVATION A



ELEVATION B

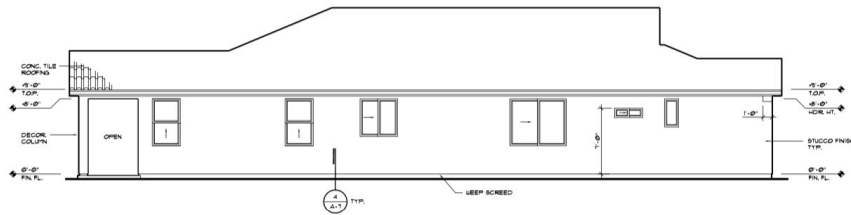


ELEVATION C

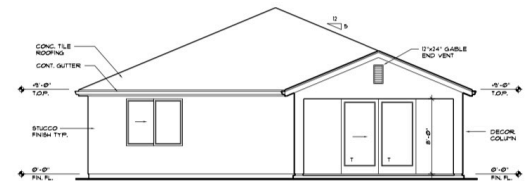
* All floor plans and renderings are based on the artist's conceptions and may include optional masonry upgrades and plan options. Plan details and square footage shown are estimated and may vary. Variations between elevations may create differences in floor plans.

PLAN 2118 A

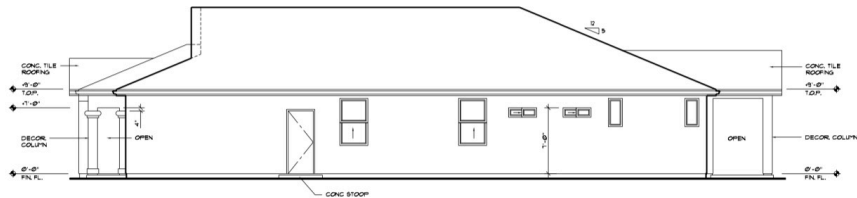
- NOTE:
- CONTRACTOR SHALL PROVIDE:
 - FLASHING TO ENSURE WEATHER-TIGHT CONSTRUCTION.
 - A MIN. OF 160 FT. OF FREE AREA PER 60 SQ. FT. OF FLOOR AREA FOR ATTIC VENTILATION SEE VENTILATION SCHEDULE ON SHEET A-2
 - ALL EXPOSED WOOD FASCIA BEAMS & PORTS SHALL BE PAINT GRADE SPOON.
 - WHERE RAUVE OR CORNING VENTS ARE USED TO PROVIDE ATTIC VENTILATION VENT OPENINGS SHALL NOT BE INSTALLED WITHIN 5 FT. MEASURED LATERALLY, ABOVE SHROUS OR DOOR OPENINGS.
 - ADDRESS NUMBERS WITH CONTRASTING BACKGROUND SHALL BE CLEARLY VISIBLE FROM STREET FOR ROAD FRONTAGE. THE PROMINENT ADDRESS NUMBERS SHALL BE ALIGNED NUMBERS OR ALPHABETICAL LETTERS NUMBERS SHALL BE NOT LESS THAN 4" HIGH WITH A MINIMUM STROKE WIDTH OF 1/2 INCH (SEE NOTE)



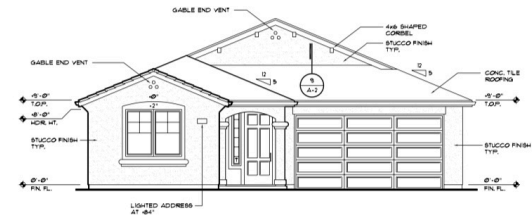
LEFT ELEVATION - A



REAR ELEVATION - A



RIGHT ELEVATION - A

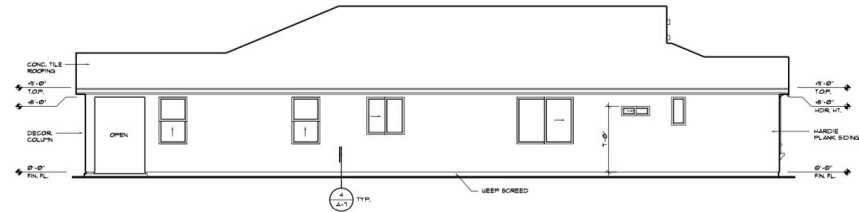


FRONT ELEVATION - A

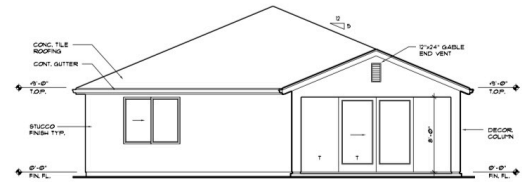
EXTERIOR ELEVATIONS - ELEVATION "A"

3/16" = 1'-0"

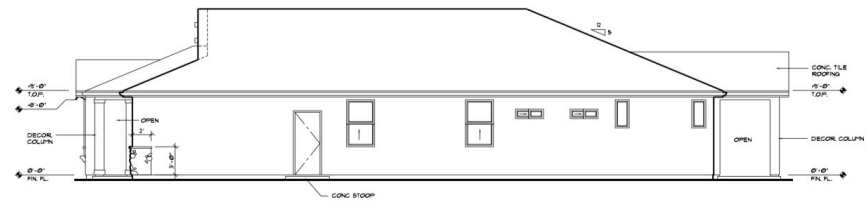
PLAN 2118 B



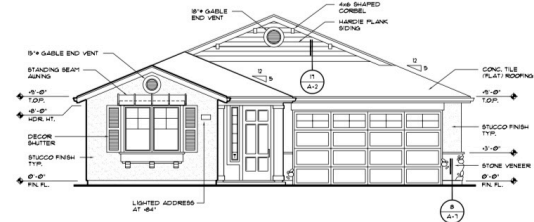
LEFT ELEVATION - B



REAR ELEVATION - B

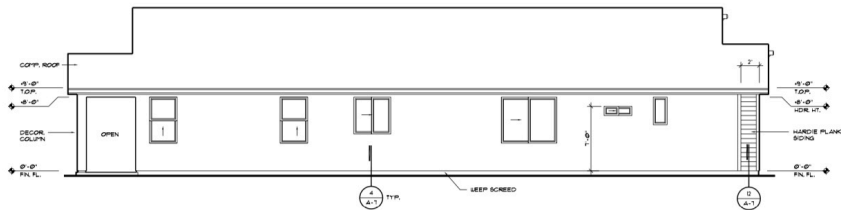


RIGHT ELEVATION - B

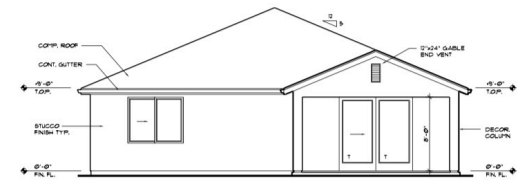


FRONT ELEVATION - B

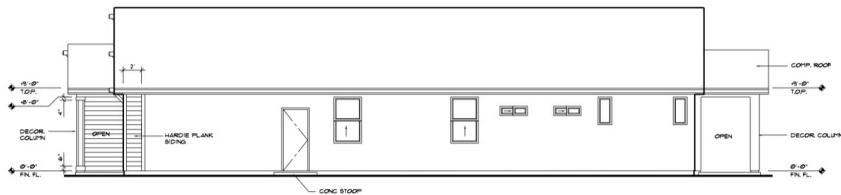
PLAN 2118 C



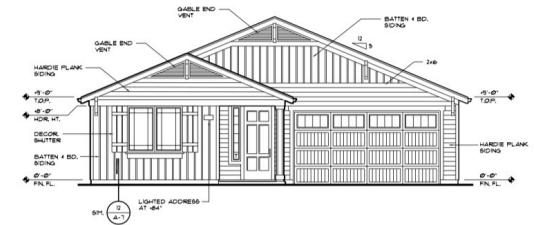
LEFT ELEVATION - C



REAR ELEVATION - C

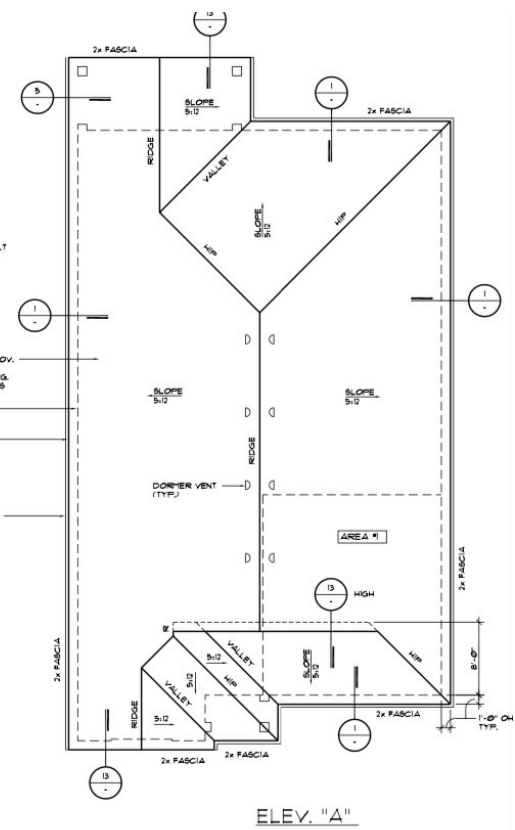
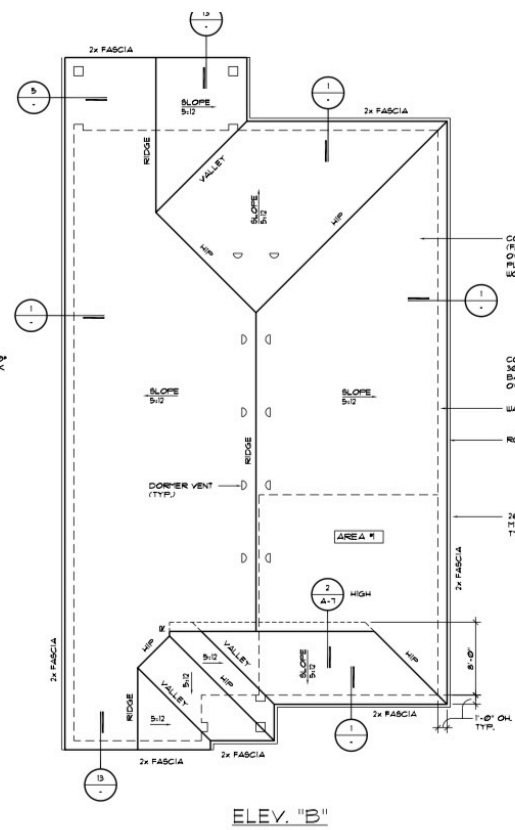
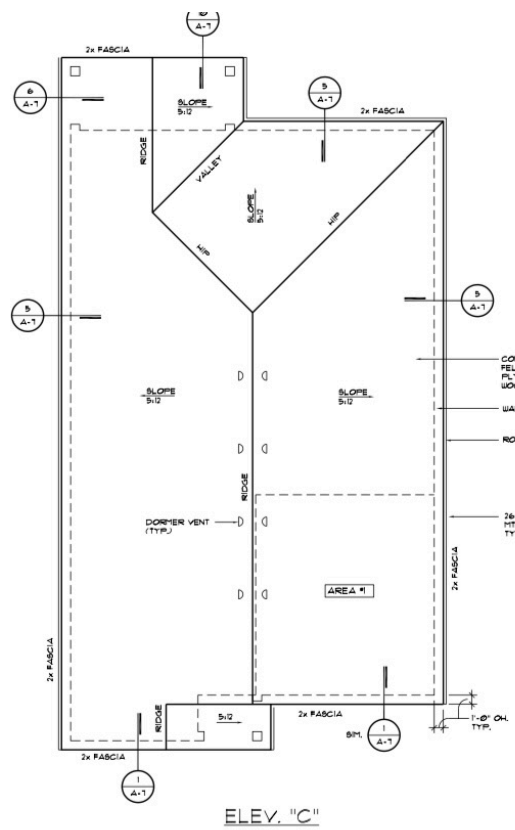


RIGHT ELEVATION - C



FRONT ELEVATION - C

PLAN 2118 ROOF



ROOF PLANS

FARMHOUSE (A) - SCHEME 1



LEGEND

Comp Roofing	Weathered Wood		Landmark Pro
Tile Roofing	Alameda Range	4884	Bel Air Slate Profile
Main Body	Analytical Gray	SW 7051	Stucco Body
Siding	Pure White	SW 7005	Horizontal Siding
Trim	Pure White	SW 7005	Door & Window Trim, Fascia, Garage Door
Front Door	Cordial	SW 6306	Front Entry Door
Shutters	Classic French Gray	SW 0077	Decorative Shutters

FARMHOUSE (A) - SCHEME 2



LEGEND

Comp Roofing	Weathered Wood		Landmark Pro
Tile Roofing	Brown Range	4689	Bel Air Slate Profile
Main Body	Natural Choice	SW 7011	Stucco Bvdy
Siding	Smokehouse	SW 7040	Horizontal Siding
Trim	Smokehouse	SW 7040	Door & Window Trim, Fascia, Garage Door
Front Door	Rookwood Sash Green	SW 2810	Front Entry Door
Shutters	Deep Forest Brown	SW 9175	Decorative Shutters

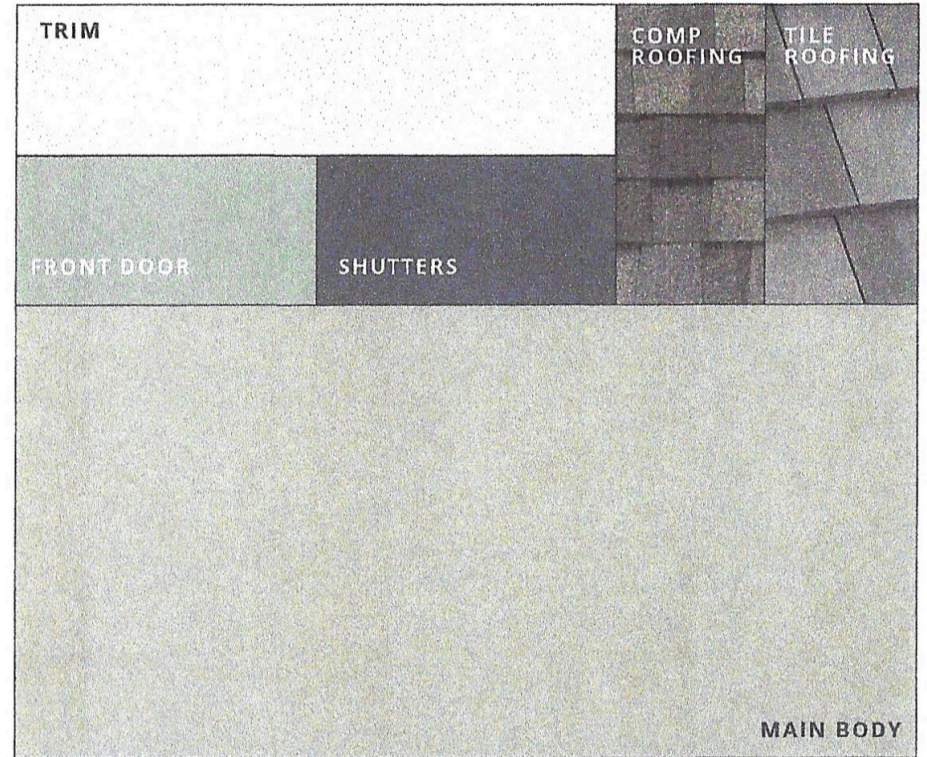
FARMHOUSE (A) - SCHEME 3



LEGEND

Comp Roofing	Weathered Wood		Landmark Pro
Tile Roofing	Seattle Blend	8805	Bel Air Slate Profile
Main Body	Mineral Deposit	SW 7652	Stucco Body
Siding	Eider White	SW 7014	Horizontal Siding
Trim	Eider White	SW 7014	Door & Window Trim, Fascia, Garage
Front Door	Spiced Cider	SW 7702	Front Entry Door
Shutters	Homburg Gray	SW 7622	Decorative Shutters

FARMHOUSE (A) - SCHEME 4



LEGEND

Comp Roofing	Weathered Wood		Landmark Pro
Tile Roofing	Slate Range	4697	Bel Air Slate Profile
Main Body	Dorian Gray	SW 7017	Stucco Body
Siding	First Star	SW 7646	Horizontal Siding
Trim	First Star	SW 7646	Door & Window Trim, Fascia, Garage Door
Front Door	Jasper Stone	SW 9133	Front Entry Door
Shutters	Charcoal Blue	SW 2739	Decorative Shutters

CRAFTSMAN (B) - SCHEME 5



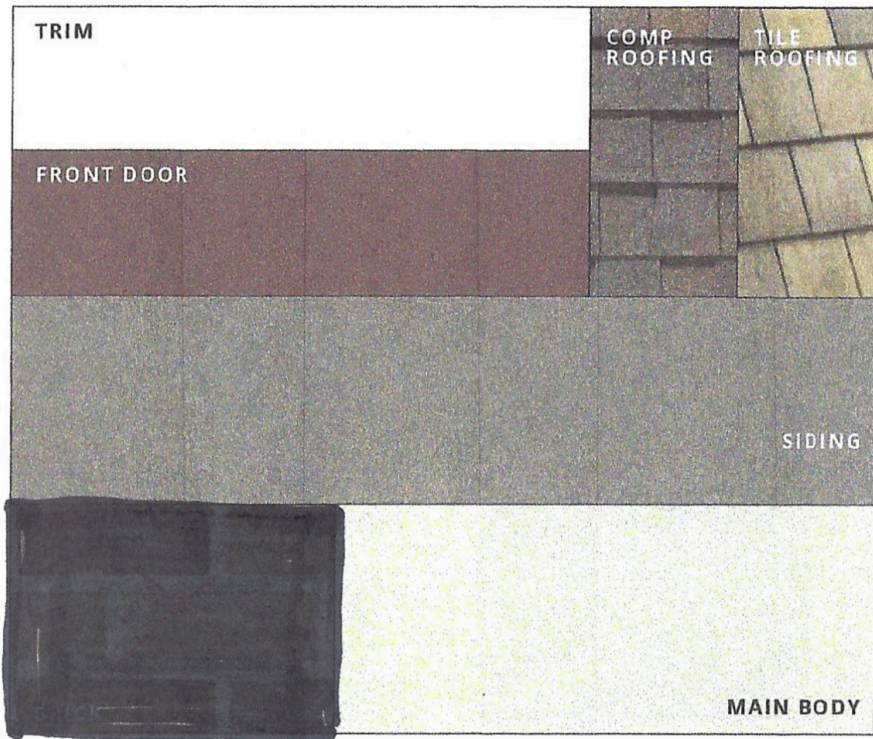
LEGEND			
Comp Roofing	Moire Black		Landmark Pro
Tile Roofing	Brown Gray Range	4687	Bel Air Slate Profile
Main Body	Outerbanks	SW 7534	Stucco Body
Siding	Sandbar	SW 7547	Horizontal Siding
Trim	Porpoise	SW 7047	Board & Batten, Door & Window Trim, Fascia, Garage Door, Railing
Front Door	Raisin	SW 7630	Front Entry Door

CRAFTSMAN (B) - SCHEME 6



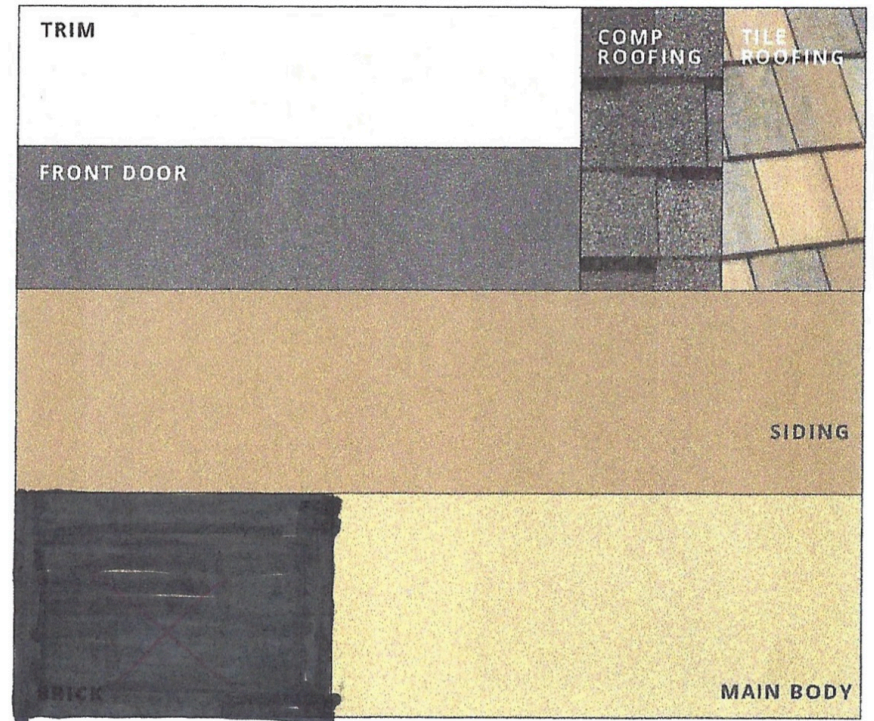
LEGEND			
Comp Roofing	Resawn Shake		Landmark Pro
Tile Roofing	Arcadia	4502	Bel Air Slate Profile
Main Body	Artisan Tan	SW 7540	Stucco Body
Siding	Grizzle Gray	SW 7068	Board & Batten and Horizontal Siding
Trim	Chateau Brown	SW 7510	Door & Window Trim, Fascia, Garage Door, Railing
Front Door	Rookwood Red	SW 2802	Front Entry Door

CRAFTSMAN (B) - SCHEME 7



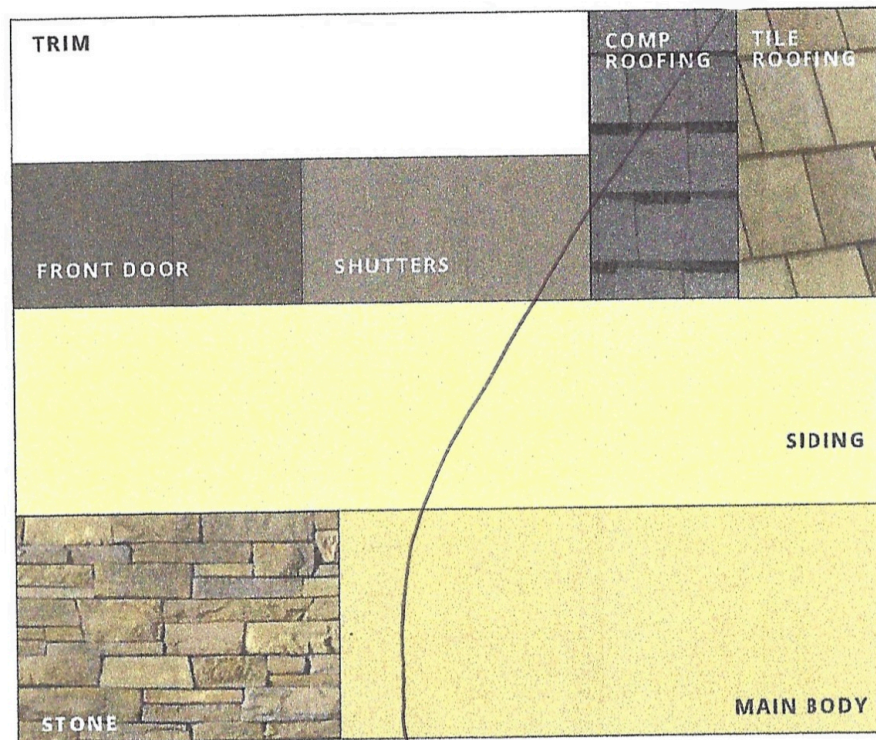
LEGEND			
Comp Roofing	Heather Blend		Landmark Pro
Tile Roofing	Manteca Blend	4882	Bel Air Slate Profile
Main Body	Useful Gray	SW 7050	Stucco Body
Siding	Link Gray	SW 6200	Board & Batten and Horizontal Siding
Trim	Pure White	SW 7005	Door & Window Trim, Fascia, Garage Door, Railing
Front Door	Sommelier	SW 7595	Front Entry Door

CRAFTSMAN (B) - SCHEME 8



LEGEND			
Comp Roofing	Weathered Wood		Landmark Pro
Tile Roofing	Del Norte Blend	4881	Bel Air Slate Profile
Main Body	Bittersweet Stem	SW 7536	Stucco Body
Siding	Pottery Urn	SW 7715	Horizontal Siding
Trim	Downy	SW 7002	Board & Batten, Door & Window Trim, Fascia, Garage Door, Railing
Front Door	Roycroft Pewter	SW 2848	Front Entry Door

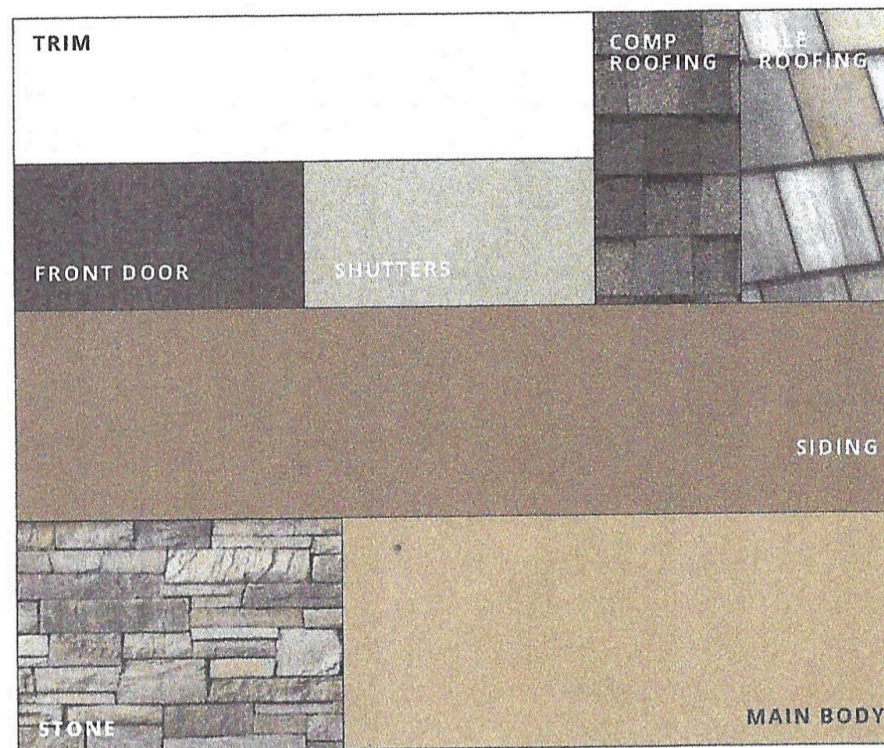
COTTAGE (C) - SCHEME 9



LEGEND

Comp Roofing	Georgetown Gray		Landmark Pro
Tile Roofing	Rocklin Blend	4804	Bel Air Slate Profile
Main Body	Ecru	SW 6135	Stucco Body
Siding	Roycroft Vellum	SW 2833	Horizontal Siding
Trim	Extra White	SW 7006	Door & Window Trim, Fascia, Garage Door, Railing
Front Door	Muddled Basil	SW 7745	Front Entry Door
Shutters	Library Pewter	SW 0038	Decorative Shutters
Stone	Hudson Bay	Country Ledgestone	Masonry Accent

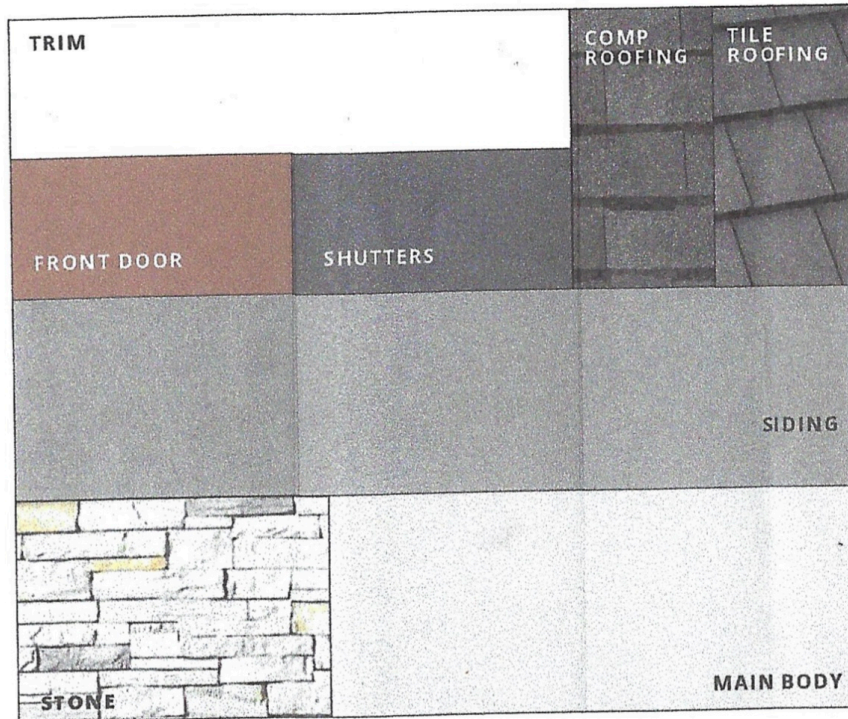
COTTAGE (C) - SCHEME 10



LEGEND

Comp Roofing	Weathered Wood		Landmark Pro
Tile Roofing	Hillsborough Blend	4883	Bel Air Slate Profile
Main Body	Chocolate Powder	SW 9082	Stucco Body
Siding	Hot Cocoa	SW 6047	Horizontal Siding
Trim	Heron Plume	SW 6070	Door & Window Trim, Fascia, Garage Door, Railing
Front Door	Rockweed	SW 2735	Front Entry Door
Shutters	Functional Gray	SW 7024	Decorative Shutters
Stone	Ashfall	Country Ledgestone	Masonry Accent

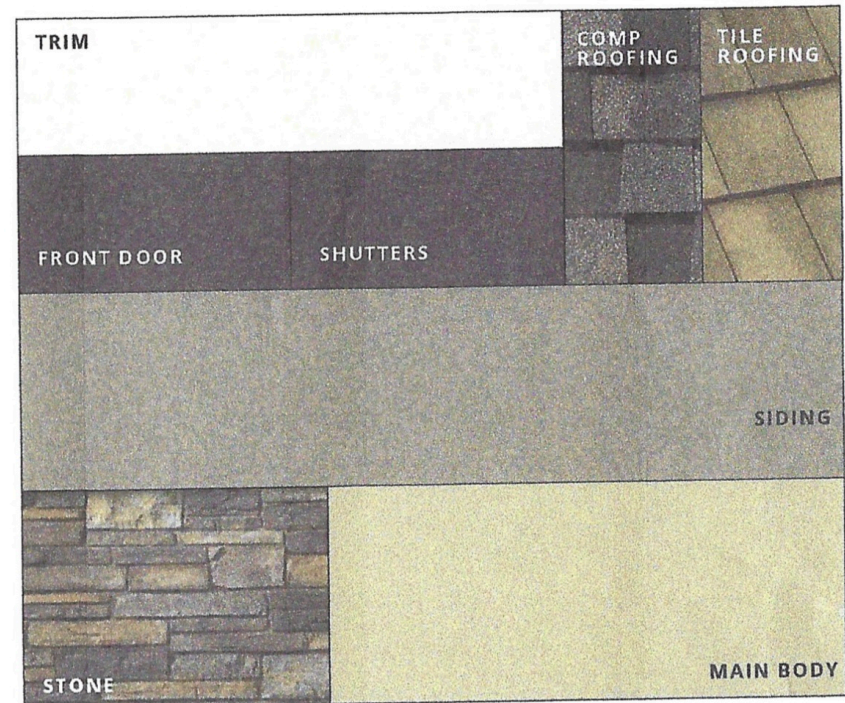
COTTAGE (C) - SCHEME 11



LEGEND

Comp Roofing	Georgetown Gray		Landmark Pro
Tile Roofing	Charcoal	4591	Bel Air Slate Profile
Main Body	Zircon	SW 7667	Stucco Body
Siding	African Gray	SW 9162	Horizontal Siding
Trim	High Reflective White	SW 7757	Door & Window Trim, Fascia, Garage Door, Railing
Front Door	Toile Red	SW 0006	Front Entry Door
Shutters	Outerspace	SW 6251	Decorative Shutters

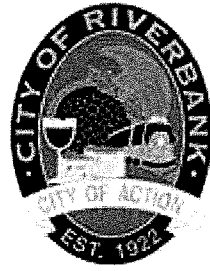
COTTAGE (C) - SCHEME 12



LEGEND

Comp Roofing	Weathered Wood		Landmark Pro
Tile Roofing	Brown Gray Range	4687	Bel Air Slate Profile
Main Body	Analytical Gray	SW 7051	Stucco Body
Siding	Studio Clay	SW 9172	Horizontal Siding
Trim	Nuance	SW 7049	Door & Window Trim, Fascia, Garage Door, Railing
Front Door	Plum Brown	SW 6272	Front Entry Door
Shutters	Plum Brown	SW 6272	Decorative Shutters
Stone	Grand Mesa	Country LedgeStone	Masonry Accent

Attachment 2



City of Riverbank
STANDARD CONDITIONS
Resolution 2013-014

STANDARD CONDITIONS

A. General Conditions

All projects must meet the following standard conditions unless specifically exempted by the Planning Commission and/or City Council.

1. This approval is dependent upon and limited to the proposals and plans contained, supporting documents submitted, presentations made to staff, Planning Commission and/or City Council as affirmed to by the applicant. Any variation from these plans, proposals, supporting documents or presentations is subject to review and approval prior to implementation.
2. The applicant shall secure and comply with all applicable federal, state and local licenses, permits, authorizations, conditions, agreements, and orders prior to or during construction and operation, as appropriate.
3. The applicant shall comply with all regulations and code requirements of the Community Development Director, City Engineer, Building Official, Modesto Regional Fire Authority, Stanislaus Consolidated Fire Protection District, the Police Chief and any other agencies requiring review of the project. If required, these agencies shall be supplied copies of the final maps, site plans, public improvement plans, grading plans and building plans.
4. All conditions of approval for this project shall be written by the project developer on all building permit plan check sets submitted for review and approval. These conditions of approval shall be on, at all times, all grading and construction plans kept on the project site. It is the responsibility of the building developer to ensure that the project contractor is aware of, and abides by, all conditions of approval. Prior approval from the Planning Manager must be received before any changes are constituted in site design, grading, building design, building colors or materials, etc.
5. Final maps and/or site development plans shall be in substantial conformance to the approved tentative map/site plan and must be submitted, in English units, to the City Engineering Department for review and approval. Maps shall be prepared, wet signed and sealed by a civil engineer, land surveyor, or architect registered in the State of California and licensed to prepare final maps and/or site development plans.
6. The applicant shall take all necessary measures to ensure that his activities or those of his agents do not result in measurable erosion of soils on the site, either wind or water, during the construction and operation of the project covered by this approval.
7. Should the project be found, at any time, not to be in compliance with any of the Conditions of Approval, or should the applicant construct or operate this development in any way other than specified in the Application or Supporting

Documents or presentations to staff, Planning Commission or City Council, as modified by the Conditions of this Approval, then the terms of this Approval shall be considered to be violated.

8. If construction or operation of the activity is not begun within one year, or as allowed by State of California Subdivision Map Act, as amended, this entitlement shall lapse and the applicant shall reapply to the City of Riverbank for a new project entitlement. The applicant may not begin construction or operation of the activity until a new entitlement is granted. Reapplications for entitlement shall state the reasons why the applicant will be able to begin the activity within a year from the granting of a new entitlement, if so granted. Reapplications for entitlement may include information submitted in the initial application by reference. The zoning will not expire; however, any associated applications (except lot line adjustments, boundary adjustments, vacation and abandonment applications) will expire, unless otherwise stated in the conditions of approval. The application(s) will expire in one year at 5:00 p.m. on the expiration date (holidays and weekends will not extend the expiration day). Any extension of time must be applied for prior to 5:00 p.m. on the expiration date.
9. Work done by a contractor pursuant to this approval shall not begin before the contractor has been shown by the applicant a copy of this permit.
10. The hours of construction, including equipment warm-up, shall be limited to 7:00 a.m. - 6:30 p.m. on weekdays and 8:00 a.m. - 5:00 p.m. on weekends and legal holidays.
11. Development of the property must conform to the plans as submitted with revisions as specified by the City of Riverbank City Council and / or Planning Commission.
12. All new construction requires building permits in accordance with all applicable building and fire codes and submission of a plot and grading plan prepared by a registered professional civil engineer showing property lines, building locations, topography and such other data as required by the Community Development Department.
13. All geologic hazards must be plotted on a plot plan, and habitable structures shall comply with the restrictions specified in all applicable building and fire codes.
14. Drainage and / or traffic studies must be submitted and approved and all improvements must comply with the approved studies. Further, street and storm water management dedication and / or improvements may be required.
15. If the property is located in a flood zone, a drainage study must be submitted to and approved by the Floodplain Administrator prior to any permits being issued.

16. Fire hydrants must be provided in compliance with Fire Department specifications and a three foot fire hydrant, a 10 foot PUE is typically required and the fire hydrant can be in that easement if it cannot be within the right of way easement is required around all street frontage lot lines. Waivers of street improvements do not waive fire hydrant requirements.
17. All necessary utility easements shall be retained or reserved.
18. Mobile homes and / or manufactured housing require building permits before they are moved and inspection for the California Safety Seal prior to occupancy.
19. Approval of this application does not constitute approval of any other entitlement or any other necessary permit, license, or approval.
20. All activities undertaken in accordance with this approval shall comply with the City's General Plan and Municipal Code. In cases of conflict between the City's Municipal Code or map-specific conditions of approval, the governing priority shall be, to the extent legally permitted, as follows: 1) Municipal Code regulations; 2) project-specific conditions; 3) standard conditions.
21. The developer shall pay all applicable processing fees, permit fees, City development fees, fire fees, school fees, drainage fees and other public entity fees in effect at the time of the issuance of the applicable permit.
22. In addition to otherwise applicable development fees, if the subject property is located within an existing or a proposed Benefit District, the developer shall pay the Benefit District fee as set forth in the Engineers Report for the applicable Benefit District. Fees shall be charged and paid at the time of building permit issuance. The fee may be adjusted over time by an amount equal to the annual rate of inflation set forth in the Engineering News Record Construction Cost Index.
23. If it is determined that the project will impact existing agricultural uses, the construction and maintenance of necessary mitigation measures are the financial responsibility of the developer until the City formally accepts these improvements. Additionally, the developer shall bear the financial responsibility of, and shall dedicate to the City, agricultural runoff control easements, as needed, and may be required to financially support the maintenance of said facilities.
24. The property owner/manager/HOA shall be responsible for the maintenance of all common areas, such as landscaping, parking, access roads, and easements.
25. With respect to any claim, action of proceeding against the City, its officials, employees or agents relating to the action or inaction of the City in reviewing, approving or denying entitlements of any type, the Developer agrees to indemnify, hold harmless and defend the City and its elected and appointed councils, boards,

commissions, officers, agents, employees, and representatives from any and all claims, costs, and liability for claims of damage, for any property damage or personal injury, including death, which may arise as a result of any negligent acts or omissions by Developer or Developer's contractors, subcontractors, agents, or employees in connection with the construction, improvement, or operation, of the Project. Developer agrees to indemnify, hold harmless and defend the City and its officers, agents, employees, and representatives from any and all actions for damages caused or alleged to have been caused by Developer's activities in connection with the Project. This Agreement applies to all damages and claims for damages suffered or alleged to have been suffered arising out of or in connection to any and all Project operations, regardless of whether or not the City prepared, supplied or approved plans or specifications or both for the Project.

26. In the event any legal action or special proceeding is commenced by any person or entity challenging any agreements between Developer and City, any entitlement or component of the Project such as the Project EIR, or any other City approval for the Project (collectively, "Project Litigation"), the Parties agree to cooperate with each other as set forth herein. City may elect to tender the defense of any lawsuit filed and related in whole or in part to Project Litigation. Upon the commencement of Project Litigation, Developer will indemnify and hold harmless the City from all costs and expenses incurred related thereto, including, but not limited to, damages, attorneys' fees and expenses of litigation awarded to the prevailing party or parties in such litigation. Developer shall pay all litigation fees to the City within thirty (30) days of receiving a written request and accounting of such fees and expenses from the City. Notwithstanding the aforementioned, City may request a deposit to cover City's reasonably anticipated Project Litigation fees and costs, and Developer will provide such deposit to City within seven (7) days of any such request.
27. It is required by State Law (Business and Professional Code Section No. 5537 & 5538 and Section 302(b) of the Uniform Building Code) that all commercial buildings, new or existing must have a licensed professional designer (Architect, Civil or Structural Engineer) to design all changes of use or occupancy as well as new construction.
28. This approval may be recalled to the Planning Commission for review at any time due to complaints regarding lack of compliance with conditions of approval, traffic congestion, noise generation, or other adverse operating characteristics. At such time, the Commission may revoke the approval or add/modify conditions approval.
29. It is the responsibility of the applicant or developer to check with each agency for requirements that may pertain to their project.
30. The applicant shall negotiate school mitigation with the appropriate School District before issuance of building permit. Applicant shall present evidence of School District compliance to the City of Riverbank.

31. The project shall annex into a storm water management district for on-going maintenance of the public system.
32. The project shall annex into a Community facilities district for the on-going Public Services operations including Fire and Police services.
33. The project shall annex into a Lighting and Landscaping District for the on-going maintenance to project lighting, open space areas and any proposed common landscape areas such as parks, landscape medians and parkway strips.
34. Where required, automatic fire sprinkler systems shall be designated and installed in compliance with NFPA (National Fire Protection Association) standards. Fire Department Connections (FDC's) shall be located within 50 feet of a fire hydrant.
35. The grade of the fire apparatus access road shall be within the limits established by the code official based on fire apparatus. (Shall not exceed 10 percent.)
36. Fire apparatus access roads shall be designated and maintained to support the imposed loads of fire apparatus (75,000 pounds) and shall be surfaced so as to provide all-weather driving capabilities.
37. Where applicable, NO PARKING – FIRE LANE signage and/or marking(s) shall be provided for fire apparatus access roads to identify such roads or prohibit the obstruction thereof.

B. Improvement Plans

1. All underground utilities shall be installed in conformance with existing City policy including without limitation the City of Riverbank Subdivision and Zoning Ordinances.
2. Right of way or easement acquisitions necessary to implement any portion of this map, and/or site development plan, including public improvements, shall be obtained by the developer at its sole expense prior to the City's consideration of the final map which encompasses the particular improvement. The developer shall notify the City in writing no more than 120 days and no less than 60 days in advance of filing the final map related to the acquisition if City assistance is needed to complete the acquisition pursuant to Government Code Section 66462.5. Funds in an amount of 100% of the estimated acquisition costs shall be deposited with the City to cover appraisal, right of way agent, and legal fees and costs incurred to secure the necessary property.
3. Environmental and engineering studies, as directed by the Community Development Director, must be complete and on file prior to commencement to plan checking.

Developer shall install off-street improvements determined necessary by the City Engineer to provide safe traffic conditions.

4. The Applicant shall submit a complete area water pressure availability study for all phases of the Project prior to issuance of any development permits. If the study indicates that the present system is inadequate, the Applicant must provide plans, with existing water, sewer and utilities software simulation program that will demonstrate any remedial action necessary to abate the deficiency and shall submit for plan check and take all necessary actions at the applicant's expense.
5. Developer shall underground existing and required on and off-site utilities as specified in the Municipal Code or as deemed necessary by the City Engineer.
6. All site development shall comply with all applicable provisions of the City of Riverbank Municipal Code as determined by the City Engineer. Issuance of a site development permit will be required whereby specific engineering requirements will be made as conditions of approval of that permit.
7. The developer shall provide and show on the final map and/or site development plan all necessary easements for access, streets, alleys, sewer and water facilities, utilities and drainage facilities, irrigation facilities and other facilities as requested by the City.
8. The final map and/or site development plan and all related documents shall comply with all regulations and requirements of the Riverbank Municipal Code.
9. Meters, hydrants, poles, etc. shall be located clear of the sidewalk and driveways or as determined by the City Engineer. Final locations and the number of such facilities shall be determined at the time the improvement plans are reviewed.
10. An encroachment permit shall be required for any construction to be done in the public right of way, in easements, or on lands to be dedicated to the City of Riverbank upon completion of the improvements. The encroachment permit shall be obtained prior to the start of said work. The permit fees shall be determined per the current adopted development fee schedule.
11. Due to LID requirements, on site storage, retention/detention should be permitted.
12. Any portion of the drainage system that conveys runoff from public streets shall be installed within a dedicated drainage easement or public street.
13. The developer shall provide joint trenching for telephone, gas, electric, cable TV and fiber optic service for every parcel.

14. All improvements, public and private, shall be designed and constructed in accordance with the most recent edition of the Standard Plans and Specifications all applicable state and local ordinances, standards and requirements. Should a conflict arise, the governing specification shall be determined by the City Engineer.
15. All public improvements proposed by the developer or required through these conditions of approval shall be completed and accepted by the City in compliance with the time schedule set forth in the conditions of approval; if no time schedule is provided, then no later than recordation of the parcel map. The developer may apply to the City for a Subdivision Improvement Agreement or Deferred Improvement Agreement in order to postpone completion of the public improvements. In any event, the City shall require the developer to guarantee the performance of the improvements and payment of labor and materials by furnishing security in a form acceptable to the City.
16. Developer shall ensure finished pad elevations are at a minimum one foot above the 100 year base flood elevation as shown on the latest Federal Emergency Management Agency (FEMA) floodplain maps for Stanislaus County, California. The developer shall be responsible for all necessary activities, applications, documentation and costs to amend floodplain maps for their development. [Letter of Map Amendment Revision (LOMAR)], and for obtaining a Floodplain Permit from the Community Development Director for all projects on parcels identified in Zone 'A' on the FEMA Flood Insurance Rate Maps for the City of Riverbank. Application for LOMAR shall be prepared and submitted by the developer prior to grading permit issuance or final map approval, whichever occurs first.
17. Regional and Sub-regional Drainage fees shall be paid in an amount acceptable to the City Engineer prior to approval of the final map.
18. Detailed plans reflecting the design and construction of all public infrastructure improvements for street, sewer, water, and storm drain, both on- and off-site, shall be in conformance with the adopted Infrastructure Master Plans and as directed by the City Engineer. Developer shall have written approval from the City Engineer for any variations from the City's Master Plans prior to any final map or plan approval.
19. All on and off site development and improvements shall be designed and constructed at the sole expense of the developer. The developer may apply for reimbursement for those improvements deemed eligible by the City Engineer as oversized in accordance with the City's laws and the State Subdivision Map Act in effect at the time of the developer's application for reimbursement to the City Council. Any such application must be presented to the City Council on or before the City records the first final map. The City's method of reimbursement shall not be limited, and may be memorialized through a reimbursement agreement with the Developer.

20. The sub divider shall submit plans and specifications for improvements of all public and private street rights-of-way, drainage easements, culverts, drainage structures and drainage facilities to the Department of Public Works for approval by the City Engineer.
21. Street alignments and grades, including the change of any existing or proposed street alignment and grade, shall be as required by the Community Development Director and the City Engineer.
22. The exact depth of imported base material shall be based on soil tests which have been approved by the Director of the Department of Public Works.
23. Sight distance requirements at all street intersections shall conform to City Standards.
24. If the improvement plans show a need to excavate in any public road right-of-way, the developer shall place a cash deposit with the Department of Public Works to ensure that any damage to the existing roadway is repaired in a timely manner.
25. Portland cement concrete cross gutters or culverts shall be installed where water crosses the roadways.
26. An adequate energy dissipater shall be constructed at the outlet of the storm drain, or verification shall be provided that such improvement is not needed.
27. Hydrology and hydraulic calculations for determining the storm system design, with water surface profile and adequate field survey cross section data, shall be provided satisfactory to the Director of the Department of Public Works, or verification shall be provided that such calculations are not needed.
28. Developer shall submit a study addressing on and off-site storm water and/or sewer system capabilities. If the study indicates that the present systems are inadequate, the developer must provide plans and install any additional storm water and/or sanitary and sanitary sewer facilities, including off-site improvements, to correct storm water run-off and sanitary sewer demands anticipated for upstream build-out in accordance with the Riverbank General Plan.
29. Prior to occupancy, the developer shall supply the City with an ACAD computer disk file showing plans that reflect the project as it was built (As-Builts) to the satisfaction of the City Engineer. These plans shall be 3D.
30. The installation (if required) of all gas, electric, sewer, and water lines and any other below surface utilities is to take place before the installation of any concrete curbs, gutter, sidewalks, and the surfacing of the streets.

31. All walls adjacent to public right-of-ways shall be provided with decorative treatment, subject to approval by the Community Development Director.
32. The design of any masonry sound wall shall be approved by the Community Development Department. It shall match or harmonize with existing sound walls of neighboring projects along that street.

C. Grading Plans

1. Prior to the issuance of any grading permits, if the applicant submits a grading plan which the City Engineer, determines to show a significant deviation from the grading shown on the approved tentative map, specifically with regard to slope heights, slope ratios, pad elevations or pad configuration, the Planning Commission shall review the plan for a finding of substantial conformance. If the Planning Commission fails to make such a finding, the applicant shall process a revised tentative map; or, if a final map has been recorded, the applicant shall process a new tentative map or a site development permit application per City of Riverbank Municipal Code. Additionally, the applicant shall process a new environmental assessment for determination by the decision making entity.
2. Prior to the issuance of a grading permit, the applicant shall submit a geotechnical report to the City Engineer, Subdivision and Grading, for approval. The report shall include the information and be in the form as required by the City Engineer
3. Prior to the issuance of any preliminary grading permits, the applicant shall provide evidence to the City Engineer, that the Vector Control District has surveyed the site to determine if vector control measures are necessary. If the District determines measures are warranted, the applicant shall conduct such measures in a manner meeting the approval of the City Engineer.
4. Prior to the issuance of any grading permit or revisions thereto, the Community Development Director shall determine that the proposed grading is consistent with the grading depicted within this approved planning application.
5. The sub divider shall submit grading plans, a permit application, and plan check and inspection fees and deposits to the Department of Public Works. Grading plans shall be approved prior to or concurrently with the approval of the Improvement Plans.
6. The grading plan shall contain a certificate signed by a registered civil engineer that the grading plan has preserved a minimum of 100 square feet of solar access for each lot created by this subdivision pursuant to Section 81.401(n) of the Subdivision Ordinance.

7. Finished grading shall be certified by a registered civil engineer and inspected by the City Engineer for drainage clearance. Approval of rough grading does not certify finished grading due to potential surface drainage problems that may be created by landscaping accomplished after rough grading certification.
8. Developer shall provide written notification to adjacent property owners for any drainage work required to collect or convey storm water runoff, which may or will affect their properties.
9. 6" high Portland Concrete Cement curbing shall be provided between all driveways and landscaped areas as indicated in the City of Riverbank Standard Plans and Specifications. In addition to above, curbing between length of parking space and landscaped area shall include a 12" wide "Courtesy Curb." Curb Cuts shall be allowed to conform to LID Standards.
10. During construction water trucks or sprinkler systems are to be used in sufficient quantities to prevent dust from leaving the site during any earthmoving and/or construction activities.

D. Architecture

1. All mechanical, irrigation, ground and/or roof mounted equipment shall be architecturally screened from view from all public right-of-ways prior to issuance of certificate of occupancy.
2. All trash enclosures shall be constructed of masonry material with self-enclosing doors and have a second access and a sloped roof. The enclosure shall have materials and colors consistent with the primary building.
3. All vents, gutters, downspouts, flashing, electrical conduits, etc., shall be painted or finished to match the color of the adjacent surface unless otherwise directed by the Planning Commission.
4. Soffits and other architectural elements visible from view but not detailed on the plans shall be finished in a material in harmony with the exterior of the building.
5. Finish quality of exterior design elements including, but not limited to, building façade landscaping shall be subject to approval of the Community Development Director prior to issuance of Certificate of Occupancy.
6. All signs shall be submitted to the Community Development Director for design review per the sign ordinance of the Riverbank Municipal Code.
7. All outdoor mechanical equipment, satellite dishes, fire main and all rooftop equipment shall be fully visually screened upon installation subject to the approval of

the Community Development Department. Screening devices shall be shown on construction and/or landscape plans.

8. All exterior light fixtures shall be shown on plans subject to staff review and approval. All lights attached to buildings shall provide a soft "wash" of light against the wall. All building and parking or yard lights shall conform to City Standards and shall compliment the site and building architecture.
9. For residential projects, the CC&R's shall restrict the storage of recreational vehicles on this site or parcels unless they are the principle source of transportation for the owner and prohibit parking on the public street for long than 72 hours.

E. Landscaping

1. Specific landscaping for screening shall have an appearance of mature growth subject to a field check and approval by the Community Development Director prior to Certificate of Occupancy.
2. The area under the drip line of all existing trees, which are to be saved, shall be fenced during construction. Grading shall be restricted under them to prevent soil compaction around the trees and to protect them from damage.
3. An existing tree inventory shall be created and included on the site plan for all new projects prior to approval of grading plan.
4. All slope banks in excess of two (2) feet in vertical height shall be landscaped and irrigated for erosion control and to soften their appearance as follows:
one 15-gallon or larger size tree per each 150 sq. ft. of slope area, one 1-gallon or larger size shrub per each 100 sq. ft. of slope area, and appropriate ground cover 12-24 inches on-center. In addition, slope banks in excess of five (5) feet in vertical height also include one 5-gallon or larger size tree per each 250 sq. ft. of slope area. Trees and shrubs shall be planted in staggered clusters to soften and vary slope plane. Slope planting required by this condition shall include a permanent irrigation system to be installed by the developer prior to occupancy.
5. All planting shall be maintained in good growing condition. Such maintenance shall include, where appropriate, pruning, mowing, weeding, cleaning of debris and trash, fertilizing and regular watering. Whenever necessary, planting shall be replaced with other plant materials to insure continued compliance with applicable landscaping requirements. Required irrigation systems shall be fully maintained in sound operating condition with heads periodically cleaned and replaced when missing to

insure continued regular watering of landscape areas, and health and vitality of landscape materials.

6. Final inspection for occupancy permits will not be granted until all construction and landscaping is complete in accordance with approved plans.
7. All landscape areas shall be maintained in a healthy, thriving and weed free condition.
8. The site shall be maintained in a neat and clean manner free of trash and debris.
9. All walls adjacent to public right-of-ways shall be provided with decorative treatment, subject to approval by the Community Development Director. Walls shall match or harmonize with existing sound walls of neighboring projects along that street.

F. Minimum Construction Site Management Practices

1. **(Projects involving land disturbances of less than five (5) acres)** – During construction activities, the project sponsor shall reduce or prevent to the maximum extent practicable the direct or indirect discharge of any pollutant into the storm drain system utilizing best management practices contained in the California Storm Water Best Management Practices Handbook for Construction Activities. Construction activities include, but are not limited to: watering operations; roadwork and paving operations; concrete and painting; structure construction and painting; construction material storage and handling; construction waste/debris storage and disposal; and, construction equipment/vehicle cleaning, maintenance and fueling operations. The project sponsor is also responsible for training all contractors and subcontractors on the best management practices which are identified in the California Storm Water Best Management Practices Handbook for Construction Activities which will be available at the pre-construct meeting of the project.

Or

2. **(Projects involving land disturbances of five (5) acres or more)** – Prior to commencement of any site work that will result in a land disturbance of five acres or more, the project sponsor shall submit to the City a copy of the Notice of Intent (NOI) sent to the State Water Resources Control Board and the Storm water Pollution Prevention Plan (SWPPP) prepared for the project, as required by the State's General Construction Activity Permit.
3. All storm drains, which serve the site, shall be protected from spills and soil runoff (from unpaved parking areas). The applicant may use "Any Source Control" BMP (Best Management Practice) as listed in the California Storm Water Best

Management Practice Handbook for storm water run-off for commercial and industrial sites. Storm drains will be inspected periodically.

4. The applicant shall comply with all regulations and code requirements of the Community Development Department, Public Works Department, Stanislaus Consolidated Fire Protection District, the Sheriff's Department and any other agencies requiring review of the project. If required, the applicant shall be responsible to insure that these agencies are supplied copies of the final building and site plans.
5. Developer shall provide written notification to adjacent property owners for any drainage work required to collect or convey storm water runoff, which may or will affect their properties
7. Developer shall install off-street improvements determined necessary by the City Engineer to provide safe traffic conditions.
8. Developer shall underground existing and required on and off-site utilities as deemed necessary by the Public Works Department.
9. All off-site development shall comply with all applicable provisions of the Riverbank Municipal Code as determined by the City Engineer. Issuance of an encroachment permit will be required whereby specific engineering requirements will be made as conditions of approval of that permit.

TENTATIVE MAP

1. Applicant is responsible for street name signs in accordance with City of Riverbank Standards.
2. All subsequent maps shall plot dedication and/or the relinquishment of all effected utility easements.
3. If applicable, all beneficiaries of record to sign a consent statement to record with the Final Map.
4. The sub divider of residential projects shall record CC&R's at the time of recordation of the final parcel map creating the individual lots of this subdivision. The CC&R's will provide for a manager to be responsible for maintenance and repair, with each lot owner responsible for its pro rata share of the maintenance costs. The manager may be an owner, a third party manager designated by the owners, or a special purpose entity such as an owners' association. The CC&R's shall be subject to the review and approval of the City Attorney and Community Development Director prior to recordation of the final parcel map, and shall include the following:

5. All housing units built on this project are subject to the design standards of the City of Riverbank General Plan.
6. The City of Riverbank Police Department shall have the authority to enforce the State Vehicle Code on private streets within this subdivision. This enforcement shall commence only upon receipt of a written request from the developer or individual homeowners in the subdivision. The requesting party shall pay all costs associated with posting the private streets as required by the State Vehicle Code. The Police Department shall have the authority to enforce the State Vehicle Code and all Riverbank laws on future public roads offered for dedication, but not yet accepted by the City.
7. CC&R's (Covenants, Conditions and Restrictions) for the project shall contain appropriate provisions for joint maintenance of any infrastructure, roadways, utilities, landscaping and irrigation as determined necessary by the City Engineer.
8. Except as shown on the approved tentative map or as modified by the conditions contained herein, all street, thoroughfare or highway improvements shall be constructed as required in the Riverbank Municipal Code and the City Engineering Department's Standard Plans and Specifications. Any adopted precise section not referenced in the General Plan shall be constructed as directed by the City Engineer.
9. All streets and alleys shall be irrevocably offered for dedication and improved to City standards. Street names shall be reflected on the final map and shall be approved by the Community Development Department.
10. Prior to approval of the final map the developer shall form or annex into a street lighting and landscape maintenance district, or some alternative financing mechanism acceptable to the City, for maintenance of all street lights and landscaping within or adjacent to the site.
11. In conjunction with the recordation of the map (or by separate instrument), the developer shall provide all necessary easements for streets, alleys, sewer and water facilities, utilities and drainage facilities, irrigation district facilities, fiber optics and other facilities as required by the City or serving utility. Utility easements shall be a minimum of a clear fifteen feet (15') for one utility and a clear twenty feet (20') for two or more utilities or as specified by basic engineering design guidelines. Easements shall not be split between property lines unless determined otherwise by the City Engineer. The easement widths identified are minimums and in certain circumstances, additional easement widths may be required as determined by the City Engineer.

12. The developer shall comply with Government Code Section 66436(a) (3) before approval of each final map, and shall provide "no objection" letters from the public entity or utility to the satisfaction of the City Engineer.
15. To the extent applicable by past or future City Council actions prior to the recordation of final maps, the developer shall participate in the City's Capital Improvement Financing Plan to finance required infrastructure
16. The subdivider shall construct, or agree to construct, the public improvements and private road improvements shown on the improvement plans as approved by the City Engineer.
17. If the subdivider desires site addresses for the lots created by the subdivision, the sub-divider is to furnish a true scale Final Map to the City. Said map is to show driveway locations for all lots and street names for all streets.
18. All new and existing utility distribution facilities, including cable television lines, within the boundaries of the subdivision or within any half street abutting the subdivision, shall be placed underground. The subdivider is responsible for complying with the requirements of this condition, and shall make the necessary arrangements with each of the serving utilities, including licensed cable television operators, for the installation of such facilities.
19. The subdivider shall provide for a drainage system capable of handling and disposing of all surface water originating within the subdivision and all surface water that may flow onto the subdivision from adjacent lands. Said drainage system shall include any easements and structures required by the City Engineer to properly handle the drainage, and shall be designed so as to prevent ponding of surface water that would create a public health hazard or nuisance.
20. The subdivider shall provide for the improvement of all drainage easements by culvert or drainage channel of adequate size, whichever is required by the Director of the Department of Public Works. Any required drainage channel shall be lined with the suitable material as specified by the Director of the Department of Public Works. All such drainage easements shall be monumented along property lines at locations approved by the Director of the Department of Public Works. An access easement shall be provided to each drainage system maintenance access point not directly accessible from a public roadway. Such access easement is to be improved, fenced, and aligned to the satisfaction of the Director of the Department of Public Works.

The subdivider shall construct, to the satisfaction of the Director of the Department of Public Works, a public street lighting system that complies with the following conditions:

- a. All fixtures shall use a low pressure sodium vapor light source.

- b. All light standards and heads shall be ornamental in nature not to exceed 16 feet in height designed to the satisfaction of the Community Development Director and spaced and located to the satisfaction of the City Engineer.
- c. Deposit with the City of Riverbank, through the Department of Public Works, a cash deposit sufficient to:
 - i. Energize, maintain, and operate the street lighting system until tax revenues begin accruing from the subdivision for those purposes.
 - ii. Pay the cost to process lighting district administration of this project. After recording of the Final Map, the subdivision shall be transferred without notice or hearing, to a City designated lighting district to operate and maintain the system.

22. If the project is a Planned Development, then the following conditions shall apply:

- a. Minimum unobstructed private road width (face to face of curb) shall be twenty-four feet (24').
- b. Private road structural section shall be a minimum of two inches (2") of asphaltic concrete over four inches (4") of approved base. Grades shall be a minimum of 1.0 percent and a maximum of 15 percent and designed to drain the surface water properly. Adequacy of the structural section and surface drainage shall be inspected and certified by the City Engineer.
- c. Property owners shall agree to preserve and save harmless the City of Riverbank and each officer and employee thereof from any liability or responsibility for any accident, loss, or damage to persons or property, happening or occurring as the proximate result of any of the work undertaken to complete this work, and that all of said liabilities are hereby assumed by the property owner. Hold harmless forms are available from City Hall.
- d. The applicant shall deposit with the Department of Public Works sufficient funds to cover the cost of inspection of the private improvements.
- e. CC&R's (Covenants, Conditions and Restrictions) for the project shall contain appropriate provisions for joint maintenance of any infrastructure, roadways, utilities, landscaping and irrigation as determined necessary by the City Engineer.

The applicant shall construct and improve the pedestrian circulation system to the following design standards to the satisfaction of the Community Development Director:

- a. The pedestrian system shall provide a minimum eight feet (8') of landscaping of trees and shrubs between the sidewalk and curbing of any street on all projects.
 - b. Sidewalk surface shall consist of pervious concrete, or other pervious material approved by the Community Development Director.
 - c. Sidewalk gradients shall not exceed 15 percent. Where natural grades exceed 15 percent, sufficient width for switchbacks shall be provided to accommodate a 15 percent gradient path.
 - d. Sidewalks shall intersect roads at approximately 90 degree angles.
 - e. The sidewalk system shall be continuous through the subdivision.
 - f. Points where sidewalk exists, the subdivision shall be coordinated with existing or planned sidewalk locations on adjacent property.
21. Notwithstanding any grading/elevations that are shown on the tentative map, or the provisions of the City of Riverbank Municipal Code, approval of this tentative map does not authorize the issuance of any grading permits.
22. Prior to the recordation of a subdivision map or prior to the issuance of any grading permit, whichever comes first, and if determined necessary by the City Engineer, the applicant shall record a letter of consent from the affected property owners permitting offsite grading, cross lot drainage, drainage diversions and/or unnatural concentrations. The applicant shall obtain approval of the form of the letter of consent from the City of Riverbank before recordation of the letter.
23. The sub-divider shall deposit with the City the required fees at the time the lot grading plan or improvement is submitted. The deposit will be made with whichever plan is first submitted. Said deposit shall be used to cover the cost of site inspection by the City to determine whether any geologic hazard exists and, if such is found, to review the geologic report prepared by the developer's engineering geologist. The developer shall reimburse the Department of Public Works for any cost in excess of the deposit prior to recording the Final Map. Any unused portion of the deposit will be refunded.

FINAL MAP RECORDATION

1. The Final Map shall show the dedication of all onsite drainage easements, including easements for access thereto, and show monumentation for such easements, as required by the Public Works Director, or verify that no easements are required.

2. The Final Map shall include the entire area shown on the Tentative Map and shall not be filed as units or groups of units.
3. Final Maps may be filed as units or groups of units, provided that there will be a minimum six-week interval between approval of each Final Map. Lot design on the Final Map shall be in substantial conformance to that shown on the Tentative Map. Lot 1 shall be in Unit 1, and the lot number sequencing shall correspond with unit sequencing. The highest numbered lot shall be in the last unit.
4. Upon notification by the City of Riverbank that a final map is approved for recordation, the applicant shall pay all costs associated with the transport of the map by city personnel to the Stanislaus County Recorder's Office.
5. The sub divider shall accomplish the following prior to approval of the Final Map by the City Council:
 - a. Provide the Department of Public Works with standard forms approved by the Community Development Director stating that the applicable agency or agencies have provided commitment to the site for such public facilities that are required for the subdivision (including, but not necessarily limited to, water and sewer services).]
 - b. Provide the City with a certification from each public utility and each public entity owning easements within the proposed subdivision stating that: (a) they have received from the developer a copy of the proposed map; (b) they object or do not object to the filing of the map without their signature; (c) in case of a street dedication affected by their existing easement, they will sign a "subordination certificate" or "joint-use certificate" on the map when required by the governing body. In addition, the sub divider shall furnish proof to the satisfaction of the City Engineer that no new encumbrances have been created that would subordinate the City's interest over areas to be dedicated for public road purposes since submittal of the Tentative Map.
 - c. Grant to the appropriate agency, by recorded document, all required offsite easements and all onsite water main easements that serve fire hydrants, or furnish a letter from said agency that none are required.
 - d. Provide the Department of Public Works with evidence that any offer of dedication or grant of right-of-way shall be free of all encumbrances or subordinated at the time of recordation of the Final Map.
 - e. If the sub divider does not have the real property rights necessary for public access or the construction of required improvements, he/she shall request the Planning Commission to direct City staff to begin eminent domain proceedings for acquisition of said property rights in accordance with Board Policy J-33. The developer shall agree to pay full City costs of eminent domain proceedings, including all easement costs. The developer shall also agree to construct required improvements within said easement.

- f. Pay off all existing deficit accounts associated with processing this application to the satisfaction of the City

Item 6.1

June 12, 2024

Board of Education

John Ervin III
President

Abel Maestas
Vice President

Chad Brown
Member

Jolene Daly
Board Member

Adolfo Lopez
Member

Cindy Marks
Member

Homero Mejia
Member

Sara Noguchi, Ed.D.
Superintendent

Modesto City Schools
426 Locust Street
Modesto CA 95351
209.574.1610
www.mcs4kids.com



EVERY STUDENT
MATTERS,
EVERY MOMENT COUNTS

Re: Modesto City Schools' Notice of School Impact Fee Increases

City of Riverbank-Planning Division
Attn: Joshua Mann, Director of Community Development
6707 3rd Street
Riverbank, CA 95367
Email: jmann@riverbank.org
cityplanner@riverbank.org

To Whom It May Concern:

With this letter, Modesto City Schools, comprised of Modesto City Elementary School District (the "Elementary District") and Modesto City High School District (the "High School District" and together with the Elementary District, the "District") hereby provides notice that, on June 3, 2024, at its regularly scheduled meeting of the District's Board of Education ("Board"), the Board adopted Resolution No. 23/24-29, attached hereto, which adopts the District's Level 1 Developer Fee Justification Study, dated June, 2024 ("Justification Study") and increases the amounts of statutory Level 1 school impact fees (or developer fees) for residential and commercial/industrial development within the District's boundaries pursuant to Education Code section 17620 and Government Code section 65995.

Please be advised that the following **Level 1 fees** become **effective as of August 2, 2024** (60 days after Board adoption):

- **Commercial/Industrial:** **\$0.84** per square foot of chargeable covered and enclosed space for commercial/industrial development, except **\$0.07** per square foot for rental self-storage within the Elementary District and **\$0.02** per square foot for rental self-storage within the High School District; and
- **Residential:** **\$5.17** per square foot of assessable space for residential development.

The Elementary District and the High School District share boundaries and developer fees. Per the fee sharing agreement between the Elementary District and the High School District, the Elementary District can levy developer fees up to 60% of the maximum statutory fee (\$3.10 per square foot of residential and \$0.50 per square foot of commercial/industrial).

The High School District shares its boundaries with eight elementary "feeder" districts, including the Elementary District, and can levy fees up to 40% of the maximum statutory fee (\$2.07 per square foot of residential development and

\$0.34 per square foot of commercial/industrial development). However, per the fee sharing agreement with Hart-Ransom Union School District, Paradise School District and Shiloh School District, the High School District collects 100% of the commercial/industrial fee within those districts; and, per its fee sharing agreement with Salida Union School District, the High School District collects 0% of the commercial/industrial fee within that district.

The justification and parameters for charging these amounts are set forth in the Justification Study, which was adopted by the Board at the same meeting. The District requests that no building permit or approval for occupancy be issued by the relevant local planning agencies for any residential or commercial/industrial construction project, including rental self-storage development, subject to the above stated fees absent an effective and unexpired, fully completed certificate of compliance ("Certificate of Compliance") from the District demonstrating compliance of such residential, commercial/industrial, or rental self-storage project with the District's adopted statutory Level 1 fee requirements.

The District's previous maximum statutory Level 1 fee rates of \$4.79/sq. ft. of assessable space for residential development, and \$0.78/sq. ft. of chargeable covered and enclosed space for commercial/industrial projects located within the boundaries of the District shall remain in effect between now and August 1, 2024.

In accordance with Education Code section 17621(c), please note that the collection of the developer fees discussed herein are not subject to the restrictions set forth in Government Code section 66007(a). Pursuant to Government Code section 66007(b), the developer fees collected by the District are for public improvements or facilities for which an account has been established and funds appropriated and for which the District has adopted a proposed construction schedule or plan prior to final inspection or the issuance of the certificate of occupancy, or the developer fees collected by the District are to reimburse the District for expenditures previously made.

Please find the following enclosed documents for your files:

- 1) Level 1 Developer Fee Justification Study (June 2024);
- 2) Resolution No. 23/24-29, Approving and Adopting Level 1 Developer Fee Justification Study and Authorizing Increase in Statutory Level 1 Developer Fees; and
- 3) District boundary maps indicating the boundaries of the areas subject to these developer fees.

Should you have any questions, please do not hesitate to contact me. Thank you.

Sincerely,



Duane A. Wolterstorff
Director II Business Services
Modesto City Schools
1311 Woodland Avenue, Suite C
Modesto, CA 95351
209-492-5002
wolterstorff.w@monet.k12.ca.us

RESOLUTION NO. 23/24-29

MODESTO CITY SCHOOLS

**RESOLUTION APPROVING AND ADOPTING LEVEL 1 DEVELOPER FEE
JUSTIFICATION STUDY AND AUTHORIZING INCREASE IN STATUTORY LEVEL I
DEVELOPER FEES**

WHEREAS, Education Code section 17620, *et seq.*, and Government Code section 65995, *et seq.*, authorize the governing board of any school district within the state of California to levy a fee against residential, commercial, and industrial development projects within the school district for the purpose of funding the construction and reconstruction of school facilities.

WHEREAS, the Board of Education ("Board") of Modesto City Schools, comprised of both the Modesto City Elementary School District ("Elementary District") and Modesto City High School District ("High School District") (together, the "District") has previously adopted and imposed statutory school impact fees ("School Fees") for new residential, commercial and industrial development pursuant to Education Code section 17620.

WHEREAS, pursuant to Government Code section 65995(b)(3), the State Allocation Board, at its meeting in January 2024, increased the maximum amount of School Fees that may be imposed to \$5.17 per square foot of assessable space for residential developments, including, without limitation, new residential construction, additions/remodels to existing homes, accessory dwelling units, residential reconstruction, and manufactured homes and mobile homes as authorized by applicable law (collectively, "residential development"), and \$0.84 per square foot of chargeable covered and enclosed space for commercial and industrial developments.

WHEREAS, as the Elementary District and High School District share boundaries, they also share School Fees, with the Elementary District authorized to levy up to sixty percent (60%) of the maximum School Fees, and the High School District, which shares boundaries with eight elementary school districts, is authorized to levy up to forty percent (40%) of the maximum Schools Fees; although, in some cases the High School District collects one hundred percent (100%) of the School Fees for commercial/industrial developments and in other cases, no School Fees are collected for commercial/industrial developments.

WHEREAS, new residential and commercial/industrial development continue to generate additional students for the District's schools, and the District is required to provide school facilities to accommodate those students ("School Facilities").

WHEREAS, the Elementary District is currently unable to provide school housing ("School Facilities") to existing elementary students as it is currently operating at over 100 percent (100%) capacity (i.e., 1,458 existing unhoused elementary school pupils) and therefore, the Elementary District has zero seats of existing capacity available for students generated by future development; however, there is existing capacity to house new middle school students generated by development (i.e., 497 additional middle school pupils can be housed).

WHEREAS, approximately 1,742 residential units are anticipated be constructed within the Elementary District over the next five years, and historical data indicates that, for every new housing unit constructed in the Elementary District, there is an elementary school student

generation rate of 0.4 and a middle school student rate of 0.1, with 871 new students projected to be generated within the Elementary District as a result of residential development.

WHEREAS, the High School District currently has existing capacity to house new high school students generated by development (i.e., 1,347 additional high school pupils can be housed).

WHEREAS, approximately 8,583 new residential units are anticipated be constructed within the High School District over the next five years, and historical data indicates that, for every new housing unit constructed in the High School District, there is a high school student generation rate of 0.2, with 1,717 new students projected to be generated within the High School District as a result of residential development and therefore, the High School District has zero seats of existing capacity available for students generated by future development.

WHEREAS, the District does not have sufficient funds available for the construction and reconstruction of the School Facilities to house these new students and maintain existing levels of service, including potential acquisition of sites, construction and reconstruction of permanent School Facilities, acquisition of interim School Facilities, lease or acquisition of portable classrooms to meet temporary needs, and construction and reconstruction of central administrative and supporting facilities to maintain existing levels of services.

WHEREAS, the estimated average cost to the Elementary District for providing School Facilities for students generated from future residential development is approximately \$30,061 per pupil; resulting in an estimated School Facilities cost for future development being approximately \$12,024 per new housing unit or \$8.22 per square foot of new development.

WHEREAS, the estimated average cost to the High School District for providing School Facilities for students generated from future residential development is approximately \$36,775 per pupil; resulting in an estimated School Facilities cost for future development being approximately \$7,355 per new housing unit or \$4.17 per square foot of new development.

WHEREAS, future commercial/industrial development will further generate additional students in the District and all categories of this development (except rental self-storage) will create an estimated School Facilities cost to the Elementary District ranging from \$1.33 to \$5.63 per square foot, and to the High School District ranging from \$0.39 to \$1.67 per square foot.

WHEREAS, the Board received a *Level 1 Developer Fee Justification Study*, dated June 2024, prepared by the District's fee consultant, Capitol Public Finance Group ("Fee Justification Study"), which analyzes the impacts of residential development and all categories of commercial/industrial development on the District's enrollment, and the resulting needs for new and/or reconstructed School Facilities.

WHEREAS, the Board reviewed and considered the findings in the Fee Justification Study, which analyzes the District's current school facilities, the estimated number of students which will be generated by new residential and commercial and industrial development projected within the District, the estimated number of students who may be unhoused based on District's current facilities and estimated number of students generated, and the estimated costs which will be required to construct permanent and/or refurbished School Facilities to accommodate the students generated by such development.

WHEREAS, the Fee Justification Study justifies the District's imposition of School Fees on residential construction as set forth in this Resolution by analyzing student generation rates for residential development projects and by demonstrating that new School Facilities are necessary to accommodate increased enrollment resulting from such new development.

WHEREAS, the Fee Justification Study further justifies the District's imposition of School Fees on new commercial and industrial construction (except for rental self-storage) as set forth in this Resolution by analyzing specific categories of commercial and industrial development which were determined to impact the District's school facilities based upon the average employee per square foot of commercial/industrial development, and the School Facility cost calculated from those employees residing in the District

WHEREAS, the findings in the Fee Justification Study demonstrate that the estimated costs of providing School Facilities for students generated by new development will exceed the maximum amount of revenue which will be collected from School Fees levied pursuant to Education Code section 17620, *et seq.* and Government Code section 65995, *et seq.*

WHEREAS, the increased School Fees levied against new residential, commercial and industrial development will be used to finance or fund School Facilities necessary to accommodate students generated from new development, including but not limited to, potential acquisition of new school sites, construction or reconstruction of School Facilities, acquiring and installing interim School Facilities, leasing or acquiring portable classrooms, construction and reconstruction of central administrative and supporting facilities to maintain existing levels of services, and other miscellaneous authorized purposes resulting from student enrollment growth caused by projected new development

WHEREAS, no city or county or the Department of Health Care Access and Information ("HCAI") may issue a building permit for any new residential, commercial or industrial development within the District absent a certification of compliance by the owner/developer with the requirements regarding payment of school facilities fees as set forth in Education Code section 17620, *et seq.*, and Government Code section 65995, *et seq.*

WHEREAS, the District: (a) has made available to the public ten (10) days prior to its public hearing on the proposed Fee Justification Study and data indicating the estimated cost required to provide the School Facilities for which the increased School Fees are levied and the revenue sources anticipated to provide the School Facilities as demonstrated in the Fee Justification Study; (b) at least fourteen (14) days prior to this meeting, mailed to all interested parties who have requested in writing notice of the meeting on new or increased fees; and (c) held a duly noticed, regularly scheduled public hearing, at which oral and written presentation was received regarding the Fee Justification Study and the proposed increase in School Fees.

WHEREAS, the appropriate land use jurisdictions and HCAI will be notified of the increased School Fees levied by the District and will be requested to continue to work with the District to assure that the school facilities fee program benefits the residents and students of the community.

WHEREAS, as to the School Fees, Education Code section 17621 provides that the adoption, increase or imposition of any fee, charge, dedication, or other requirement, pursuant to Education Code section 17620 shall not be subject to the California Environmental Quality Act, Division 13 (commencing with section 21000) of the Public Resources Code.

NOW, THEREFORE, BE IT RESOLVED, ADOPTED, AND DETERMINED, by the Board of Education of the Modesto City Schools as follows:

Section 1. That the foregoing recitals are true.

Section 2. That the Board has reviewed and confirmed that the Fee Justification Study accurately reflects current information and justifies the increase to School Fees pursuant to this Resolution, and hereby approves and adopts the Fee Justification Study.

Section 3. That the Board hereby authorizes the School Fees as a condition of approval of new development projects within the boundaries of the District and imposes the School Fees on such development projects in the amounts identified below. Based on the foregoing, this Board hereby adopts and approves the increased School Fees as follows:

a. To levy a fee on any new or other residential development as described in Education Code section 17620(a), including, without limitation, new residential construction, additions/remodels to existing homes, accessory dwelling units, residential reconstruction, and manufactured homes and mobile homes as authorized by applicable law, occurring within the **Elementary District** in the amount of **\$3.10** per square foot of assessable space as such space is defined in Government Code section 65995(b)(1) (based on its fee sharing agreement), and within the **High School District** in the amount of **\$2.07** per square foot of assessable space (based on its fee sharing agreements).

b. To levy a fee on categories of new commercial or industrial development, as described in Education Code section 17620(a), occurring within the boundaries of the **Elementary District** in the amount of **\$0.50** per square foot of chargeable covered and enclosed space as such space is defined in Government Code section 65995(b)(2) (except for rental self-storage which will be charged **\$0.07** per square foot) (based on its fee sharing agreement); and within the boundaries of the **High School District**, depending on its various fee sharing agreements with local elementary school districts and the category of commercial/industrial development, the High School District will collect one hundred percent (100%), forty percent (40%), or none of the maximum commercial/industrial School Fee (with exceptions for rental self-storage) as further detailed in the Fee Justification Study.

Section 4. That in accordance with Government Code section 66001(a)(1), the Board finds that the purpose of the School Fees imposed upon residential and commercial/industrial construction is to fund the construction and reconstruction of School Facilities related to accommodate students generated by such new development upon which the School Fees are imposed.

Section 5. That in accordance with Government Code section 66001(a)(2), the Board finds that the School Fees imposed on residential construction and commercial/industrial construction (by category) will be used to finance the construction or reconstruction of School Facilities related to accommodate the students generated by such new development within the District and any other lawful use of School Fees.

Section 6. That in accordance with Government Code section 66001(a)(3), the Board finds that there is a roughly proportional, reasonable relationship between the use of the School Fees and the residential and new commercial/industrial construction within the District because the School Fees imposed on such construction by this Resolution will be used to fund School Facilities which will be used to serve the students generated by such new construction.

Section 7. That in accordance with Government Code section 66001(a)(4), the Board finds that there is a roughly proportional, reasonable relationship between the residential and commercial/industrial construction upon which the School Fees are imposed and the need for School Facilities in the District because new students will be generated from such new construction within the District and the District does not have student capacity in the existing School Facilities to accommodate these students.

Section 8. That in accordance with Government Code section 66001(b), the Board finds that the amount of the School Fees imposed on residential construction and commercial/industrial construction (by category) as set forth in this Resolution is roughly proportional and reasonably related to, and does not exceed the cost of, providing the School Facilities required to serve the students generated by such new construction within the District.

Section 9. That in accordance with Government Code sections 66001(c) and 66006, the Board finds that a separate fund ("Fund") of the District has been created or is authorized to be established for all monies received by the District for the deposit of School Fees imposed on construction within the District and that said Fund at all times have been separately maintained, except for temporary investments, with other funds of the District as authorized by law.

Section 10. That the Board finds that the monies of the separate Fund, consisting of the proceeds of School Fees, has been imposed for the purposes of constructing and reconstructing those School Facilities necessitated by residential and/or commercial/industrial construction, and thus, these monies may be expended for all those purposes permitted by applicable law.

Section 11. That in accordance with Education Code section 17620(a)(5), the School Fees may also be expended by the District for the costs of performing any study or otherwise making the findings and determinations required under subdivisions (a), (b), and (d) of Section 66001 of the Government Code and, in addition, the District may also retain, as appropriate, an amount not to exceed in any fiscal year, three percent (3%) of the fees collected in that fiscal year for reimbursement of the administrative costs incurred by the District in collecting the School Fees.

Section 12. That the Board hereby establishes a process that permits the party against whom the commercial/industrial Fees are imposed, the opportunity for a hearing to appeal that imposition of commercial/industrial Fees for commercial/industrial construction as required by Education Code section 17621(e)(2). The appeal process shall be as follows:

a. Within ten (10) calendar days of being notified, in writing, (by personal delivery, e-mail, or deposit in the U.S. Mail) of the commercial/industrial fees to be imposed or paying the commercial/industrial fees, pursuant to Education Code section 17620, a party shall file a written request for a hearing regarding the imposition of commercial/industrial fees. The party shall state in the written request the legal and factual grounds for opposing the imposition of commercial/industrial fees and said written request shall be served by personal delivery or certified or registered mail to the Superintendent with a copy to the Associate Superintendent of Business Services.

b. The possible grounds for that appeal include, but are not limited to, the inaccuracy of including the project within the category pursuant to which the commercial/industrial fees are to be imposed, or that the employee generation or pupil

generation factors utilized under the applicable category are inaccurate as applied to the project.

c. Within ten (10) calendar days of receipt of the written request for a hearing regarding the imposition of commercial/industrial fees, the Superintendent, or designee, shall give notice in writing of the date, place, and time of the hearing to the party appealing the imposition of commercial/industrial fees. The Superintendent, or designee, shall schedule and conduct said hearing within thirty (30) calendar days of receipt of the written request. The Superintendent, or designee, shall render a written decision within ten (10) days following the hearing on the party's appeal and serve it by certified or registered mail to the last known address of the party.

d. The party against whom the commercial/industrial fees are imposed may appeal the Superintendent or designee's decision to the Board.

e. The party appealing the Superintendent's or designee's decision shall state in the written appeal the factual and legal grounds for opposing the imposition of the commercial/industrial fees and said written appeal shall be served by personal delivery or certified or registered mail to the Superintendent.

f. The possible grounds for that appeal to the Board include, but are not limited to, the inaccuracy of including the project within the category pursuant to which the commercial/industrial fees are to be imposed, or that the employee generation or pupil generation factors utilized under the applicable category are inaccurate as applied to the project.

g. Within ten (10) calendar days of receipt of the written request for a hearing regarding the imposition of commercial/industrial fees, the Superintendent, or designee, shall give notice in writing of the date, place, and time of the hearing to the party appealing the imposition of commercial/industrial fees. The Board shall schedule and conduct said hearing at the next regular meeting of the Board, provided that the party is given notice at least five (5) working days prior to the regular meeting of the Board. The Board shall render a written decision within ten (10) days following the hearing on the party's appeal and serve the decision by certified or registered mail to the last known address of the party.

h. The party appealing the imposition of the commercial/industrial fees shall bear the burden of establishing to the Board that the commercial/industrial fees are improper.

Section 13. That, in accordance with Education Code sections 17620(d) and 17621(c), District staff is hereby instructed to transmit certified copies of this Resolution, accompanied by all relevant supporting documentation including the adopted Fee Justification Study and a map of the boundary area of the District subject to the School Fees, to all appropriate land use jurisdictions issuing building permits within the District, including applicable cities and counties and the HCAI, informing each of them of the District's adopted School Fees.

Section 14. That a certificate of compliance shall be issued for each development project for which there is compliance with the requirement for payment of the School Fees in the amounts specified by this Resolution. In the event a certificate of compliance is issued for the payment of School Fees for a development project, it is later determined that the statement or other representation made by an authorized party concerning the development project as to square footage is untrue or in the event the zoning is declared invalid, then such

certificate of compliance shall automatically terminate, and the appropriate official of the land use jurisdiction shall be so notified.

Section 15. That pursuant to Education Code section 17621(a), the increase in the District's School Fees pursuant to this Resolution will become effective sixty (60) days from the date of this Resolution (i.e., **Friday, August 2, 2024**), unless the Board adopts a separate resolution increasing the fees immediately on an urgency basis.

Section 16. That no statement or provision set forth in this Resolution or referred to herein shall be construed to repeal any preexisting fee or mitigation amount previously imposed by the District on any residential or nonresidential construction.

Section 17. That, if any portion or provision of this Resolution is held invalid, the remainder thereof is intended to be and shall remain valid.

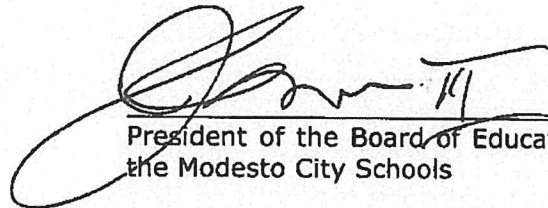
APPROVED, ADOPTED, AND SIGNED by the Board of Education of the Modesto City Schools, this 3rd day of June 2024, by the following votes:

AYES: Brown, Daly, Lopez, Maestas, Marks, Mejia, Ervin

NOES: None

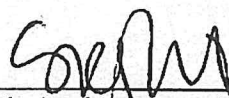
ABSTAIN: None

ABSENT: None



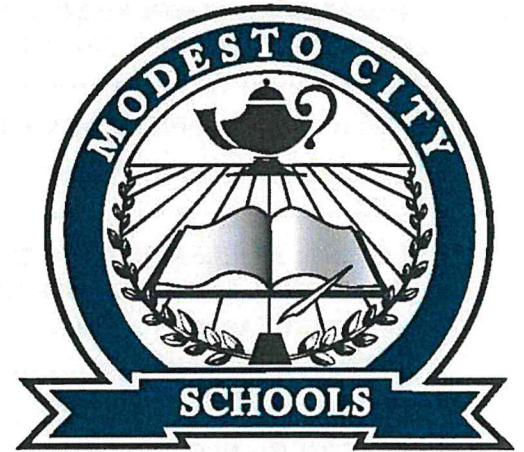
President of the Board of Education of
the Modesto City Schools

ATTEST:



Clerk of the Board of Education of the
Modesto City Schools

Resolution No. 23/24-29
June 3, 2024



LEVEL 1 DEVELOPER FEE JUSTIFICATION STUDY

JUNE 2024



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DEVELOPER FEE JUSTIFICATION STUDY

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DEVELOPER FEE JUSTIFICATION STUDY

SECTION 1: EXECUTIVE SUMMARY

This study is intended to update the developer fee imposed by Modesto City Schools for both Modesto City Elementary School District (the "Elementary District") and Modesto City High School District (the "High School District"). This report summarizes an analysis of the need for construction and reconstruction of school facilities to accommodate students from new development within the District's boundaries and documents a reasonable relationship between new development, the fee, and the facilities to be funded.

Education Code section 17620 authorizes school districts to levy a fee against any development project for the construction or reconstruction of school facilities as long as the district can show justification for levying of fees.

In January 2024, the State Allocation Board adjusted the maximum statutory fee to \$5.17 per square foot of residential construction and \$0.84 per square foot of commercial/industrial construction. This study supports the adoption of a developer fee by the Modesto City Schools up to the statutory fees established by the State Allocation Board. However, as the Elementary District and the High School District share boundaries, they must also share developer fees. Therefore, the Elementary School District can levy developer fees up to 60% of the maximum statutory fee, or \$3.10 per square foot of residential and \$0.50 per square foot of commercial/industrial. The High School District shares its boundaries with eight elementary school districts and can levy developer fees up to 40% of the maximum statutory fee, or \$2.07 per square foot of residential and \$0.34 per square foot of commercial/industrial construction, in some cases the High School District collects 100% of the developer fees for commercial/industrial in other cases, the High School District does not collect any commercial/industrial fees.

Upon the submittal of this study to the District, it is incumbent upon the District's Governing Board (the "Board"), assisted by staff, to review and evaluate the report for accuracy and agreement with the conclusions presented. Once the Board is satisfied that the fee adjustment recommendations are valid, the Board shall accept and consider public input. After accepting this input, the Board shall vote to approve findings and a resolution to set the appropriate fees.

DEVELOPER FEE JUSTIFICATION STUDY

SECTION 2: PURPOSE OF THIS STUDY

The purpose of this Developer Fee Justification Study is to comply with the provisions of Education Code section 17620 in relation to the levy and collection of developer fees. This study will substantiate that there is a "reasonable relationship", or nexus, between residential, commercial, and industrial development projects and the cost to provide adequate school facilities for the students generated from those developments. It will identify the expected revenue derived from fees from those developments; identify other potential sources of revenue for facilities (and their viability); and identify the additional students projected to enroll in district schools as a result of these development projects. As required by Government Code sections 66000 through 66003, this report will also:

- ◆ Identify the purpose of the fee;
- ◆ Identify how the fee is to be used;
- ◆ Determine how a reasonable relationship exists between the fee's use and the type of development project on which the fee is imposed; and
- ◆ Determine a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the public facility attributable to the development on which the fee is imposed.
- ◆ A fee shall not include the costs attributable to existing deficiencies in public facilities, but may include the costs attributable to the increased demand for public facilities reasonably related to the development project in order to (1) refurbish existing facilities to maintain the existing level of service or (2) achieve an adopted level of service that is consistent with the general plan.

Additionally, as required by Government Code section 66016.5(a), effective January 1, 2022, this report (i) identifies the existing level of service for each school facility, (ii) identifies the proposed new level of service, and (iii) explains why the new level of service is appropriate.

DEVELOPER FEE JUSTIFICATION STUDY

SECTION 3: HISTORY OF DEVELOPER FEE LAW

Education Code section 17620 (AB 2926, Chapter 887/Statutes 1986), stipulates that “the Governing Board of any school district is authorized to levy a fee, charge, dedication, or other forms of requirement against any development project for the construction or reconstruction of school facilities.” To levy and collect developer fees, a school district must show the correlation (or “nexus”) between new residential, commercial and industrial development and the need for new school facilities.

Developer fees were originally established in 1987 with a maximum fee of \$1.50 per square foot of new residential construction and \$0.25 per square foot of new commercial/industrial construction. This maximum amount is reviewed and adjusted every two years by the State Allocation Board (SAB) based on the statewide Class B Construction Cost Index. The SAB raised the maximum fee at its January 2024 meeting to \$5.17 per square foot of residential and \$0.84 per square foot of commercial/industrial development.

Developer fees may be used to finance new schools and equipment, and to reconstruct existing facilities in order to maintain adequate housing for all of the District’s students. Other legitimate uses of developer fees include, but are not limited to: interim housing, site acquisition, replacement of aged or inadequate portable classrooms, and housing for class-size reduction. Up to three percent of the fees collected may be used to defray the administrative costs incurred by the District in collecting these fees. Uses of the fees which are specifically prohibited by law are: regular or routine maintenance of facilities, asbestos abatement incidental to construction or reconstruction, and deferred maintenance programs.

Additionally, Government Code section 66008 (SB 1693, Chapter 569/Statutes 1996, effective January 1, 1997) mandates that school districts be specific on the intended use of the fees to be collected in their fee justification documents and include the general locations of new school facilities and estimated construction timelines in the report. These timelines, however, are influenced by many factors including actual (as opposed to projected) phasing of new development, eligibility for and availability of State School Facility Program (“SFP”) funds and availability of local funding.

In August 1998, the Governor signed into law Senate Bill 50 (“SB 50”), also known as the Leroy Greene School Facilities Act of 1998. This bill made major changes in the State Facilities Program as well as developer fee mitigation for school districts in California. The passage of SB 50 repealed all locally imposed fees authorized by local ordinances and instituted the collection of three levels of developer fees.

- ◆ Level 1 fees are the current statutory fees (also referred to as “Stirling Fees”) allowed under Education Code section 17620.
- ◆ Level 2 fees are outlined in Government Code section 65995.5, and allow school districts to impose higher fees on residential construction if certain conditions are met. This level of developer fees is subject to a School Facility Needs Analysis based on Government Code section 65995.6.
- ◆ Level 3 developer fees are outlined in Government Code section 65995.7, and may be implemented by a district if the State certifies that there is no money available for facilities.

In June of 2006, Assembly Bill 2751 was passed which added the criteria that a fee is prohibited from including the cost attributable to existing deficiencies in public facilities. In the case of a school district, this would mean that existing capacity deficits could not be added to the

DEVELOPER FEE JUSTIFICATION STUDY

facilities funding required from future development. In the following Report, this is demonstrated in the calculations by not including any existing capacity deficit.

DEVELOPER FEE JUSTIFICATION STUDY

SECTION 4: NEXUS STUDY REQUIREMENTS

- ◆ Government Code section 66001 specify a variety of requirements regarding the collection and use of developer fees, some of which are stated in previous sections of this report, and include:
 - The identification of the purpose of the fee.
 - The identification of the use of the fee.
 - The determination of a reasonable relationship between the fee's use and the type of development project being assessed.
 - The determination of a reasonable relationship between the need for the public facility and the type of development project being assessed.

DEVELOPER FEE JUSTIFICATION STUDY

LEVEL 1 DEVELOPER FEE STUDY: MODESTO CITY ELEMENTARY SCHOOL DISTRICT

DEVELOPER FEE JUSTIFICATION STUDY

SECTION 5: ELEMENTARY DISTRICT DEMOGRAPHIC INFORMATION

The Elementary District is located within Stanislaus County and serves the southern portion of the City of Modesto. The District's location allows easy access to both winter and summer recreational areas and within reasonable driving distance are Yosemite National Park, Sacramento, San Francisco, Los Angeles and Lake Tahoe. Post-Secondary educational institutions are present throughout the region. Several colleges and universities are located in or nearby including California State University Stanislaus, Modesto Junior College, Heald College Modesto, among others.

Community Demographics

Demography describes various population characteristics of the area's people. Primarily collected by local, state, and/or federal agencies such as the Census Bureau and local public health departments, demographic information covers a range of topics including population size, sex, age composition, ethnic backgrounds, household characteristics, geographic distribution, part-time versus full-time residents and other vital statistics. With regard to the master planning process, demographic data will assist the district in prioritizing projects, resource allocation, and facilities needs.

The most recent demographic survey performed by the Census Bureau was the American Community Survey, a discussion of which is provided below for the Elementary District.

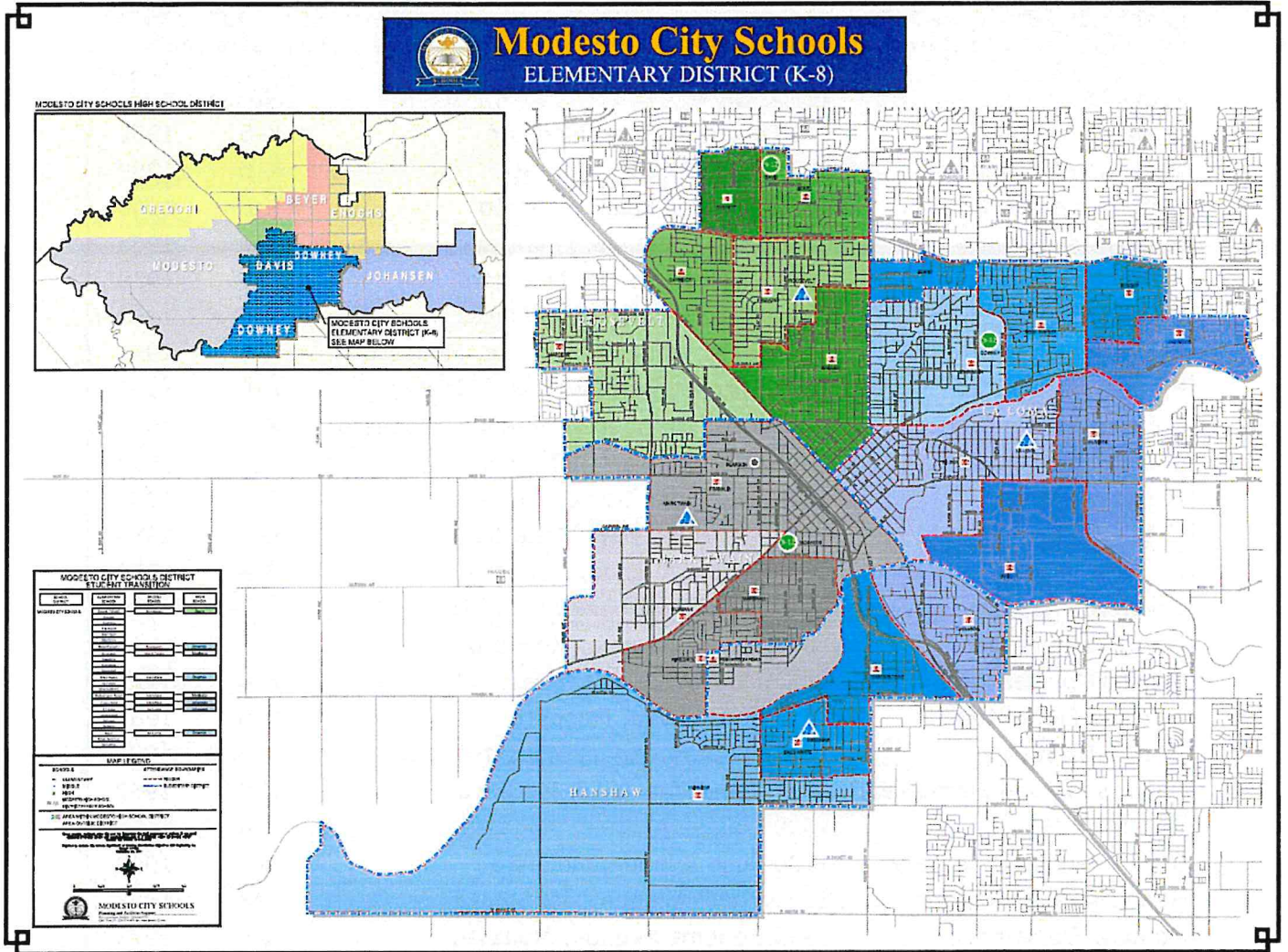
Modesto City Elementary School District boundaries:

- ♦ 123,759 residents
- ♦ 41,535 total housing units and 40,070 households
- ♦ 35.7% of households had children under the age of 18
- ♦ 44.2% of households were married couples living together
- ♦ \$63,276 median income
- ♦ 17.3% of families and 20.8% of the population below the poverty line

Elementary District Description

The Elementary District provides education to K – 8 students in the southern portion of the City of Modesto. The Elementary District educates approximately 14,200 students at 26 school sites.

For reference, a map of the Elementary District boundaries is provided on below:



Elementary District School Sites

The Elementary District is made up of 26 school campuses, including: 22 elementary schools and 4 middle schools. District office facilities are located at 426 Locust Street, Modesto CA. The following page includes a listing of all the Elementary District's school sites and their locations.

DEVELOPER FEE JUSTIFICATION STUDY

Modesto City Elementary School District School Sites			
Site	Location	Grade Level	Year Built
Beard Elementary	915 Bowen Avenue, Modesto	K-6	1955
Bret Harte Elementary	909 Glenn Avenue, Modesto	K-6	1950
Burbank Elementary	1135 Paradise Road, Modesto	K-6	1943
El Vista Elementary	450 El Vista Avenue, Modesto	K-6	1953
Enslen Elementary	515 Coldwell Avenue, Modesto	K-6	1939
Everett Elementary	530 Mt. Vernon Drive, Modesto	K-6	1962
Fairview Elementary	1937 West Whitmore Avenue, Modesto	K-6	1951
Franklin Elementary	120 South Emerald Avenue, Modesto	K-6	1951
Fremont Elementary	1220 West Orangeburg Avenue, Modesto	K-6	1949
Garrison Elementary	1811 Teresa Street, Modesto	K-6	1956
Hanshaw Middle	1725 Las Vegas Street, Modesto	7-8	1990
Kirschen Elementary	1900 Kirschen Drive, Modesto	K-6	1986
La Loma Middle	1800 Encina Avenue, Modesto	7-8	1956
Lakewood Elementary	2920 Middleboro Place, Modesto	K-6	1978
Mark Twain Middle	707 Emerald Avenue, Modesto	7-8	1951
Marshall Elementary	515 Sutter Avenue, Modesto	K-6	1950
Martone Elementary	1413 Poust Road, Modesto	K-6	1987
Muir Elementary	1215 Lucern Avenue, Modesto	K-6	1950
Robertson Road Elementary	1821 Robertson Road, Modesto	K-6	1967
Roosevelt Middle	1330 College Avenue, Modesto	7-8	1951
Rose Avenue Elementary	1120 Rose Avenue, Modesto	K-6	1963
Shackelford Elementary	100 School Avenue, Modesto	K-6	1945
Sonoma Elementary	1325 Sonoma Avenue, Modesto	K-6	1973
Tuolumne Elementary	707 Herndon Road, Modesto	K-6	1950
Wilson Elementary	201 Wilson Avenue, Modesto	K-6	1929
Wright Elementary	1602 Monterey Street, Modesto	K-6	1948

DEVELOPER FEE JUSTIFICATION STUDY

SECTION 6: ELEMENTARY DISTRICT'S HISTORY OF DEVELOPER FEE COLLECTIONS

In 2022, the Elementary District adopted a Level 1 developer fee of \$2.87 per square foot of residential construction and \$0.47 per square foot of commercial/industrial construction. The Elementary District shares Level I developer fee revenue with the High School District. The Elementary District retains 60 percent of Level I fee revenue, and the High School District retains 40 percent. This arrangement is expected to continue and all future developer fee revenues will be split accordingly.

As this study will demonstrate, the fees currently being collected are far short of the amounts needed to improve school facilities and add space to accommodate any new students generated through new construction. The table below shows the District's total developer fee collections since 2019.

Modesto City Elementary School District Five Year Historical Developer Fee Collections			
Year	Residential	Commercial/ Industrial	Total
2023	\$143,615.82	\$9,149.96	\$152,765.78
2022	\$138,917.59	\$18,697.60	\$157,615.19
2021	\$258,465.20	\$8,868.40	\$267,333.60
2020	\$77,694.72	\$1,053.68	\$78,748.40
2019	\$99,660.95	\$1,477.04	\$101,137.99
Total	\$718,354.28	\$39,246.68	\$757,600.96

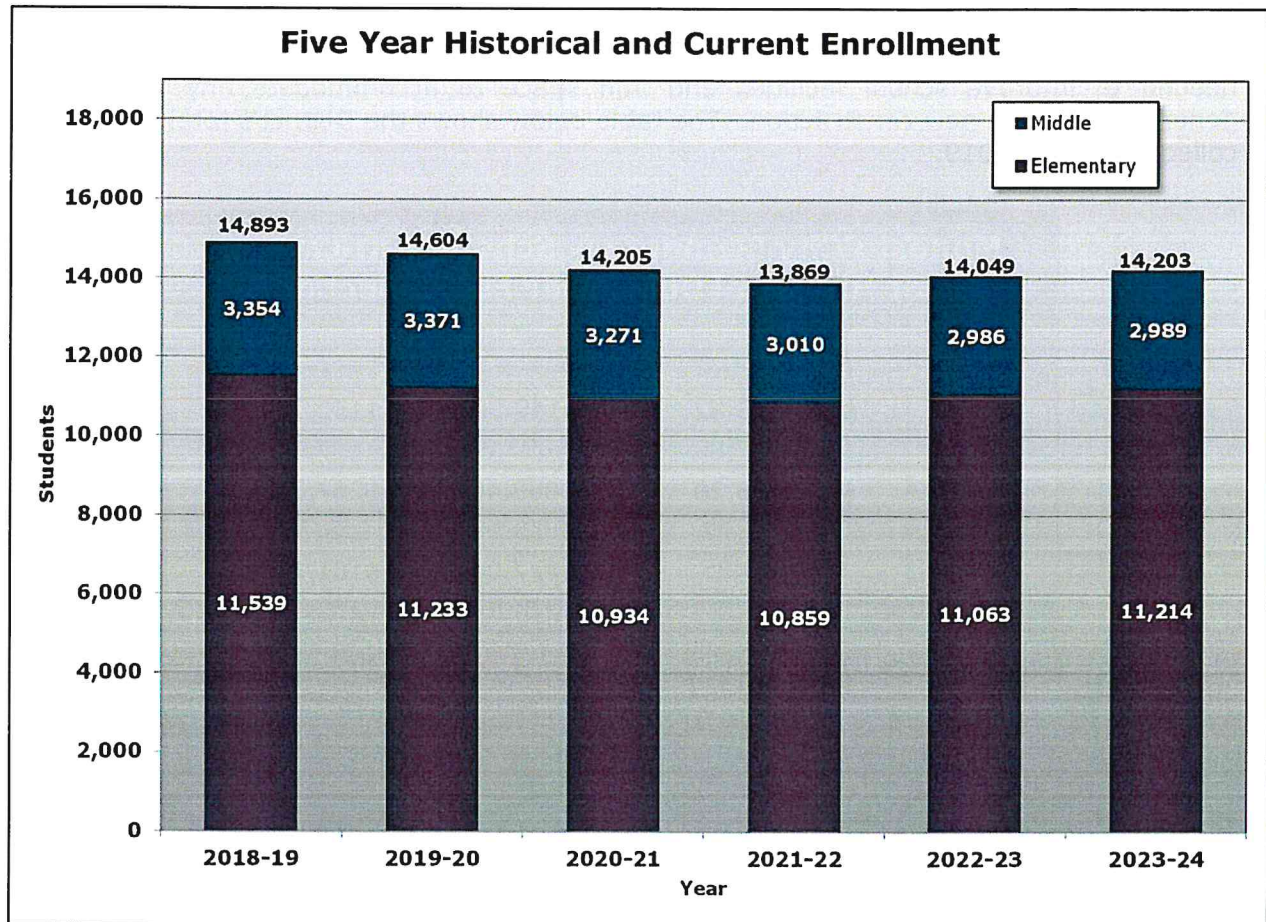
Source: Modesto City Schools

DEVELOPER FEE JUSTIFICATION STUDY

SECTION 7: ELEMENTARY DISTRICT ENROLLMENT AND CAPACITY

Historical Enrollment of the District

As is shown in the chart below, over the last six years the District's enrollment peaked in 2018-19 with 14,893 students:



Source: California Department of Education CALPADS and Modesto City Schools

A breakdown of the Elementary District's historical CALPADS enrollment, by grade level, is included as Appendix A.

District Capacity

The Elementary District's capacity was determined using the District's loading standards of 24 students per classroom for TK-3rd grades, 34 students per classroom for 4th-6th grades and 34 students per classroom for 7th-8th grades. Many of the Elementary District's school sites have portables that have exceeded their useful life and are in need of replacement in order to house students from new development. For the purposes of this study, all portables over 20 years old which are used as classrooms have been removed from the allowable capacity. The District has an elementary capacity for 9,756 students and a middle school capacity for 3,486 students.

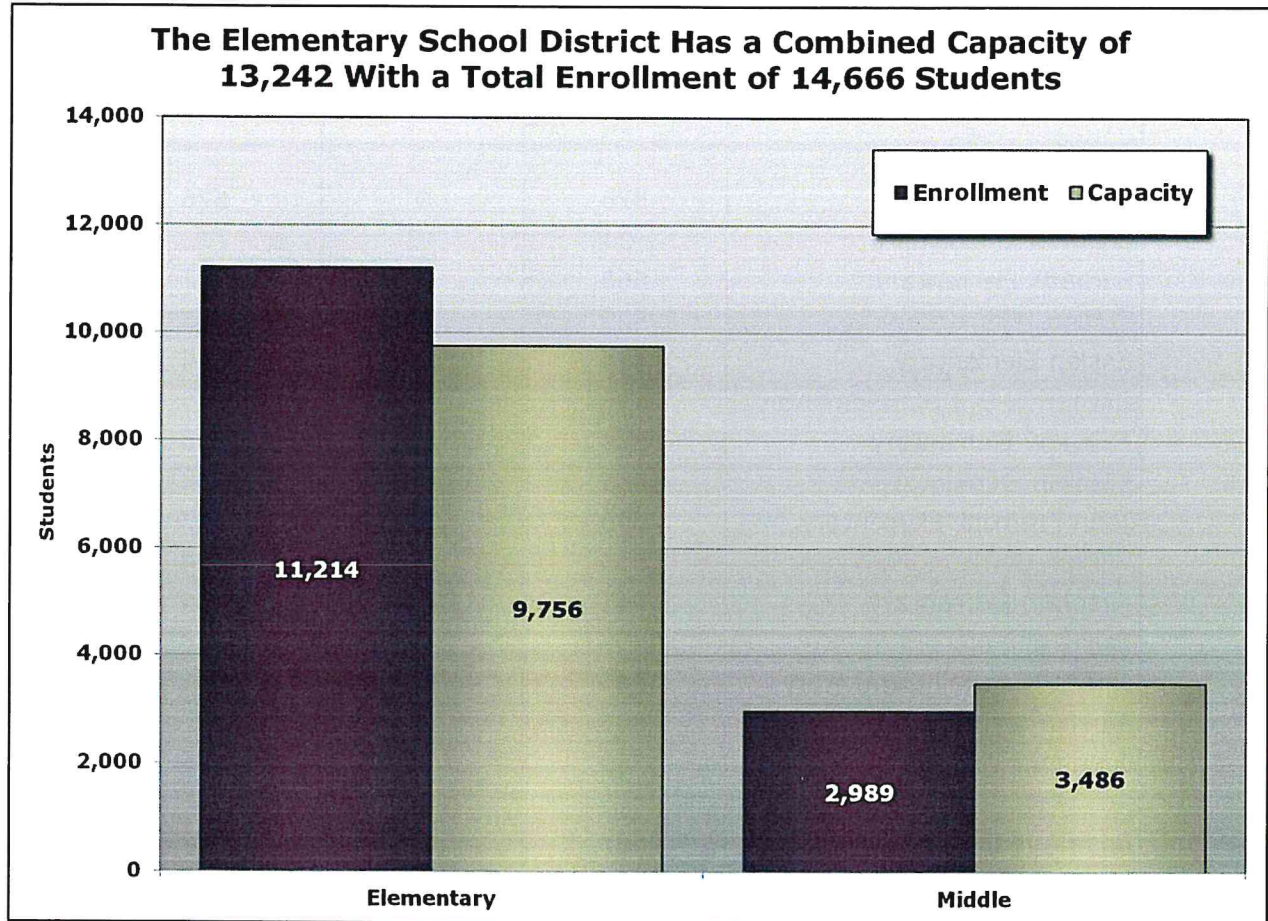
DEVELOPER FEE JUSTIFICATION STUDY

Modesto City Elementary School District Allowable Capacity			
School Site	Capacity	Portable Classrooms Over 20 Years	Total Capacity Less Portables
Elementary			
Beard Elementary	576	0	576
Bret Harte Elementary	1,049	13	716
Burbank Elementary	663	8	482
El Vista Elementary	529	2	505
Enslin Elementary	414	0	414
Catherine Everett Elementary	496	0	496
Fairview Elementary	874	20	303
Franklin Elementary	951	13	538
John Fremont Elementary	673	6	557
William Garrison Elementary	564	4	494
Kirschen Elementary	641	20	134
Lakewood Elementary	496	2	448
James Marshall Elementary	745	4	661
Alberta Martone Elementary	703	27	0
John Muir Elementary	580	10	375
Robertson Road Elementary	438	0	438
Rose Avenue Elementary	587	5	479
Shackelford Elementary	515	3	443
Sonoma Elementary	481	2	433
Toulumne Elementary	731	11	407
Wilson Elementary	331	0	331
Orville Wright Elementary	658	5	527
Elementary Total	13,692		9,756
Middle			
Evelyn Hanshaw Middle	1,146	3	1,044
La Loma Junior High	886	5	760
Mark Twain Junior High	862	6	658
Roosevelt Junior High	1,058	1	1,024
Middle Total	3,952		3,486
Total District	17,644		13,242

Based on historic enrollment trends and current enrollment, the District's present middle schools have capacity to house an additional 497 students being generated by new

DEVELOPER FEE JUSTIFICATION STUDY

construction within the District. However, the District is currently operating over capacity by 1,458 students at its elementary schools.



New Development

New residential development typically results in new students for the Elementary District to accommodate.¹ Therefore, it is important for the Elementary District to monitor the development plans of the local land use agencies. There are two land use agencies within the Elementary District's boundaries – the City of Modesto and the County of Stanislaus.

There are several development projects currently mapped for new construction within the District's boundaries. The Elementary District must plan for facilities assuming maximum potential student capacity. Given the number of projects that are planned for construction within the District's boundaries, the District must plan accordingly. Provided below is a summary of the known mapped development projects within the District's boundaries:

¹ Residential development includes, without limitation, Accessory Dwelling Units (ADUs) or Junior ADUs, which are independent residential dwelling units located on the same parcel as a primary residential dwelling. ADUs may be detached, attached, or located within the primary dwelling, including within garages and storage areas. ADUs are generally considered new construction because they are living areas that did not previously exist on the parcel or as a part of the primary home. Whether ADUs are called casitas, granny flats, in-law units, generational units, or converted living space, these areas are intended to provide a new area for living and sleeping – essentially a new residential unit which did not previously exist. The Elementary District recognizes that students are projected to be generated from ADUs and will charge the appropriate fee rate for these types of new construction projects.

DEVELOPER FEE JUSTIFICATION STUDY

Projected Residential Development	
Development Project/Location	# of Units
2150 Carpenter Road	354
608 7th Street	26
813 Chicago	7
Almond Grove	246
Downtown 7th Street	79
Fairview	217
Miller Avenue Apartments	32
Morris Avenue	45
Parque Rio - Robertson Road	70
Scenic Village	41
Solana at Fairview	571
Traveler's	54
Total	1,742

Source: City of Modesto and Modesto City Schools

Student Generation Rate

A total of 1,742 units are projected to be constructed within the Elementary District's boundaries over the next five years. In terms of facilities planning, it is important that the Elementary District project the potential facilities impact. A key component of the planning process is the student generation factor, which is the ratio of students produced per home within a new construction project. This serves as a tool to use in the planning process and will allow the Elementary District to predict the impact new development will have on the student population. This ultimately will facilitate decision making about the provision of facilities and resources throughout the Elementary District.

To identify the number of students anticipated to be generated by new residential development, a student yield factor of 0.5 has been utilized for the Modesto Elementary School District. The yield factor is based on State wide student yield averages calculated by the Office of Public School Construction, and is generally reflective of the District's historic student yield. A breakdown of the student generation rate for grade level is provided in the table below:

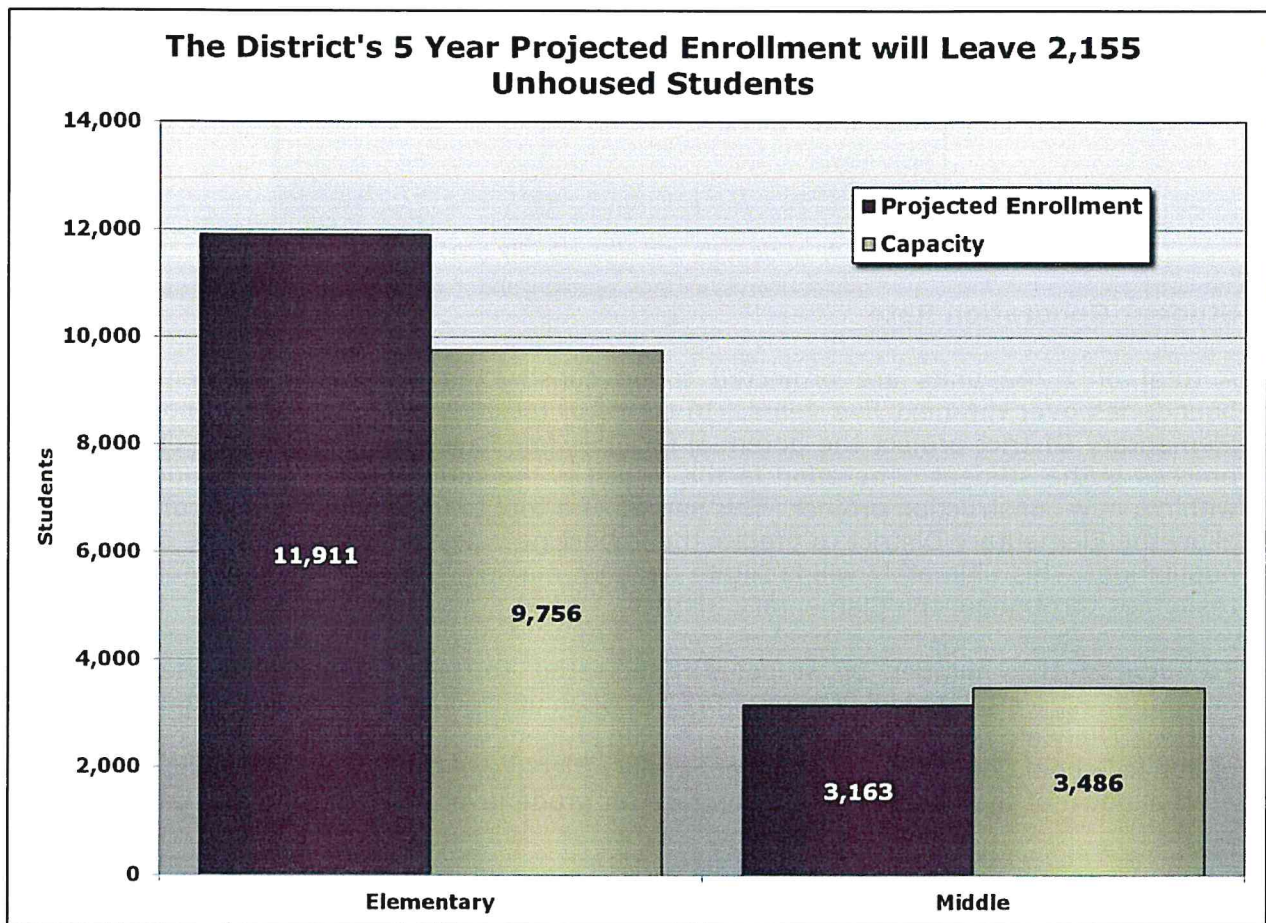
Student Generation Rates by Grade			
TK-6	7-8	9-12	Total
0.4	0.1	0.2	0.7

Given the 1,742 projected units and the student generation rate to be used per home, the Elementary District can estimate that approximately 871 new students will be generated as a result of the development projects.

DEVELOPER FEE JUSTIFICATION STUDY

Summary of Five Year Enrollment Projections			
Number of Units	TK-6 Enrollment	7-8 Enrollment	Total
1,742	697	174	871

Current enrollment trends coupled with development data demonstrate a need for new school facilities. It has been shown that the Elementary District is operating over capacity and does not have sufficient capacity to house new students projected from new residential development and will suffer significant strain from the development occurring within its boundaries. The Elementary District has a projected enrollment of 11,911 elementary students and 3,163 middle school students, the District will need to construct additional schools/classrooms to provide facilities for the 697 unhoused elementary school students generated from new construction of residential units.



DEVELOPER FEE JUSTIFICATION STUDY

SECTION 8: ELEMENTARY DISTRICT FACILITIES NEEDS

The Elementary District has experienced some growth within its boundaries over recent years and will need to plan for the construction of additional classrooms in order to accommodate students generated from projected residential growth. The Elementary District has available funds that it will contribute toward the construction of these facilities, but lacks sufficient funding to pay for all necessary construction.

Anticipated Facilities Need

Based on the projected student generation, it is anticipated that the Elementary District will need to construct additional capacity to accommodate the future student population. The Elementary District will need to both design and construct these facilities in order to maintain existing level of services in which the new students will be housed.

New Construction Costs

Based on the District's maximum loading standard of 34 students per classrooms, 21 new elementary school classrooms will need to be constructed in order to accommodate the elementary school students projected from new development, as shown in the following table.

Number of Classrooms Required for Projected Unhoused Students from New Development			
Grade Level	Projected Unhoused Students from New Development	Classroom Capacity	Number of Classrooms Required
Elementary	697	34	21

Based on estimated construction costs provided by the District a new elementary classroom will cost approximately \$1,000,000. The number of classrooms required to house the projected unhoused students from new development is multiplied by the estimated construction cost to determine the total capacity costs for new development. The calculation is as follows:

Calculation of School Construction			
Grade Level	Estimated Classroom Cost	Classrooms Required	Unfunded Construction Costs
Elementary	\$1,000,000	21	\$21,000,000

Available Revenue Sources

As stated previously, the District intends to commit all available developer fee funds to the project. The District has \$47,181 in developer fees available to commit to facilities projects.

DEVELOPER FEE JUSTIFICATION STUDY

Unfunded Facilities Need

Therefore, the District's total unfunded facilities need is equal to the total amount of facilities costs less any available funding sources, which equals approximately \$20.9 million.

<u>Total Unfunded Facilities Need</u>

$\$21,000,000 - \$47,181 = \$20,952,819$
--

DEVELOPER FEE JUSTIFICATION STUDY

SECTION 9: ELEMENTARY DISTRICT DEVELOPER FEE JUSTIFICATION

Developer fee law requires that before fees can be levied a district must find that justification exists for the fee. Justification for the fee can be shown if anticipated residential, commercial and industrial development within a district will impact it with additional students and the district either does not have the facility capacity to house these students and/or the students would have to be housed in existing facilities that are not educationally adequate (i.e., antiquated facilities). In addition, it must also be shown that the amount of developer fees to be collected will not exceed the Elementary District's cost for housing students generated by new development. This section of the study will show that justification does exist for levying developer fees in the Elementary District.

Residential Development and Fee Analysis

To show a reasonable relationship exists between the construction of new housing units and the need for school facilities, it will be shown that residential construction will create a school facility cost impact on the Elementary District greater than the amount of developer fees to be collected.

To determine the cost impact of residential construction on the Elementary District, the cost to house students in new school facilities must be identified. The facilities cost calculations are included in Section 8 and include any money the Elementary District plans to contribute towards new construction. The table below shows the cost impact for new school facilities for each student generated by new residential development. Since the Elementary District expects 697 unhoused students to be generated from new development, the per student facilities cost for each student is estimated to be \$30,061.

Facilities Cost Per Student

$$\$20,952,819 / 697 = \$30,061 \text{ per student}$$

As previously explained, based on State standards, each home generates approximately 0.4 elementary school students. Therefore, if the per student facilities cost is \$30,061, we can multiply that by the student generation rate of 0.4 and estimate the impact per unit of \$12,024. Using the District's developer fee collections it was determined that the average square footage of a single family residential unit built within the District over the last 5 years was 1,463. This analysis will assume that the average size of new single family residential units to be constructed within the District's boundaries will be approximately 1,463 square feet. Therefore, to determine the impact per square foot of residential construction we divide the impact per home by the average square footage of homes within the District. As calculated, the facilities cost per square foot is \$8.22:

Facilities Cost Per Square Foot

$$\$12,024 / 1,463 \text{ sq. ft.} = \$8.22 \text{ per sq. ft.}$$

Therefore, the Elementary District's facilities cost per square foot of new development (\$8.22 per square foot) far exceeds the District's share of the maximum developer fee (\$3.10 per square foot) that can be imposed.

DEVELOPER FEE JUSTIFICATION STUDY

Residential Developer Fee Justification

It is clear that a reasonable relationship exists between residential development within the Elementary District and the need for new and/or refurbished school facilities, including administrative and support facilities in order to house new students from residential development and maintain a level of service commensurate with that presently existing.² This relationship is based on the finding that the Elementary District exceeds its facility capacity. New students to be generated by new residential development will have to be housed in new school facilities. The cost to provide additional school facilities exceeds the amount of fees to be generated from new residential construction. The Elementary District is justified in the levying of residential developer fees of up to 60% of the statutory maximum equal to \$3.10 per square foot of new residential development. Specifically, this is the District's 60% share, per agreement with the High School District, of the statutory maximum of \$5.17 per square foot.

Reconstruction/Redevelopment

All types of new residential development—including but not limited to single- and multi-family units in new subdivisions and in "in-fill" lots, single- and multi-family units in redevelopment projects, single- and multi-family units that replace demolished units, certain remodeling projects, expansions, and additions of residential space to existing single- and multi-family units, manufactured homes, mobile homes, condominiums—are projected to generate additional students in the Elementary District. As shown earlier in this Report, sufficient school facilities do not exist for these students.

Residential Reconstruction for purposes of this Report means the voluntary demolition of existing residential dwelling units/structures and the subsequent construction of new residential dwelling units/structures ("Reconstruction"). School impact fees authorized pursuant to Education Code section 17620 and Government Code sections 65995 et seq. shall be levied by the Elementary District on new construction resulting from Reconstruction, if there is a nexus between the fees being imposed and the impact of new construction on school facilities, after the impact of pre-existing development has been taken into consideration. In determining such nexus, the Elementary District has the discretion to review, evaluate and determine the impact of the proposed Reconstruction. The impact of the proposed Reconstruction may be assessed by comparing the proposed new construction and the pre-existing units/structures to be demolished and replaced, including the square footage, student generation, and cost impacts of each. The Elementary District may also take into consideration the type of proposed new units/structures with the type of pre-existing units/structure demolished and replaced. For example, the impact of a pre-existing single family detached home demolished and replaced with a new triple-unit townhome, or the impact of pre-existing commercial structures demolished and replaced with new residential structures. Such analysis may take into consideration the student generation rates and other data points identified in this Report, and relevant fee records, as applicable. (See *Warmington Old Town Associates, L.P. v. Tustin Unified School District* (2002) 101 Cal.App.4th 840; and *Cresta Bella, LP v. Poway Unified School District* (2013) 218 Cal.App.4th 438.)

² *Shapell Industries, Inc. v. Governing Board of the Milpitas Unified School District* (1991) 1 Cal.App.4th 218 [other points of law superseded by constitutional amendment].

DEVELOPER FEE JUSTIFICATION STUDY

Commercial/Industrial Development and Fee Analysis

In order to levy fees on commercial and industrial development, existing law stipulates that the Elementary District "... must determine the impact of the increased number of employees anticipated to result from commercial and industrial development upon the cost of providing school facilities within the District." The school facilities costs incurred by the Elementary District per square foot of new commercial/industrial construction are determined by multiplying together five factors:

1. Employees per square foot of new commercial/industrial development;
2. Percent of employees in the District that also live in the District;
3. Dwelling Units per employee;
4. Students per Dwelling Unit;
5. School facility cost per student.

Employees Per Square Foot Of New Commercial/Industrial Development

To make this determination, the study shall utilize employee generation estimates that are based on commercial and industrial factors within the Elementary District, as calculated on either an individual or categorical basis." The passage of Assembly Bill 530 (Chapter 633/Statutes 1990) allows the use of the employee generation factors set forth in the January 1990 edition of "San Diego Traffic Generators," a report of the San Diego Association of Governments. This study which was completed in January of 1990 identifies the number of employees generated per square foot of floor area for several demographic categories. These generation factors are shown in the table below.

Employees Per Square Foot of New Commercial/Industrial Development		
Commercial/Industrial Category	Average Square Foot Per Employee	Employees Per Average Square Foot
Banks	354	0.00283
Community Shopping Centers	652	0.00153
Neighborhood Shopping Centers	369	0.00271
Industrial Business Parks	284	0.00352
Industrial Parks	742	0.00135
Rental Self Storage	15,541	0.00006
Scientific Research & Development	329	0.00304
Lodging	882	0.00113
Standard Commercial Office	209	0.00479
Large High Rise Commercial Office	232	0.00431
Corporate Offices	372	0.00269
Medical Offices	234	0.00427

Source: 1990 SanDAG Traffic Generators report

DEVELOPER FEE JUSTIFICATION STUDY

Percent of Employees in the District That Also Live in the Elementary District

To estimate the percentage of new Elementary District employees that will reside in the Elementary District, this study has utilized a conservative approach, whereby it is assumed that one-third of new employees in the Elementary District will also live in the Elementary District and two-thirds will live outside of the Elementary District.

Dwelling Units per Employee

Data from the American Community Survey indicates that there were 56,625 workers living in 41,535 housing units in the Elementary District. Therefore, there are 0.734 housing units for every one worker. This study, thereby assumes that each new resident worker in the Elementary District will demand 0.734 housing units.

Students per Dwelling Unit

As stated in Section 7 of this study, based on SFP standards, this study assumes that 0.4 elementary school students will reside in each dwelling unit.

The table below shows the calculation of the school facility cost generated by a square foot of new commercial/industrial development for each of the categories of commercial/industrial development.

School Facilities Cost Per Sq. Ft. of Commercial/Industrial Development						
Category	Employees Per Average Sq. Ft.	% Employees Residing in District	Dwelling Units Per Employee	TK-6 Students per Dwelling Unit	Cost per TK-6 Student	Cost per Square Foot
Banks	0.00283	0.333	0.734	0.4	\$12,024	\$3.33
Community Shopping Centers	0.00153	0.333	0.734	0.4	\$12,024	\$1.80
Neighborhood Shopping Centers	0.00271	0.333	0.734	0.4	\$12,024	\$3.19
Industrial Business Parks	0.00352	0.333	0.734	0.4	\$12,024	\$4.14
Industrial Parks	0.00135	0.333	0.734	0.4	\$12,024	\$1.59
Rental Self Storage	0.00006	0.333	0.734	0.4	\$12,024	\$0.07
Scientific Research & Development	0.00304	0.333	0.734	0.4	\$12,024	\$3.57
Lodging	0.00113	0.333	0.734	0.4	\$12,024	\$1.33
Standard Commercial Office	0.00479	0.333	0.734	0.4	\$12,024	\$5.63
Large High Rise Commercial Office	0.00431	0.333	0.734	0.4	\$12,024	\$5.07
Corporate Offices	0.00269	0.333	0.734	0.4	\$12,024	\$3.16
Medical Offices	0.00427	0.333	0.734	0.4	\$12,024	\$5.02

Commercial Developer Fee Justification

As indicated in the per square foot cost provided above, maximum statutory developer fee of \$0.84 per square foot is justified for all categories except rental self-storage. It is then reasonable the Elementary District collects \$0.50 per square foot of commercial/industrial construction except rental self-storage, which of course is the Elementary District's 60% share of the fees collected.

DEVELOPER FEE JUSTIFICATION STUDY

Based on data available for the purpose of determining the impact of rental self-storage construction on the District, it has been determined that rental self-storage construction has significantly less impact than other commercial/industrial construction. Rental self-storage construction generates 0.00006 employees per square foot of school construction. This information was provided by the San Diego Association of Governments, Traffic Generators, January 1990, and is cited for use in Education Code section 17621 (e) (B). The generation of 0.00006 employees per square foot and the utilization of the student generation rate per household yields an impact of \$0.07 per square foot of rental self-storage construction. Therefore, the District is justified in collecting a fee for rental self-storage not to exceed \$0.07 per square foot.

DEVELOPER FEE JUSTIFICATION STUDY

SECTION 10: ELEMENTARY DISTRICT FINDINGS

Government Code section 66001 lists the requirements that districts must observe regarding the collection and use of developer fees. The major requirements are listed below:

Establishment of a Cost Nexus

The Board will collect fees on new residential and commercial/industrial development to fund the construction and/or reconstruction of school facilities to serve students generated by such projects. The Elementary District has undertaken significant reconstruction and modernization projects to serve existing development and potentially, all capacity that must be provided. Additionally, the cost for providing these facilities exceeds the amount of developer fees to be collected. It is clear that when educational facilities are provided for students generated by new residential, commercial and industrial development that the cost of new facilities exceeds developer fee generation, thereby establishing a cost nexus.

Establishment of a Benefit Nexus

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

Establishment of a Burden Nexus

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

Conclusion

The Elementary District has met the nexus requirements described in Government Code section 66001. As demonstrated in this study, the Elementary District is justified in charging up to the statutory maximum developer fee of \$5.17 per square foot of residential development and \$0.84 per square foot of commercial/industrial development. As an elementary district sharing boundaries with another district serving grades 9-12, the Elementary District must split this statutory maximum fee with the High School District based on each district's agreed upon share of the fee. Therefore, the Elementary District can levy developer fees up to 60% of the maximum statutory fee, or \$3.10 per square foot of residential construction and \$0.50 per square foot of commercial/industrial construction, except for rental self-storage facilities, which are justified up to a fee of \$0.07 per square foot. In accordance with Government Code section 66016.5(a), this study has identified the existing level of service for the Elementary District's school facilities and the new proposed level of service, and explained why the new level of service is appropriate.

DEVELOPER FEE JUSTIFICATION STUDY

LEVEL 1 DEVELOPER FEE STUDY: MODESTO CITY HIGH SCHOOL DISTRICT

DEVELOPER FEE JUSTIFICATION STUDY

SECTION 11: HIGH SCHOOL DISTRICT DEMOGRAPHIC INFORMATION

Modesto City High School District (the "High School District") is located within Stanislaus County and serves the communities of Modesto, Riverbank, Ceres, Empire and Salida. The High School District's location allows easy access to both winter and summer recreational areas and within reasonable driving distance are Yosemite National Park, Sacramento, San Francisco, Los Angeles and Lake Tahoe. Post-Secondary educational institutions are present throughout the region. Several colleges and universities are located in or nearby including California State University Stanislaus, Modesto Junior College, Heald College Modesto among others.

Community Demographics

Demography describes various population characteristics of the area's people. Primarily collected by local, state, and/or federal agencies such as the Census Bureau and local public health departments, demographic information covers a range of topics including population size, sex, age composition, ethnic backgrounds, household characteristics, geographic distribution, part-time versus full-time residents and other vital statistics. With regard to the master planning process, demographic data will assist the district in prioritizing projects, resource allocation, and facilities needs.

The most recent demographic survey performed by the Census Bureau was the American Community Survey, a discussion of which is provided below for the High School District.

Modesto City High School District boundaries:

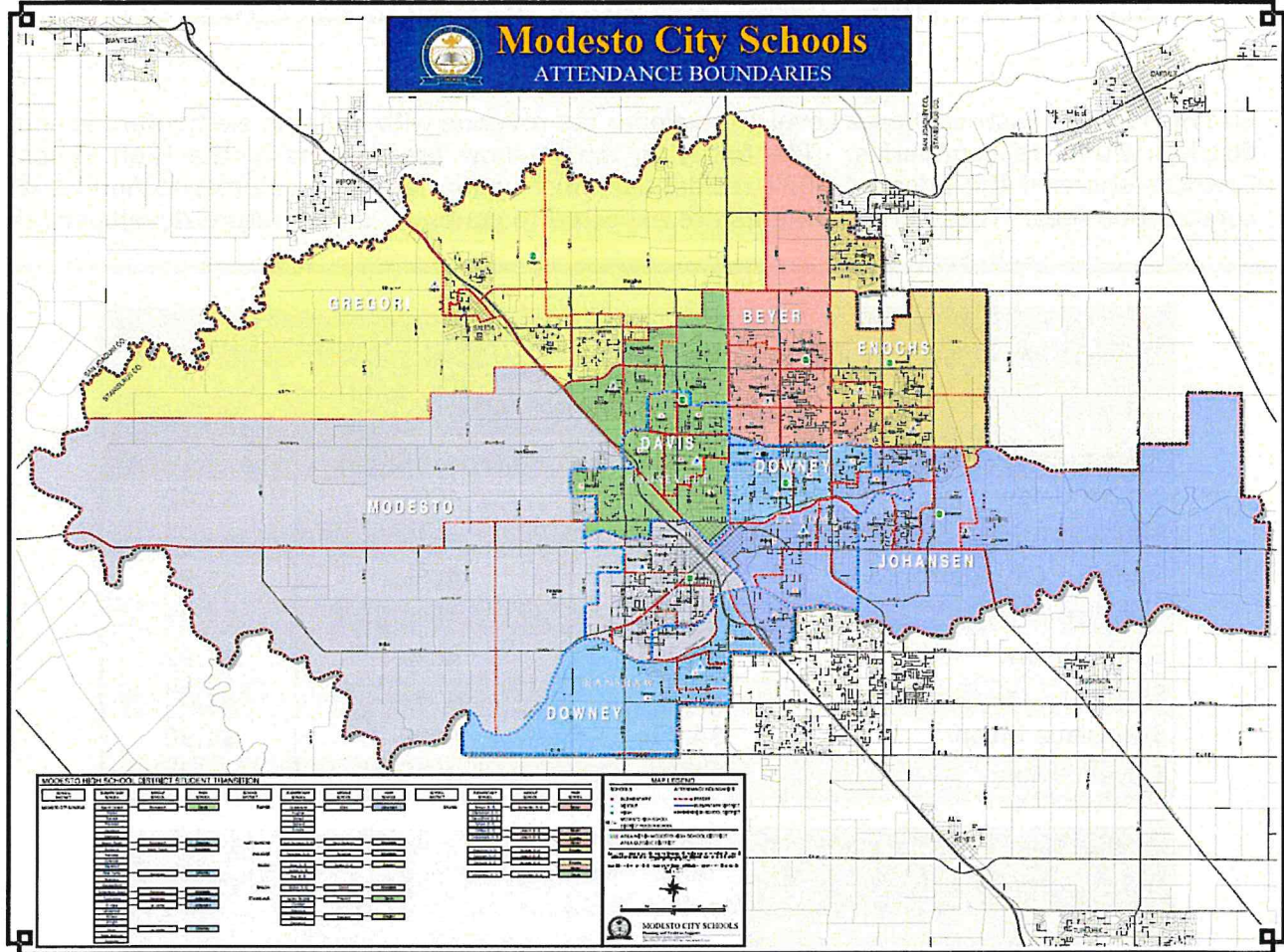
- ◆ 277,905 residents
- ◆ 96,026 total housing units and 93,189 households
- ◆ 33.1% of households had children under the age of 18
- ◆ 49.7% of households were married couples living together
- ◆ \$74,419 median income
- ◆ 13.1% of families and 15.6% of the population below the poverty line

High School District Description

The High School District provides education to 9-12 grade students in the Cities of Modesto, Ceres, Empire and Salida, as well as portions of the City of Riverbank and Stanislaus County. The High School District educates approximately 15,200 students at 8 school sites.

For reference, a map of the High School District boundaries is provided on below:

DEVELOPER FEE JUSTIFICATION STUDY



High School District School Sites

The High School District is made up of 8 school campuses, including: 7 comprehensive high schools and 1 continuation high school. District office facilities are located at 426 Locust Street, Modesto CA. The following page includes a listing of all the High School District's school sites and their locations.

Modesto City High School District School Sites			
Site	Location	Grade Level	Year Built
Beyer High	1717 Sylvan Avenue, Modesto	9-12	1972
Davis High	1200 West Rumble Road, Modesto	9-12	1961
Downey High	1000 Coffee Road, Modesto	9-12	1950
Elliott Alternative Education	1440 Sunrise Avenue, Modesto	9-12	1950
Enochs High	3201 Sylvan Avenue, Modesto	9-12	2006
Gregori High	3701 Pirrone Road, Modesto	9-12	2010
Johansen High	641 Norseman Drive, Modesto	9-12	1990
Modesto High	18 H Street, Modesto	9-12	1921

DEVELOPER FEE JUSTIFICATION STUDY

SECTION 12: HIGH SCHOOL DISTRICT'S HISTORY OF DEVELOPER FEE COLLECTIONS

The High School District shares Level 1 developer fee revenue with multiple elementary school districts within its boundaries. The following tables show breakdowns of the High School District's share of the adopted 2022 residential construction fees and commercial/industrial construction fees. These arrangements are expected to continue and all future developer fee revenues will be split accordingly.

Modesto City High School District Fee Sharing - Residential			
Elementary District	2022 Total Level 1 Residential Fee	High School District Share (Percentage)	High School District Fee
Empire Union	\$4.79	40%	\$1.92
Hart-Ransom Union	\$4.79	40%	\$1.92
Modesto City Elementary	\$4.79	40%	\$1.92
Paradise	\$4.79	40%	\$1.92
Salida Union	\$4.79	40%	\$1.92
Shiloh	\$4.79	40%	\$1.92
Stanislaus Union	\$4.79	40%	\$1.92
Sylvan Union	\$4.79	40%	\$1.92

Modesto City High School District Fee Sharing - Commercial/Industrial			
Elementary District	2022 Total Level 1 Commercial/Industrial Fee	High School District Share (Percentage)	High School District Fee
Empire Union	\$0.78	40%	\$0.31
Hart-Ransom Union	\$0.78	100%	\$0.78
Modesto City Elementary	\$0.78	40%	\$0.31
Paradise	\$0.78	100%	\$0.78
Salida Union	\$0.78	0%	\$0.00
Shiloh	\$0.78	100%	\$0.78
Stanislaus Union	\$0.78	40%	\$0.31
Sylvan Union	\$0.78	40%	\$0.31

As this study will demonstrate, the fees currently being collected are far short of the amounts needed to modernize school facilities and add space to accommodate any new students generated through new construction. The table below shows the District's total developer fee collections since 2019.

DEVELOPER FEE JUSTIFICATION STUDY

Modesto City High School District Five Year Historical Developer Fee Collections			
Year	Residential	Commercial/ Industrial	Total
2023	\$229,900.93	\$179,299.70	\$409,200.63
2022	\$565,935.26	\$172,613.22	\$738,548.48
2021	\$607,567.14	\$80,339.76	\$687,906.90
2020	\$660,270.88	\$17,231.98	\$677,502.86
2019	\$554,020.07	\$8,155.95	\$562,176.02
Total	\$2,617,694.28	\$457,640.61	\$3,075,334.89

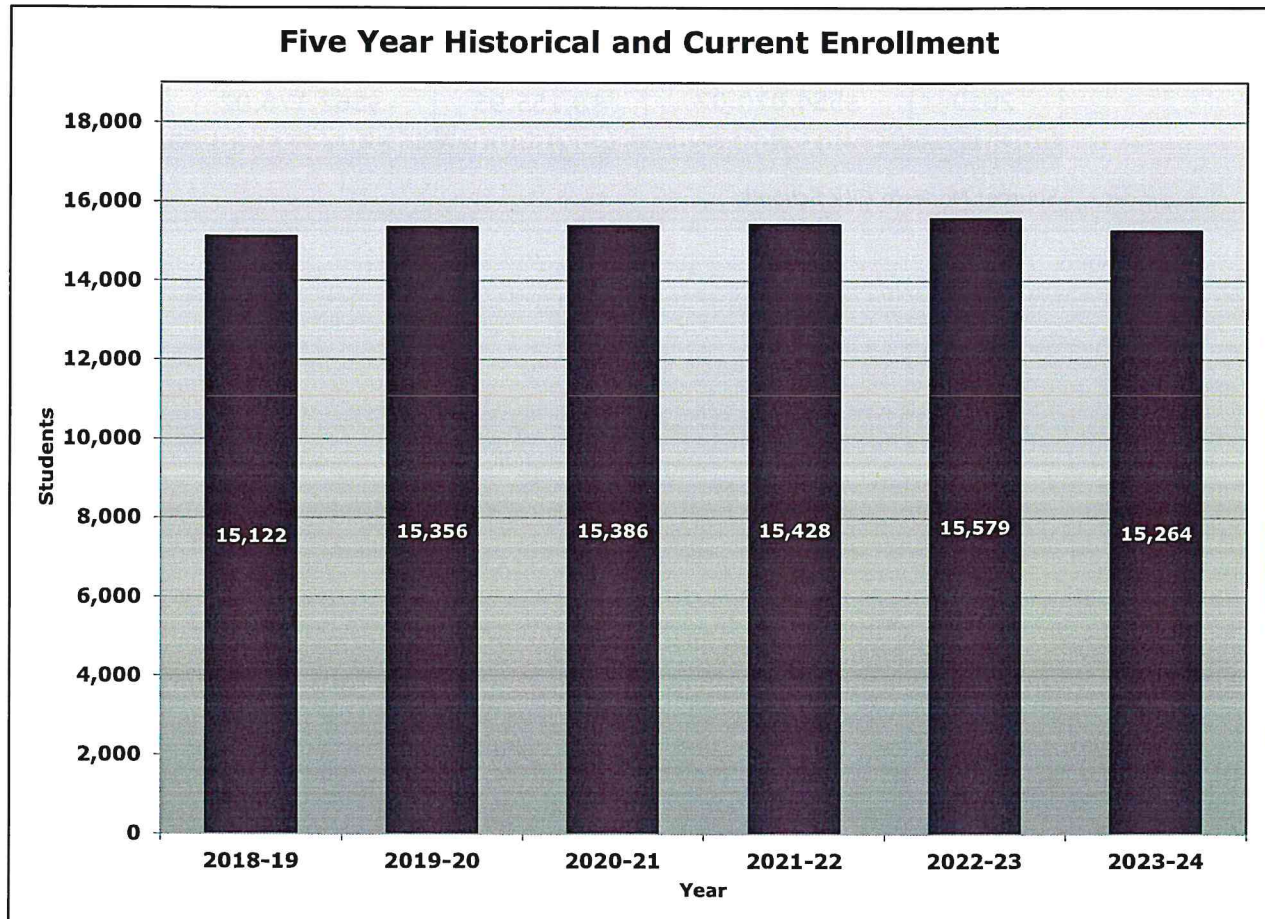
Source: Modesto City Schools

DEVELOPER FEE JUSTIFICATION STUDY

SECTION 13: HIGH SCHOOL DISTRICT ENROLLMENT AND CAPACITY

Historical Enrollment of the High School District

The annual enrollment for the High School District has remained relatively steady over the past five years, as is shown in the chart below:



Source: California Department of Education CALPADS and Modesto City Schools

A breakdown of the High School District's historical CALPADS enrollment, by grade level, is included as Appendix A.

High School District Capacity

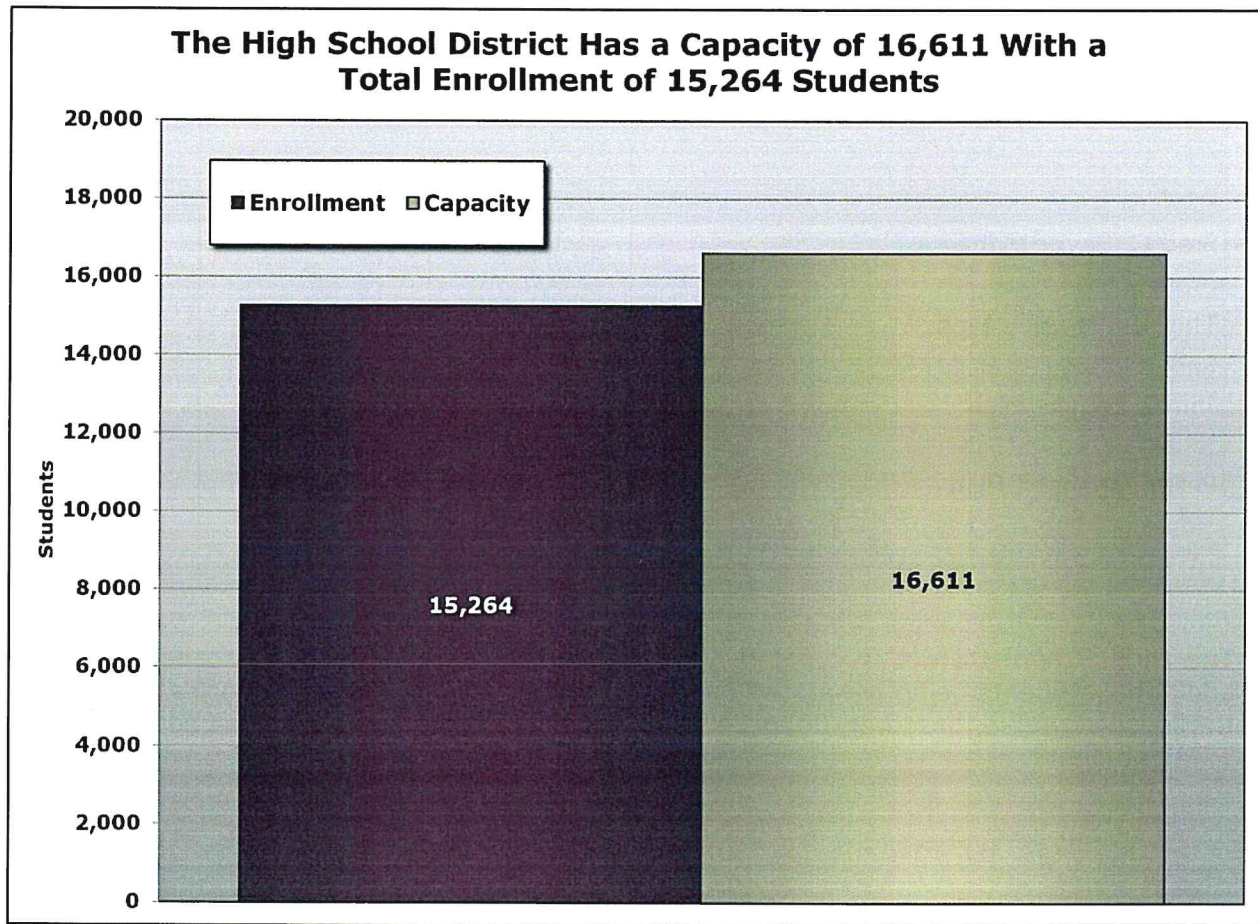
Some of the High School District's school sites have portables that have exceeded their useful life and are in need of replacement in order to house students from new development. For the purposes of this study, all portables over 20 years old which are used as classrooms have been removed from the allowable capacity. Based on an average classroom loading standard of 34 students per classroom, the High School District has a capacity for 16,611 students.

DEVELOPER FEE JUSTIFICATION STUDY

Modesto City High School District Allowable Capacity			
School Site	Capacity	9th-12th Portable Classrooms Over 20 Years	Total Capacity Less Portables
Fred C. Beyer High	1,802	11	1,490
Grace Davis High	2,057	3	1,977
Thomas Downey High	2,415	5	2,245
Robert Elliott Alternative Education Center	802	10	484
James Enochs High	2,822	0	2,822
Joseph Gregori High	2,426	0	2,426
Peter Johansen High	3,119	8	2,869
Modesto High	2,798	16	2,298
Total District	18,241	53	16,611

The High School District is currently operating under capacity and has capacity to house additional students being generated by new construction within its boundaries. As shown in the following table, based on 2023-24 enrollment, the District is currently under capacity by 1,347 students.

DEVELOPER FEE JUSTIFICATION STUDY



New Development

New residential development typically results in new students for the High School District to accommodate.³ Therefore, it is important for the High School District to monitor the development plans of the local land use agencies. For the High School District, there are three land use agencies within the High School District's boundaries – the Cities of Modesto and Riverbank and the County of Stanislaus.

There are several development projects currently mapped for new construction within the High School District's boundaries. Provided below is a summary of the known mapped development projects within the High School District's boundaries:

³ Residential development includes, without limitation, Accessory Dwelling Units (ADUs) or Junior ADUs, which are independent residential dwelling units located on the same parcel as a primary residential dwelling. ADUs may be detached, attached, or located within the primary dwelling, including within garages and storage areas. ADUs are generally considered new construction because they are living areas that did not previously exist on the parcel or as a part of the primary home. Whether ADUs are called casitas, granny flats, in-law units, generational units, or converted living space, these areas are intended to provide a new area for living and sleeping – essentially a new residential unit which did not previously exist. The High School District recognizes that students are projected to be generated from ADUs and will charge the appropriate fee rate for these types of new construction projects.

DEVELOPER FEE JUSTIFICATION STUDY

Projected Residential Development		
Development Project	Feeder District	# of Units
115 Oakdale Road	Sylvan Union	44
1612 Sisk Road	Stanislaus Union	150
2150 Carpenter Road	Modesto City Elementary	354
608 7th Street	Modesto City Elementary	26
813 Chicago	Modesto City Elementary	7
Almond Grove Subdivision	Modesto City Elementary	246
Arcadia (Tivoli SP)	Sylvan Union	141
Calendev Subdivision	Sylvan Union	76
Coffee/Montana (NW)	Sylvan Union	36
Coffee/Montana (NW)	Sylvan Union	90
Crossroads West	Sylvan Union	1,964
Downtown 7th Street	Modesto City Elementary	79
Fairview	Modesto City Elementary	217
Founders Point	Stanislaus Union	138
Grupe/Huber	Stanislaus Union	557
Miller Avenue Apartments	Modesto City Elementary	32
Morris Avenue	Modesto City Elementary	45
Olivewood (Tivoli SP)	Sylvan Union	87
Parque Rio - Robertson Road	Modesto City Elementary	70
Scenic Village	Modesto City Elementary	41
Snow (Tivoli SP)	Sylvan Union	213
Solana at Fairview	Modesto City Elementary	571
Tesoro Subdivision	Sylvan Union	36
Tivoli	Sylvan Union	2,752
Traveler's	Modesto City Elementary	54
Village One SP	Sylvan Union	7
Village One Triangle	Sylvan Union	550
Total		8,583

Source: City of Modesto, City of Riverbank, County of Stanislaus and Modesto City Schools

Based on the planned residential development there will be a total of 8,583 new residential units being constructed within the High School District's boundaries. The District must plan for facilities assuming maximum potential student capacity, especially given the number of projects that are planned for construction within the High School District's boundaries.

Student Generation Rate

A total of 8,583 units are projected to be constructed over the next five years. In terms of facilities planning, it is important that the High School District project the potential facilities impact. A key component of the planning process is the student generation factor. A student generation factor is the ratio of students produced per home within a new construction project.

DEVELOPER FEE JUSTIFICATION STUDY

This serves as a tool for District's to use in the planning process and will allow the High School District to predict the impact new development will have on the student population. This ultimately will facilitate decision making about the provision of facilities and resources.

To identify the number of students anticipated to be generated by new residential development, a student yield factor of 0.2 has been utilized for the Modesto High School District. The yield factor is based on State wide student yield averages calculated by the Office of Public School Construction, and is generally reflective of the District's historic student yield. A breakdown of the student generation rate for grade level is provided in the table below:

Student Generation Rates by Grade			
TK-6	7-8	9-12	Total
0.4	0.1	0.2	0.7

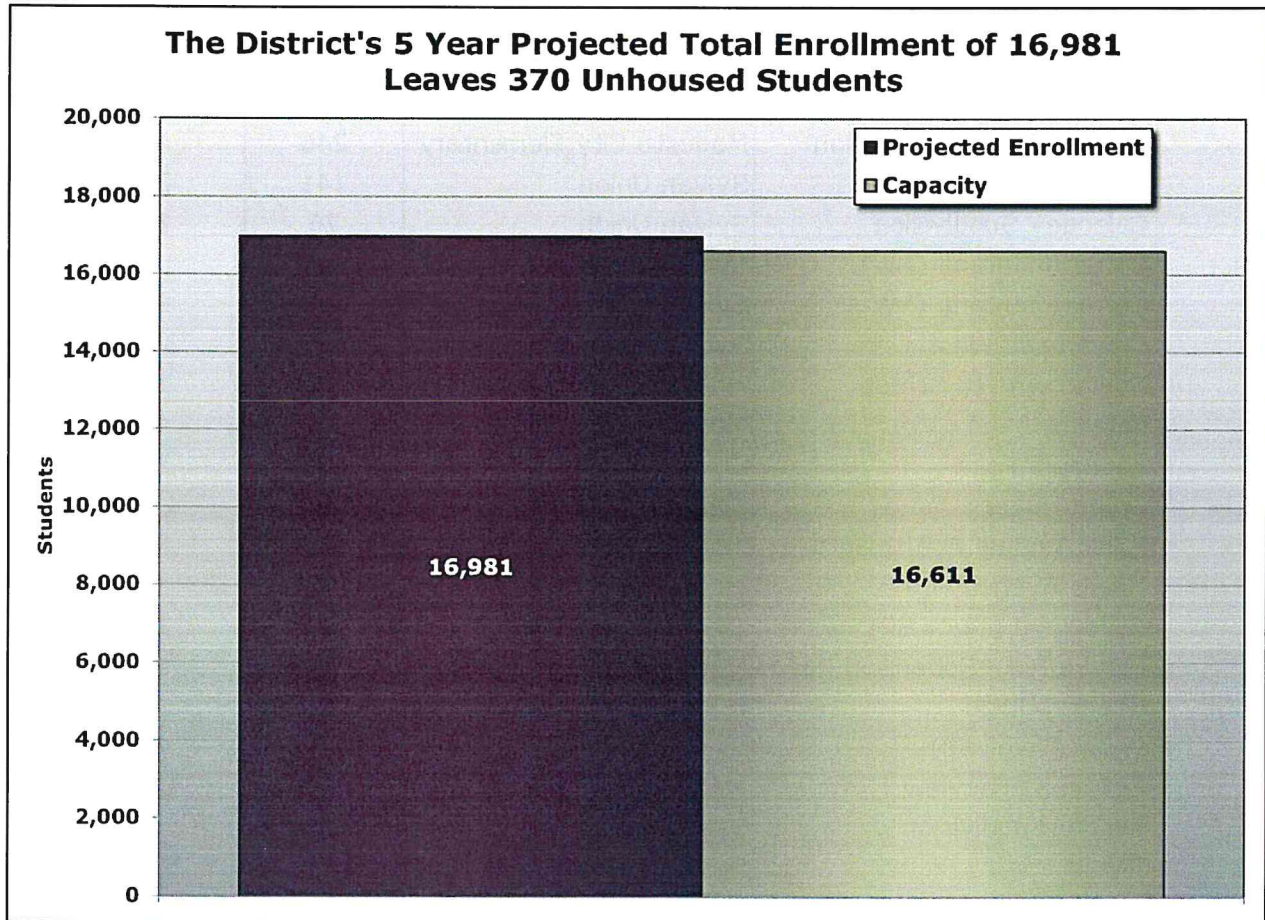
Given the 8,583 projected units and the student generation rate to be used per home, the High School District can estimate that approximately 1,717 new students will be generated as a result of the development projects.

DEVELOPER FEE JUSTIFICATION STUDY

Summary of Five Year Enrollment Projections			
Development Project	Feeder District	# of Units	Projected # of Students
115 Oakdale Road	Sylvan Union	44	9
1612 Sisk Road	Stanislaus Union	150	30
2150 Carpenter Road	Modesto City Elementary	354	71
608 7th Street	Modesto City Elementary	26	5
813 Chicago	Modesto City Elementary	7	1
Almond Grove Subdivision	Modesto City Elementary	246	49
Arcadia (Tivoli SP)	Sylvan Union	141	28
Calendev Subdivision	Sylvan Union	76	15
Coffee/Montana (NW)	Sylvan Union	36	7
Coffee/Montana (NW)	Sylvan Union	90	18
Crossroads West	Sylvan Union	1,964	393
Downtown 7th Street	Modesto City Elementary	79	16
Fairview	Modesto City Elementary	217	43
Founders Point	Stanislaus Union	138	28
Grupe/Huber	Stanislaus Union	557	111
Miller Avenue Apartments	Modesto City Elementary	32	6
Morris Avenue	Modesto City Elementary	45	9
Olivewood (Tivoli SP)	Sylvan Union	87	17
Parque Rio - Robertson Road	Modesto City Elementary	70	14
Scenic Village	Modesto City Elementary	41	8
Snow (Tivoli SP)	Sylvan Union	213	43
Solana at Fairview	Modesto City Elementary	571	114
Tesoro Subdivision	Sylvan Union	36	7
Tivoli	Sylvan Union	2,752	550
Traveler's	Modesto City Elementary	54	11
Village One SP	Sylvan Union	7	1
Village One Triangle	Sylvan Union	550	110
Total		8,583	1,717

DEVELOPER FEE JUSTIFICATION STUDY

Current enrollment trends coupled with development data demonstrate a need for new school facilities. The High School District does not have sufficient capacity to house all new students projected from new residential development and will suffer significant strain from the development occurring within its boundaries. The High School District has a projected enrollment of 16,981 students and will need to construct additional classrooms to provide facilities for the 370 unhoused high school students generated from new construction of residential units.



DEVELOPER FEE JUSTIFICATION STUDY

SECTION 14: HIGH SCHOOL DISTRICT FACILITIES NEEDS

The High School District has experienced some growth within its boundaries over recent years and will need to plan for the construction of an additional school facility in order to accommodate students generated from additional projected residential growth. The High School District has available funds that it will contribute toward the construction of these facilities, but lacks sufficient funding to pay for all necessary construction.

Anticipated Facilities Need

Based on the projected student generation, it is anticipated that the High School District will need to construct additional capacity to accommodate the future student population. The High School District will need to both design and construct these facilities in order to maintain existing level of services in which the new students will be housed.

New Construction Costs

Based on the District's maximum loading standard of 34 students per classrooms, 11 new high school classrooms will need to be constructed in order to accommodate the high school students projected from new development, as shown in the following table.

Number of Classrooms Required for Projected Unhoused Students from New Development			
Grade Level	Projected Unhoused Students from New Development	Classroom Capacity	Number of Classrooms Required
High	370	34	11

The District is currently reconstructing 53 classrooms at Modesto High School for an estimated total construction cost of \$69,500,000, which is equal to approximately \$1,311,320 per classroom. The number of classrooms required to house the projected unhoused students from new development is multiplied by the estimated construction cost to determine the total capacity costs for new development. The calculation is as follows:

Calculation of School Construction			
Grade Level	Estimated Classroom Cost	Classrooms Required	Total Unfunded Construction Costs
High	\$1,311,320	11	\$14,424,520

Available Revenue Sources

As stated previously, the District intends to commit all available developer fee funds to the project. The District has \$817,621 in developer fees available to commit to facilities projects.

DEVELOPER FEE JUSTIFICATION STUDY

Unfunded Facilities Need

Therefore, the District's total unfunded facilities need is equal to the total amount of facilities costs less any available funding sources, which equals approximately \$13.6 million.

Total Unfunded Facilities Need

$$\$14,424,520 - \$817,621 = \$13,606,899$$

DEVELOPER FEE JUSTIFICATION STUDY

SECTION 15: HIGH SCHOOL DISTRICT DEVELOPER FEE JUSTIFICATION

Developer fee law requires that before fees can be levied a district must find that justification exists for the fee. Justification for the fee can be shown if anticipated residential, commercial and industrial development within a district will impact it with additional students and the district either does not have the facility capacity to house these students and/or the students would have to be housed in existing facilities that are not educationally adequate (i.e., antiquated facilities). In addition, it must also be shown that the amount of developer fees to be collected will not exceed the High School District's cost for housing students generated by new development. This section of the study will show that justification does exist for levying developer fees in the High School District.

Residential Development and Fee Analysis

To show a reasonable relationship exists between the construction of new housing units and the need for school facilities, it will be shown that residential construction will create a school facility cost impact on the High School District greater than the amount of developer fees to be collected.

To determine the cost impact of residential construction on the High School District, the cost to house students in new school facilities must be identified. The facilities cost calculations are included in Section 14 and include any money the High School District plans to contribute towards new construction. The table below shows the cost impact for new school facilities for each student generated by new residential development. Since the High School District expects 370 unhoused students to be generated from new development, the per student facilities cost for each student is estimated to be \$36,775.

Facilities Cost Per Student

$$\$13,606,899 / 370 = \$36,775 \text{ per student}$$

As previously explained, based on State standards, each home generates approximately 0.2 high school students. Therefore, if the per student facilities cost is \$36,775, we can multiply that by the student generation rate of 0.2 and estimate the impact per unit of \$7,355. Using the District's developer fees collections it was determined that the average square footage of a single-family residential unit built within the District over the last 5 years was 1,764. This analysis will assume that the average size of new single family residential units to be constructed within the District's boundaries will be approximately 1,764 square feet. Therefore, to determine the impact per square foot of residential construction we divide the impact per home by the average square footage of homes within the District. As calculated, the facilities cost per square foot is \$4.17:

Facilities Cost Per Square Foot

$$\$7,355 / 1,764 \text{ sq. ft.} = \$4.17 \text{ per sq. ft.}$$

Therefore, the High School District's facilities cost per square foot of new development (\$4.17 per square foot) far exceeds the District's share of the maximum developer fee (\$2.07 per square foot) that can be imposed.

DEVELOPER FEE JUSTIFICATION STUDY

Residential Developer Fee Justification

It is clear that a reasonable relationship exists between residential development within the High School District and the need for new and/or refurbished school facilities, including administrative and support facilities in order to house new students from residential development and maintain a level of service commensurate with that presently existing.⁴ This relationship is based on the finding that the High School District exceeds its facility capacity. New students to be generated by new residential development will have to be housed in new school facilities. The cost to provide additional school facilities exceeds the amount of fees to be generated from new residential construction. The High School District is justified in the levying of residential developer fees of up to 40% of the statutory maximum equal to \$2.07 per square foot of new residential development. Specifically, this is the District's 40% share, per agreement with the elementary school districts within its boundaries, of the statutory maximum of \$5.17 per square foot. The table below shows the High School District's share of residential construction fees.

Modesto City High School District Fee Sharing - Residential			
Elementary District	2024 Total Level 1 Residential Fee	High School District Share (Percentage)	High School District Fee
Empire Union	\$5.17	40%	\$2.07
Hart-Ransom Union	\$5.17	40%	\$2.07
Modesto City Elementary	\$5.17	40%	\$2.07
Paradise	\$5.17	40%	\$2.07
Salida Union	\$5.17	40%	\$2.07
Shiloh	\$5.17	40%	\$2.07
Stanislaus Union	\$5.17	40%	\$2.07
Sylvan Union	\$5.17	40%	\$2.07

Reconstruction/Redevelopment

All types of new residential development—including but not limited to single- and multi-family units in new subdivisions and in "in-fill" lots, single- and multi-family units in redevelopment projects, single- and multi-family units that replace demolished units, certain remodeling projects, expansions, and additions of residential space to existing single- and multi-family units, manufactured homes, mobile homes, condominiums—are projected to generate additional students in the High School District. As shown earlier in this Report, sufficient school facilities do not exist for these students.

Residential Reconstruction for purposes of this Report means the voluntary demolition of existing residential dwelling units/structures and the subsequent construction of new residential dwelling units/structures ("Reconstruction"). School impact fees authorized pursuant to Education Code section 17620 and Government Code sections 65995 et seq. shall

⁴ *Shapell Industries, Inc. v. Governing Board of the Milpitas Unified School District (1991) 1 Cal.App.4th 218 [other points of law superseded by constitutional amendment].*

DEVELOPER FEE JUSTIFICATION STUDY

be levied by the High School District on new construction resulting from Reconstruction, if there is a nexus between the fees being imposed and the impact of new construction on school facilities, after the impact of pre-existing development has been taken into consideration. In determining such nexus, the High School District has the discretion to review, evaluate and determine the impact of the proposed Reconstruction. The impact of the proposed Reconstruction may be assessed by comparing the proposed new construction and the pre-existing units/structures to be demolished and replaced, including the square footage, student generation, and cost impacts of each. The High School District may also take into consideration the type of proposed new units/structures with the type of pre-existing units/structure demolished and replaced. For example, the impact of a pre-existing single family detached home demolished and replaced with a new triple-unit townhome, or the impact of pre-existing commercial structures demolished and replaced with new residential structures. Such analysis may take into consideration the student generation rates and other data points identified in this Report, and relevant fee records, as applicable. (See Warmington Old Town Associates, L.P. v. Tustin Unified School District (2002) 101 Cal.App.4th 840; and Cresta Bella, LP v. Poway Unified School District (2013) 218 Cal.App.4th 438.)

Commercial/Industrial Development and Fee Analysis

In order to levy fees on commercial and industrial development, existing law stipulates that the High School District “. . . must determine the impact of the increased number of employees anticipated to result from commercial and industrial development upon the cost of providing school facilities within the District.” The school facilities costs incurred by the High School District per square foot of new commercial/industrial construction are determined by multiplying together five factors:

1. Employees per square foot of new commercial/industrial development;
2. Percent of employees in the District that also live in the District;
3. Dwelling Units per employee;
4. Students per Dwelling Unit;
5. School facility cost per student.

Employees Per Square Foot Of New Commercial/Industrial Development

To make this determination, the study shall utilize employee generation estimates that are based on commercial and industrial factors within the High School District, as calculated on either an individual or categorical basis.” The passage of Assembly Bill 530 (Chapter 633/Statutes 1990) allows the use of the employee generation factors set forth in the January 1990 edition of “San Diego Traffic Generators,” a report of the San Diego Association of Governments. This study which was completed in January of 1990 identifies the number of employees generated per square foot of floor area for several demographic categories. These generation factors are shown in the table below.

DEVELOPER FEE JUSTIFICATION STUDY

Employees Per Square Foot of New Commercial/Industrial Development		
Commercial/Industrial Category	Average Square Foot Per Employee	Employees Per Average Square Foot
Banks	354	0.00283
Community Shopping Centers	652	0.00153
Neighborhood Shopping Centers	369	0.00271
Industrial Business Parks	284	0.00352
Industrial Parks	742	0.00135
Rental Self Storage	15,541	0.00006
Scientific Research & Development	329	0.00304
Lodging	882	0.00113
Standard Commercial Office	209	0.00479
Large High Rise Commercial Office	232	0.00431
Corporate Offices	372	0.00269
Medical Offices	234	0.00427

Source: 1990 SanDAG Traffic Generators report

Percent of Employees in the District That Also Live in the High School District

To estimate the percentage of new District employees that will reside in the High School District, this study has utilized a conservative approach, whereby it is assumed that one-third of new employees in the High School District will also live in the High School District and two-thirds will live outside of the High School District.

Dwelling Units per Employee

Data from the American Community Survey indicates that there were 134,929 workers living in 96,026 housing units in the High School District. Therefore, there are 0.712 housing units for every one worker. This study, thereby assumes that each new resident worker in the High School District will demand 0.712 housing units.

Students per Dwelling Unit

As stated in Section 13 of this study, based on SFP standards, this study assumes that 0.2 high school students will reside in each dwelling unit.

The table below shows the calculation of the school facility cost generated by a square foot of new commercial/industrial development for each of the categories of commercial/industrial development.

DEVELOPER FEE JUSTIFICATION STUDY

School Facilities Cost Per Sq. Ft. of Commercial/Industrial Development						
Category	Employees Per Average Sq. Ft.	% Employees Residing in District	Dwelling Units Per Employee	9-12 Students per Dwelling Unit	Cost per 9-12 Student	Cost per Square Foot
Banks	0.00283	0.333	0.712	0.2	\$7,355	\$0.99
Community Shopping Centers	0.00153	0.333	0.712	0.2	\$7,355	\$0.53
Neighborhood Shopping Centers	0.00271	0.333	0.712	0.2	\$7,355	\$0.95
Industrial Business Parks	0.00352	0.333	0.712	0.2	\$7,355	\$1.23
Industrial Parks	0.00135	0.333	0.712	0.2	\$7,355	\$0.47
Rental Self Storage	0.00006	0.333	0.712	0.2	\$7,355	\$0.02
Scientific Research & Development	0.00304	0.333	0.712	0.2	\$7,355	\$1.06
Lodging	0.00113	0.333	0.712	0.2	\$7,355	\$0.39
Standard Commercial Office	0.00479	0.333	0.712	0.2	\$7,355	\$1.67
Large High Rise Commercial Office	0.00431	0.333	0.712	0.2	\$7,355	\$1.50
Corporate Offices	0.00269	0.333	0.712	0.2	\$7,355	\$0.94
Medical Offices	0.00427	0.333	0.712	0.2	\$7,355	\$1.49

Commercial Developer Fee Justification

The High School District's maximum justified fee for each commercial/industrial category is shown in the table below.

DEVELOPER FEE JUSTIFICATION STUDY

Maximum Justified Commercial/Industrial Development Fee	
Category	Maximum Justified Fee
Banks	\$0.99
Community Shopping Centers	\$0.53
Neighborhood Shopping Centers	\$0.95
Industrial Business Parks	\$1.23
Industrial Parks	\$0.47
Rental Self Storage	\$0.02
Scientific Research & Development	\$1.06
Lodging	\$0.39
Standard Commercial Office	\$1.67
Large High Rise Commercial Office	\$1.50
Corporate Offices	\$0.94
Medical Offices	\$1.49

The table below shows the High School District's share of commercial/industrial construction fees.

Modesto City High School District Fee Sharing - Commercial/Industrial	
Elementary District	High School District Share (Percentage)
Empire Union	40%
Hart-Ransom Union	100%
Modesto City Elementary	40%
Paradise	100%
Salida Union	0%
Shiloh	100%
Stanislaus Union	40%
Sylvan Union	40%

The High School District's maximum justified fee for each commercial/industrial category per elementary feeder district is shown in the table below.

DEVELOPER FEE JUSTIFICATION STUDY

Modesto City High School District Commercial/Industrial Development Fee Sharing by Elementary Feeder District									
Category	Maximum Justified Fee	High School District Commercial/Industrial Fee							
		Empire Union	Hart-Ransom Union	Modesto City Elementary	Paradise	Salida Union	Shiloh	Stanislaus Union	Sylvan Union
Banks	\$0.99	\$0.34	\$0.84	\$0.34	\$0.84	\$0.00	\$0.84	\$0.34	\$0.34
Community Shopping Centers	\$0.53	\$0.34	\$0.53	\$0.34	\$0.53	\$0.00	\$0.53	\$0.34	\$0.34
Neighborhood Shopping Centers	\$0.95	\$0.34	\$0.84	\$0.34	\$0.84	\$0.00	\$0.84	\$0.34	\$0.34
Industrial Business Parks	\$1.23	\$0.34	\$0.84	\$0.34	\$0.84	\$0.00	\$0.84	\$0.34	\$0.34
Industrial Parks	\$0.47	\$0.34	\$0.47	\$0.34	\$0.47	\$0.00	\$0.47	\$0.34	\$0.34
Rental Self Storage	\$0.02	\$0.02	\$0.02	\$0.02	\$0.02	\$0.00	\$0.02	\$0.02	\$0.02
Scientific Research & Development	\$1.06	\$0.34	\$0.84	\$0.34	\$0.84	\$0.00	\$0.84	\$0.34	\$0.34
Lodging	\$0.39	\$0.34	\$0.39	\$0.34	\$0.39	\$0.00	\$0.39	\$0.34	\$0.34
Standard Commercial Office	\$1.67	\$0.34	\$0.84	\$0.34	\$0.84	\$0.00	\$0.84	\$0.34	\$0.34
Large High Rise Commercial Office	\$1.50	\$0.34	\$0.84	\$0.34	\$0.84	\$0.00	\$0.84	\$0.34	\$0.34
Corporate Offices	\$0.94	\$0.34	\$0.84	\$0.34	\$0.84	\$0.00	\$0.84	\$0.34	\$0.34
Medical Offices	\$1.49	\$0.34	\$0.84	\$0.34	\$0.84	\$0.00	\$0.84	\$0.34	\$0.34

DEVELOPER FEE JUSTIFICATION STUDY

SECTION 16: HIGH SCHOOL DISTRICT FINDINGS

Government Code section 66001 lists the requirements that districts must observe regarding the collection and use of developer fees. The major requirements are listed below:

Establishment of a Cost Nexus

The Board will collect fees on new residential and commercial/industrial development to fund the construction and/or reconstruction of school facilities to serve students generated by such projects. The High School District has undertaken significant reconstruction and modernization projects to serve existing development and potentially, all capacity that must be provided. Additionally, the cost for providing these facilities exceeds the amount of developer fees to be collected. It is clear that when educational facilities are provided for students generated by new residential, commercial and industrial development that the cost of new facilities exceeds developer fee generation, thereby establishing a cost nexus.

Establishment of a Benefit Nexus

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

Establishment of a Burden Nexus

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

Conclusion

The High School District has met the nexus requirements described in Government Code section 66001. As a high school district sharing boundaries with other districts serving grades TK-8, the High School District must split the statutory maximum fees, \$5.17 per square foot of residential construction and \$0.84 per square foot of commercial/industrial construction, with the elementary school districts based on each district's agreed upon share of the fee. The tables below provide a breakdown of the High School District's share of residential construction and commercial/industrial construction developer fees. In accordance with Government Code section 66016.5(a), this study has identified the existing level of service for the High School District's school facilities and the new proposed level of service, and explained why the new level of service is appropriate.

DEVELOPER FEE JUSTIFICATION STUDY

Modesto City High School District Fee Sharing - Residential			
Elementary District	2024 Total Level 1 Residential Fee	High School District Share (Percentage)	High School District Fee
Empire Union	\$5.17	40%	\$2.07
Hart-Ransom Union	\$5.17	40%	\$2.07
Modesto City Elementary	\$5.17	40%	\$2.07
Paradise	\$5.17	40%	\$2.07
Salida Union	\$5.17	40%	\$2.07
Shiloh	\$5.17	40%	\$2.07
Stanislaus Union	\$5.17	40%	\$2.07
Sylvan Union	\$5.17	40%	\$2.07

Modesto City High School District Commercial/Industrial Development Fee Sharing by Elementary Feeder District									
Category	Maximum Justified Fee	High School District Commercial/Industrial Fee							
		Empire Union	Hart-Ransom Union	Modesto City Elementary	Paradise	Salida Union	Shiloh	Stanislaus Union	Sylvan Union
Banks	\$0.99	\$0.34	\$0.84	\$0.34	\$0.84	\$0.00	\$0.84	\$0.34	\$0.34
Community Shopping Centers	\$0.53	\$0.34	\$0.53	\$0.34	\$0.53	\$0.00	\$0.53	\$0.34	\$0.34
Neighborhood Shopping Centers	\$0.95	\$0.34	\$0.84	\$0.34	\$0.84	\$0.00	\$0.84	\$0.34	\$0.34
Industrial Business Parks	\$1.23	\$0.34	\$0.84	\$0.34	\$0.84	\$0.00	\$0.84	\$0.34	\$0.34
Industrial Parks	\$0.47	\$0.34	\$0.47	\$0.34	\$0.47	\$0.00	\$0.47	\$0.34	\$0.34
Rental Self Storage	\$0.02	\$0.02	\$0.02	\$0.02	\$0.02	\$0.00	\$0.02	\$0.02	\$0.02
Scientific Research & Development	\$1.06	\$0.34	\$0.84	\$0.34	\$0.84	\$0.00	\$0.84	\$0.34	\$0.34
Lodging	\$0.39	\$0.34	\$0.39	\$0.34	\$0.39	\$0.00	\$0.39	\$0.34	\$0.34
Standard Commercial Office	\$1.67	\$0.34	\$0.84	\$0.34	\$0.84	\$0.00	\$0.84	\$0.34	\$0.34
Large High Rise Commercial Office	\$1.50	\$0.34	\$0.84	\$0.34	\$0.84	\$0.00	\$0.84	\$0.34	\$0.34
Corporate Offices	\$0.94	\$0.34	\$0.84	\$0.34	\$0.84	\$0.00	\$0.84	\$0.34	\$0.34
Medical Offices	\$1.49	\$0.34	\$0.84	\$0.34	\$0.84	\$0.00	\$0.84	\$0.34	\$0.34

DEVELOPER FEE JUSTIFICATION STUDY

SECTION 17: IMPLEMENTATION OF THE FEES

If the Board accepts the recommendation to accept the developer fee as justified in this study, the following process should be followed for fee implementation.

District Board Approval

The Board should adopt the proposed fee as provided for in this study. To do so, the District must:

- ♦ Send a notice of a public hearing at least 14 days prior to the hearing to any party who files a written request with the local agency for mailed notice of the meeting on new or increased fees or service charges. Have this report and all supporting documentation available for review by the public at least 10 days prior to the hearing;
- ♦ Submit a notice of public hearing in the local newspaper at least 10 days prior to the public hearing. This notice should run at least twice in a newspaper of general circulation within the District, with the second notice published at least 5 days after the first notice;
- ♦ Hold the public hearing to consider adoption of the developer fee;
- ♦ Adopt a resolution to set the fee;
- ♦ Begin collecting the fee no sooner than 60 days following adoption of the resolution.

Notifications

Modesto City Schools should provide the planning and building departments of the Cities of Modesto and Riverbank, and the County of Stanislaus, with notice of the current fee rates and other information so that they may coordinate issuance of building permits with the District's fee program.

Fee Accounting

All fee revenues should be deposited into a restricted public facility fee account. Interest earned on fund balances should be credited to the fund.

On an annual basis, the District must provide a detailed accounting of the developer fee funds. This accounting must include such items as an indication of the specific public improvement or improvements on which fees were expended, the amount of expenditure on each improvement, the estimated date by which construction will begin if sufficient funds are in place and a particular improvement is not yet complete, a description of each transfer or loan made to or from the account, and the amount of refunds made or fees that had remained unexpended and uncommitted for five or more years. The new statute gives school districts 180 days from the close of the fiscal year to prepare this detailed annual accounting.

DEVELOPER FEE JUSTIFICATION STUDY

APPENDIX A: 5 YEAR HISTORICAL AND CURRENT ENROLLMENT

Five Year Historical and Current Year Enrollment						
Grade	2018-19	2019-20	2020-21	2021-22	2022-23	2023-24
K	1,652	1,674	1,576	1,661	1,826	2,046
1	1,501	1,543	1,519	1,552	1,546	1,470
2	1,622	1,489	1,582	1,478	1,584	1,562
3	1,686	1,604	1,471	1,550	1,514	1,585
4	1,586	1,660	1,604	1,445	1,571	1,525
5	1,738	1,592	1,636	1,586	1,474	1,579
6	1,754	1,671	1,546	1,587	1,548	1,447
Total K-6	11,539	11,233	10,934	10,859	11,063	11,214
7	1,687	1,701	1,596	1,419	1,558	1,464
8	1,667	1,670	1,675	1,591	1,428	1,525
Total 7-8	3,354	3,371	3,271	3,010	2,986	2,989
9	3,794	3,944	3,993	3,639	3,812	3,679
10	3,820	3,805	3,824	3,749	3,830	3,819
11	3,668	3,813	3,658	3,592	4,001	3,798
12	3,840	3,794	3,911	3,517	3,936	3,968
Total 9-12	15,122	15,356	15,386	14,497	15,579	15,264
Total District	30,015	29,960	29,591	28,366	29,628	29,467

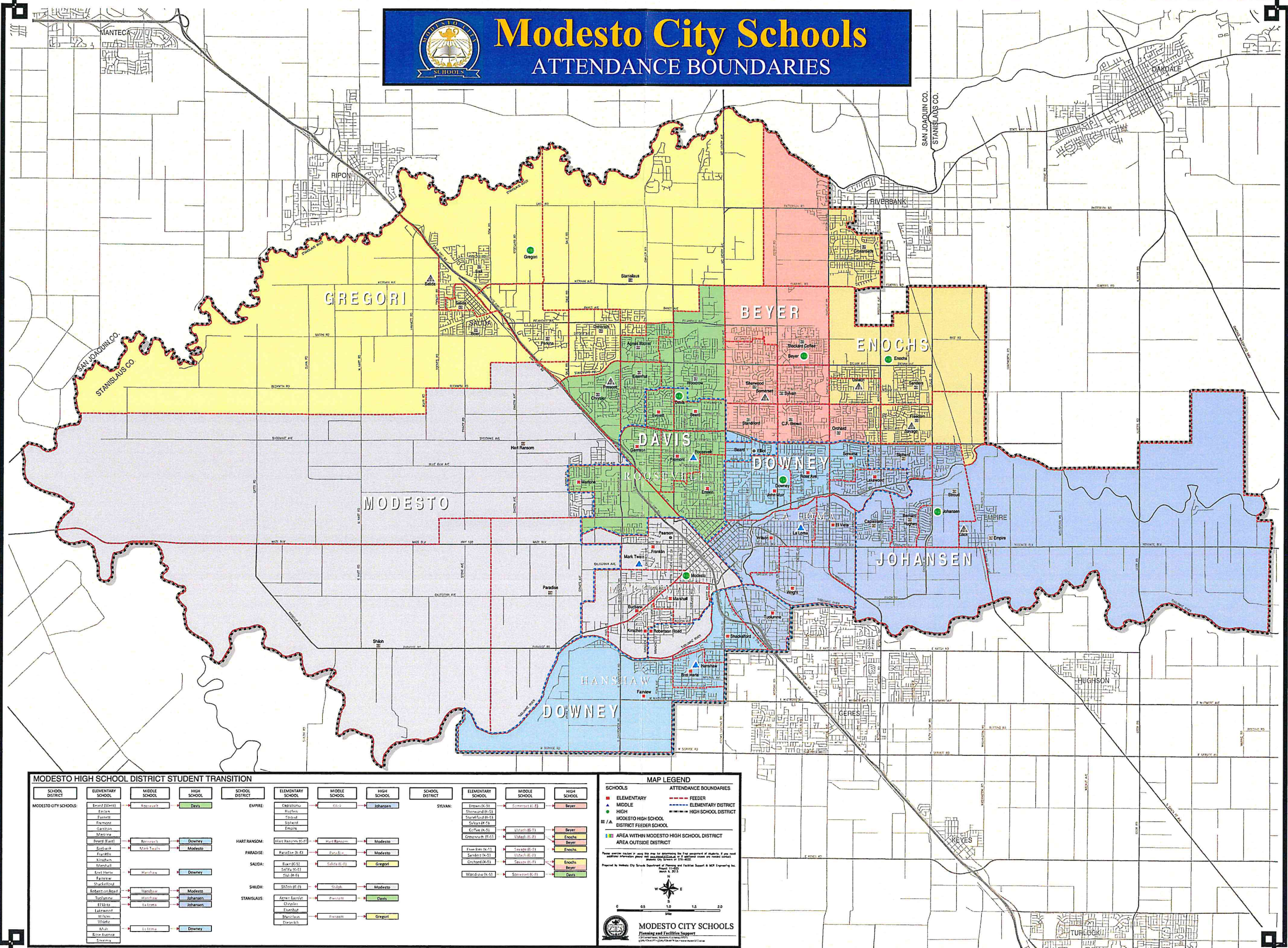
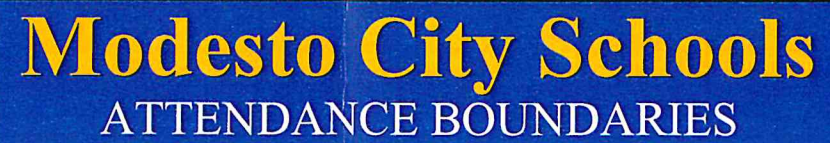
DEVELOPER FEE JUSTIFICATION STUDY

APPENDIX B: SAMPLE NOTICE OF PUBLIC HEARING PUBLIC HEARING ON JUNE 3, 2024 AT 6:00 PM AT MODESTO CITY SCHOOLS STAFF DEVELOPMENT CENTER / BOARD ROOM

Regarding

NOTICE OF PUBLIC HEARING AND OF PROPOSAL FOR INCREASING SCHOOL FACILITIES FEES AS AUTHORIZED BY GOVERNMENT CODE SECTION 65995

PLEASE TAKE NOTICE that immediately following a public hearing on the matter, a resolution will be considered by the Governing Board of Modesto City Schools at its regular meeting on June 3, 2024 at 6:00 PM located at Staff Development Center Building Board Room, 425 Locust Street, Modesto CA, which if adopted by the Board will increase development fees established by the District against residential construction and reconstruction by the maximum of \$3.10 per square foot (60% of the established maximum fee) within Modesto City Elementary School District and a maximum of \$2.07 per square foot (40% of the established maximum fee) within Modesto City High School District. Commercial or industrial construction will also be increased to the maximum of \$0.50 per square foot (60% of the established maximum fee) within Modesto City Elementary School District and a maximum of \$0.34 per square foot within Modesto City High School District, although some areas may see a lower fee based on agreements with the local elementary school districts. The proposed fees are authorized by Government Code Section 65995. Data pertaining to the cost of school facilities is available for inspection during regular business hours at the District's Planning and Facilities Office, 1311 Woodland Ave, Suite C, Modesto, CA. The increased fee, if approved by the Governing Board, will become effective on August 2, 2024, which is 60 days after the proposed adoption of the resolution levying such fee by the Governing Board.

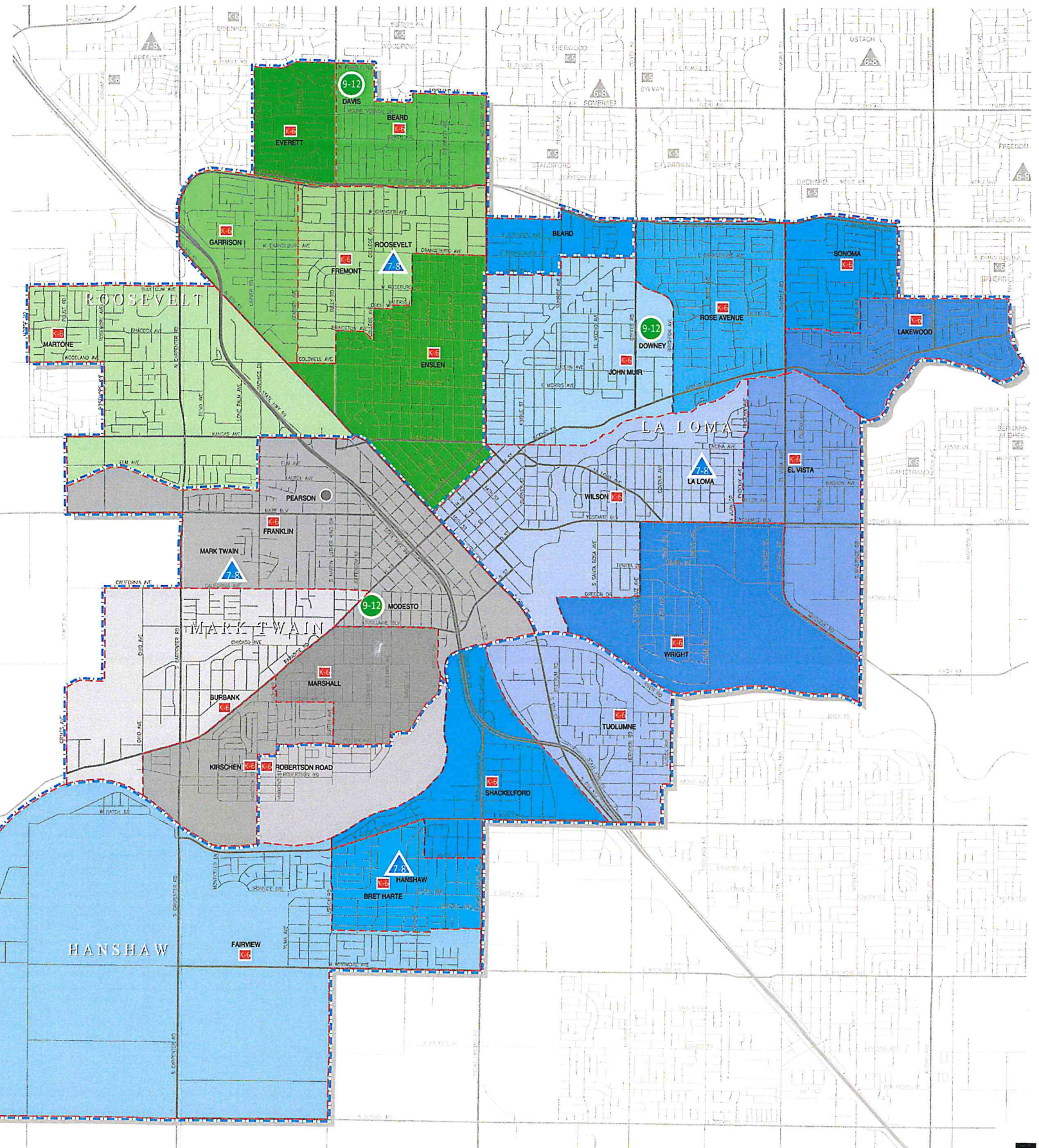
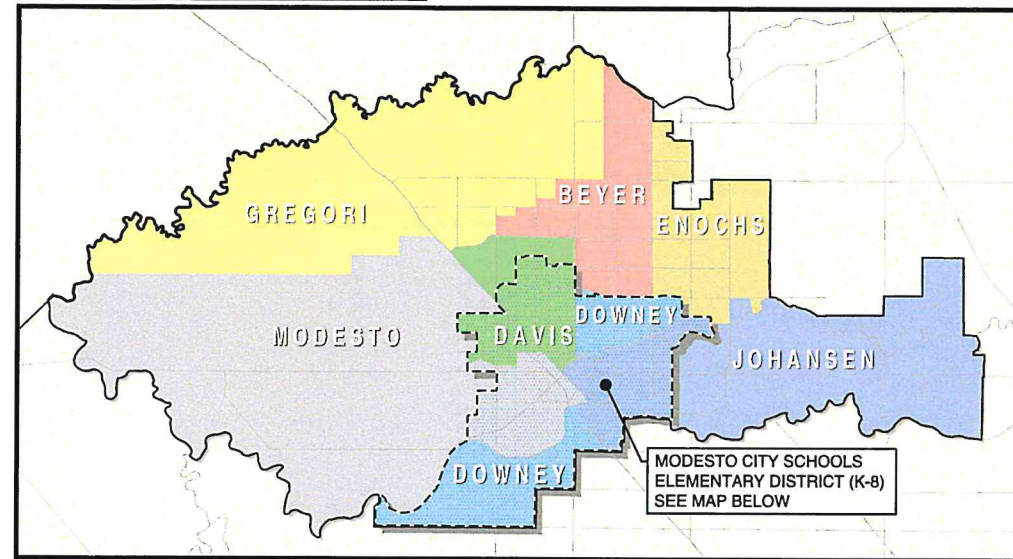




Modesto City Schools

ELEMENTARY DISTRICT (K-8)

MODESTO CITY SCHOOLS HIGH SCHOOL DISTRICT



MODESTO CITY SCHOOLS DISTRICT STUDENT TRANSITION

SCHOOL DISTRICT	ELEMENTARY SCHOOL	MIDDLE SCHOOL	HIGH SCHOOL
MODESTO CITY SCHOOLS	Beard (East)	Roosevelt	Davis
	Beard (West)	Roosevelt	Davis
	Burbank	Mark Twain	Modesto
	Franklin	Mark Twain	Modesto
	Marshall	Mark Twain	Modesto
	Westview	Mark Twain	Modesto
	Eastview	Mark Twain	Modesto
	Shackelford	Mark Twain	Modesto
	Robertson Road	Mark Twain	Modesto
	Elmwood	Mark Twain	Modesto
	Wright	Mark Twain	Modesto
	Blue River	Mark Twain	Modesto

MAP LEGEND

SCHOOLS

- ELEMENTARY (Red square)
- MIDDLE (Blue triangle)
- HIGH (Green circle)

MODESTO HIGH SCHOOL DISTRICT FEEDER SCHOOL

AREA WITHIN MODESTO HIGH SCHOOL DISTRICT

AREA OUTSIDE DISTRICT

ATTENDANCE BOUNDARIES

- FEEDER (Red dashed line)
- ELEMENTARY DISTRICT (Blue dashed line)

Please consult the district website for the most current information. If you need additional information please contact the district office at 520-1000.

Prepared by Modesto City Schools Department of Planning and Facilities Support & GIS Engineering Inc. September 28, 2011

0 0.25 0.5 0.75 1.0 Miles

MODESTO CITY SCHOOLS
Planning and Facilities Support
2011-2012 School Year