

Additional Information and Correspondence

- **Memo and Information (re: School funding - Charlie Blanchard)**
- **Memo, attachments (re: Impact Fees - Susan Moffet)**
- **Email trail (re: GGF at LBNL from Fern Tiger)**

Subject: info for GGF Task Force

From: Charles Blanchard <clb_home@pacbell.net>

Date: 11/08/2011 5:22 PM

To: Fern Tiger <fern@ferntiger.com>

CC: Marla Stephenson <mstephenson@albany.k12.ca.us>, Patricia Low <patjlow@gmail.com>

Hello Fern - I have prepared a short summary related to potential impacts of GGF development on the AUSD budget - much of this is background material on education funding. My intent was to help educate other members of the Task Force and to save you some work. Please feel free to let me know if you think that the attached document fails to do either of those two things. If it is potentially useful, I would be happy to have you include it in our next packet.

I sent an earlier draft to Superintendent Marla Stephenson and Board President Pat Low, and they are cc'd on this message as well. However, this summary is not an AUSD document and it has not been reviewed or approved by AUSD staff or Board. Errors and omissions are entirely my responsibility.

-- Charlie Blanchard

— Attachments: _____

Albany Unified School District budget_3.doc

27.5 KB

Charles Blanchard prepared the following summary of the Albany Unified School District (AUSD) budget. This summary is not an AUSD document.

Boards of education must adopt their annual budgets by June 30 each year for the budget year of July 1 through June 30. Both revenues and expenditures must be projected. Uncertainty is a major challenge. Mid-course corrections are made in December (“first interim budget”) and February (“second interim budget”). When a Board approves the adopted and interim budgets, it must certify that the school district will be able to meet its financial obligations for the current and two subsequent school years.

The AUSD 2010-11 final budget revenues were \$40.6 million (excluding \$11.9 million that passed through the AUSD budget because AUSD hosts an administrative unit for special education that serves five school districts).

\$19.2 million (48%) of the 2010-11 AUSD revenues were from “revenue limit sources” (revenue that is limited by Proposition 13). About \$5.8 million (30% of the \$19.2 million) came from property taxes and the remainder came from state aid.

State aid is a result of the state policy of equalization, which ensures that every school district receives a defined amount of revenue per student (technically, per average daily attendance, or ADA). When local property taxes do not suffice to provide the base revenue per ADA, the state makes up the difference. If local property tax revenues increase, the state aid portion is reduced. (A district whose property tax revenues provide more than the base revenue per ADA does not lose those revenues).

For the 2010-11 budget, the state determined that revenue should be \$6362 per student (based on the requirements of Proposition 98, the “education guarantee”), but that state budget shortfalls would only permit provision of \$5219 per student. For AUSD, the difference of \$1143 per ADA translated to a \$4.2 million loss of revenues relative to the funding level that is normally guaranteed by Proposition 98. Compared to 2007-08, when the state provided \$5796 per student, AUSD 2010-11 revenues declined by \$2.1 million.

In previous years, many local school districts adopted parcel taxes to enhance revenues. Parcel taxes are not part of the revenue limit portion of revenues and the amount of state aid does not decrease if a district adopts a parcel tax. Albany voters approved parcel tax measures in 1987, 1999, and 2005 – their combined revenues accounted for \$4.4 million of the 2009-10 total AUSD revenues (or 14% of total revenues).

In November 2009, Albany voters approved Measure I, which added a new 5-year emergency parcel tax to help compensate for losses of state funding, and Measure J, which combined the three earlier parcel taxes (without increasing them). The initial Measure I and J amounts were \$149 per residential parcel (now \$151) and \$555 per residential parcel (now \$563) (the Board is permitted to adjust the amounts by no more than the annual San Francisco-Oakland-San Jose consumer price index). The 2010-11 parcel tax revenues were \$5.8 million.

The initial Measure I and J amounts for non-residential property were 3 cents and 11 cents, respectively, per square foot of land area.

Golden Gate Fields contributes approximately \$700,000 in parcel tax revenues to AUSD (109 acres x 43,560 sq ft per acre x \$0.142 per sq ft). Conversion of private property to public property results in a loss of parcel tax revenues that is proportional to the area of land converted from private to public ownership (each acre is \$6186).

Members of the AUSD Board of Education have expressed concerns about both revenue loss and about the stability of future revenue. Parcel tax revenues are stable because they are received directly by AUSD without passing through the county or state, and because they do not vary with changes in business or personal income.

Measure I provides about \$1.2 million per year, which only partially offsets the losses of state funding that have occurred since 2007-08. If state per-student funding remains depressed, AUSD will need new sources of revenue beyond the sunset year for Measure I (2015) and probably sooner.

California state education code section 17620 authorizes the governing board of any school district “to levy a fee, charge, dedication or other form of requirement against any development project for the construction or reconstruction of any school facilities.” The original maximum rates established in 1986 were \$1.50 per square foot of residential construction and \$0.25 per square foot of commercial and industrial construction. Annual inflation adjustments increased those amounts to \$2.97 per square foot of residential construction and \$0.47 per square foot of commercial and industrial construction. An April 2008 “Developer Fee Justification Study” prepared for AUSD projected an enrollment increase to 3812 students by 2016-2017 (already exceeded in 2009-2010). Each new residential unit was projected to add 0.412 students and increase school facilities costs by \$7284 (\$6.07 per square foot of new residence). New residential development was projected to generate school facilities costs of \$946,960 through 2016-2017 and new developer fee revenues of \$464,880 (\$46,488 per year for 10 years). The actual developer fee revenues were \$46,251 in 2010-11.

Key points:

- Parcel taxes and property taxes are different.
- Albany’s property tax revenues would have to triple before they could begin to increase AUSD funding.
- State funding is 18% below Proposition 98 requirements.
- The Measure I emergency parcel tax revenue does not offset loss of state education funding, and Measure I will sunset in 2015.
- Developer fees authorized by California education code do not cover the costs of new facilities.

To: Fern Tiger
From: Susan Moffat
Date: Nov. 8, 2011

Dear Fern,

I would appreciate it if you could share this memo and the attached survey on impact fees with the Task Force. School districts generally charge fees to developers based on the square footage or unit count of new construction. The attached national survey shows that fees in California can range from \$3,075 to \$8,486 per unit of housing and \$330 to \$470 per thousand square foot of commercial development.

If you could also share the attached information sheets on impact fees on Sequoia Union High School District, it has not only fees but useful background information.

The following web sites also have information on school impact fees:

<http://www.impactfees.com/state-local/state.php>

http://www.hcd.ca.gov/hpd/housing_element2/CON_fees.php

The national survey noted above also has some information on fees for park creation that are also typically charged with new development. It would be useful to have more California-specific information on this subject.

It would also be useful to discuss the impact of state and regional requirements on local jurisdictions to build a certain number of units of housing. California's climate change legislation (AB32/SB375) requires each region to create a Sustainable Communities Strategy that allocates housing growth in a way that reduces emissions by encouraging transit-oriented development in established communities with existing transit and utility infrastructure. While the Strategy is a work in progress, it will tend to require building more housing in places like Albany than in sprawling exurban locations.

Thanks for sharing this information with the group.

Susan



Sequoia Union High School District

480 James Avenue • Redwood City • California • 94062 – 1098
Maintenance and Operations • (650) 369-1411 x2290 or x2203

Impact Fees

Information & Instructions Handout

For: Building Permit Applicants

From: Belmont, Las Lomitas, Menlo Park, Portola Valley, Ravenswood, Redwood City, San Carlos and Woodside Elementary School Districts, and the Sequoia Union High School District. In addition, the Sugarloaf Mountain area of the City of San Mateo is also included as part of the Belmont Elementary School District.

Subject: Assembly Bill 2926 (STIRLING) – SCHOOL IMPACT FEES

This handout is intended to help you understand the provisions of Assembly Bill 2926 and how they affect the processing of building permits by the respective cities, county and school districts.

F.A.Q. – (Go to www.impactfees.com for additional information about impact fees)

WHAT IS AN IMPACT FEE?

- A. Effective January 1, 1987, Assembly Bill 2926, Section 17620 in the California Government Code, authorizes school districts to levy school impact fees on new residential, commercial, and industrial development. The fees vary by elementary school districts. **The legislation provides that no building permit may be issued until the districts certify that any fees due have been paid.**
- B. An impact fee is not a tax you pay every year. It is a one time fee assessed for new construction or reconstruction and/or additional space being added to an existing structure (s).
- C. The amount of the District's fees as authorized by Education Code Section 17620 shall be reviewed every two years to determine if a fee increase according to the adjustment for inflation set forth in the statewide cost index for Class B construction as determined by the State Allocation Board is justified.

HOW DOES THIS AFFECT MY PROJECT?

- A. If your project is subject to school impact fees, the respective city or the County of San Mateo, will not be able to issue your building permit until the applicable school districts (both elementary and high school) have verified payment of the impact fees.
- B. The Sequoia Union High School District will certify to the city or the County of San Mateo in writing, that your obligations under Government Code Section 17620 have been met. You may of course, make application for your building permit so that plan checking and other standard reviews can proceed, but the permit **will not** be issued and construction **may not** begin until the school impact fees have been paid and the respective city or county building department has received certification of payment.

WHY ARE THESE FEES NECESSARY?

- A. Additional development projects within the District, whether new residential construction or residential reconstruction involving increases in assessable area greater than 500 square feet, or new commercial or industrial construction, will increase the need for reconstruction of school facilities.

Revised – 11/12/09
By: aricci

Page 1 of 4

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(Continued)

- B. Without the addition of new school facilities, and/or reconstruction of present school facilities, any further residential development projects or commercial or industrial development projects within the District will result in a significant decrease in the quality of education presently offered by the District.
- C. Substantial residential development and commercial or industrial development is projected within the district's boundaries and the enrollment it would produce which will exceed the capacity of the schools within the district. As a result, conditions of overcrowding will exist, which will impair the normal functioning of the district's educational programs.

WHAT ARE THE REVENUES COLLECTED USED FOR?

Impact fees can only be spent on capacity-enhancing capital facilities.

HOW ARE THE FEES CALCULATED?

Fees are calculated based on new or additional square footage of livable space. Basements and stairways are also considered as assessable living space. A current fee rate schedule is attached to assist you with calculating a budget for your project. (See Page 4)

WHAT IF MY PLANS CHANGE?

Any revisions to your original plans will need to be reassessed. Please bring your revised set of plans to our office for reassessment. Please note that the building department will not be able to approve the revised plans or allow you to proceed with the construction until they have received certification that additional school fees have been paid.

ARE FEES REFUNDABLE?

Yes. All projects that have been cancelled or abandoned at any time can apply for a full refund. We will need a letter from the building department specifically stating the cancellation and/or abandonment for the address of the project in which the fees were paid on. Please allow 3 to 4 weeks to receive your refund.

EXCLUSIONS AND EXEMPTIONS:

Exclusions:

- a. Covered but **not** enclosed space such as patios and walkways
- b. Garages and Carports
- c. Barns and Green Houses
- d. Residential projects that are 500 square feet or less

Exemptions:

- a. Church or Temple Sanctuaries
- b. Government Buildings
- c. Private Schools
- d. Senior Citizen Housing

(Continued)

HOW TO PROCEED AND WHERE DO I GO TO PAY MY FEES?

- A. Applicants that are demolishing an existing structure and replacing it with a new one are required to obtain a "Unit Appraisal Record" from the County Assessors Office. They are located at 555 County Center on the 1st Floor in Redwood City. Their phone number is 650-363-4500. They will ask you for your APN number to print this three page report. There will be a small fee. This report will list the history of the property and the square footage of the existing structure to be demolished. The total square footage of the existing property will then be credited against the new square footage of your project (*excluding garages*). The fees are then calculated on the net difference.
- B. The next step is to bring the "Unit Appraisal Record" along with a copy of your floor plans to our office. We are located at 480 James Ave., Redwood City, CA 94062. Go to the Maintenance Building located directly across from the District Office. Our office hours are Monday through Friday, from 8:00 a.m. – 11:30 a.m. and then 1:00 p.m. – 3:30 p.m. For questions or assistance, please call 650-369-1411 ext. 2290 or 2203.
- C. You will be given an application to complete. Your application will be issued an impact fee receipt number for tracking and correspondence purposes. Your plans will be reviewed by the Director of Maintenance and Operations within one to two working days. Always call before returning to pay your fees just to verify that your project has been reviewed and fees have been calculated. When you return to pay your fees, please make sure to bring two (2) separate checks. ***We do not accept cash or credit cards for payment.*** One will be issued payable to the Elementary School District and the other is payable to the Sequoia Union High School District. If you would like to know the amounts ahead of time, please call the office for assistance.
- D. If your project is 500 square feet or less, no fee will be assessed. If your project is over 500 square feet, fees will be assessed based on the rate per square foot by the total square footage of your project. (*Please see rate schedule on the last page attached*) You will then be given a signed, goldenrod copy of your application for your records. ***NOTE: The building department is not allowed to release your permit to you unless they have seen a copy of the verification receipt regardless of whether or not fees were due.*** Show your copy to them and they will give you your permit.

Maintenance and Operations Department

Impact Fee Schedule *(For all cities within our district)*

Atherton, Belmont, County of San Mateo, East Palo Alto, Menlo Park, Portola Valley, Redwood City, San Carlos and Woodside.

Elementary School District & Project Type	Approved Fee	E.S.D.	S.U.H.S.D.
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(Please note: Fees vary by city)

Belmont - Redwood Shores - (last rate increase - 11/15/09)			
Residential.....	\$2.970	1.578	1.392
Commercial.....	\$0.470	0.252	0.218
Mini-Storage.....	\$0.300	0.018	0.012
Las Lomas - (last rate increase - 8/28/08)			
Residential.....	\$2.970	1.782	1.188
Commercial.....	\$0.470	0.282	0.188
Menlo Park - (last rate increase - 5/10/08)			
Residential.....	\$2.970	1.782	1.188
Commercial.....	\$0.470	0.282	0.188
Portola Valley - (last rate increase - 11/15/09)			
Residential.....	\$2.970	1.578	1.392
Commercial.....	\$0.470	0.252	0.218
Ravenswood - (last rate increase - 5/10/08)			
Residential.....	\$2.970	1.782	1.188
Commercial.....	\$0.470	0.282	0.188
Mini-Storage.....	\$0.060	0.036	0.024
Redwood City - (last rate increase - 10/27/08)			
Residential.....	\$2.970	1.782	1.188
Commercial.....	\$0.470	0.282	0.188
Mini-Storage.....	\$0.050	0.030	0.020
San Carlos - (last rate increase - 8/13/07)			
Residential.....	\$2.970	1.578	1.392
Commercial.....	\$0.470	0.252	0.218
Woodside - (last rate increase - 8/13/07)			
Residential.....	\$2.970	1.578	1.392
Commercial.....	\$0.470	0.252	0.218

NATIONAL IMPACT FEE SURVEY: 2008¹

This paper summarizes the results of a detailed survey of impact fees that individual jurisdictions across the country are charging. Unlike in-kind developer exactions, impact fees are expressed in dollars and have published fee schedules, making it easy to compare fees charged by different jurisdictions. The results of the survey reveal where impact fees are most common, how much jurisdictions in various states are charging, and the types of facilities for which fees are being charged. Comparisons with surveys from previous years also shows how fees have been changing over time.

Structure of the Survey

The survey that follows this introductory text² contains, for each jurisdiction, the amount of impact fees (and similar charges) by type of facility (roads, water, wastewater, etc.) for five typical land use types: single-family detached, multi-family, retail, office and industrial. Residential fees are per dwelling unit; nonresidential fees are per 1,000 square feet of building area. The “updated” column gives the date we last verified the fee amounts, not the date that the jurisdiction adopted the fees.

The survey data is presented in 35 sheets, seven sheets for each of the five land use types. The jurisdictions are listed in alphabetical order, by state, county and jurisdiction. The last page for each land use summarizes average fees by state and for the nation. For example, page seven (of the survey data, not this summary text) provides the average fees for single-family detached units.

What Qualifies as an Impact Fee?

The multitude of names used to refer to impact fees is one obstacle to developing an accurate survey of such fees. Common terms used to refer to impact fees include “capacity fees,” “facility fees,” “system development charges” and “capital recovery fees.” Their common characteristics are that (1) they are charged only to new development, (2) they are standardized fees as opposed to ad hoc, negotiated payments and (3) they are designed and used to fund capital improvements needed to serve growth.

Utility Connection Fees. Water and wastewater connection fees that are used to fund growth-related capital improvements should be classified as impact fees. However, connection fees often mix impact fee components with service fees that cover other types of costs, such as the purchase of a water meter, the inspection of the connection, or the administrative cost of establishing a new customer account. This presents the researcher with a problem. Counting only clearly-labeled water and wastewater impact fees is likely to under-represent them, but seldom are there sufficient resources to interview local officials to determine what portion of a connection fee is actually an impact fee. In addition, because water and wastewater fees preceded other kinds of impact fees, they are often less controversial than other types of impact fees. For these reasons, it is often useful to look at “non-utility” impact fees separately from total impact fees.

¹ prepared by Clancy Mullen, Duncan Associates, Austin, TX on October 4, 2008

² if the full survey is not attached, it can be obtained from www.impactfees.com

Fees-in-Lieu. Fees charged in-lieu of land dedication for parks and schools are conceptually very similar to impact fees, and should also be counted in an impact fee survey. Essentially, they function much like an impact fee for the land component of the facility. Indeed, some communities use an impact fee for the construction cost component, and combine that with a land dedication/fee-in-lieu requirement for the land component. In California, park fees in-lieu of land dedication are known as “Quimby fees,” after the name of the 1966 state act authorizing such fees. Because they are not labeled as impact fees, land dedication fees-in-lieu are often overlooked in impact fee surveys.

Development Taxes. Another class of fee that is functionally very similar to an impact fee is the development tax, which is sometimes also referred to as a development excise tax, privilege tax or facilities tax. This is a tax that only applies to new development, often on a per square foot basis, and is earmarked for capital improvements. For example, Boulder, Colorado hired consultants to conduct a nexus study and adopted an ordinance that had all of the trappings of an impact fee ordinance, including earmarking of funds for specific types of capital facilities and providing credit against the charges for developer-constructed improvements, but instead of adopting them as impact fees adopted them as development taxes. This survey includes development taxes.

Some Caveats

The results of impact fee surveys can be misinterpreted. This can be avoided if the reader keeps the following caveats in mind.

Not Exhaustive Samples. Like most impact fee surveys, this survey only includes communities that charge some impact fees, and excludes those that do not. Thus, an “average impact fee” must be understood as an average fee for those communities that charge impact fees, not as an average for all communities. Although in California state limits on local taxing authority and relatively liberal impact fee enabling legislation have combined to make impact fees virtually universal, in most other parts of the country, communities that have impact fees (other than the ubiquitous water and wastewater connection fees) still tend to be in the minority.

Not Random Samples. Impact fee surveys tend to be opportunistic. For the most part, the inclusion of a community is determined by how readily available the information is. Communities that post their fee schedules on their web site are more likely to be included in a survey than communities that do not. Consultants who compile surveys are more likely to include communities that have been clients or that are in the same region with former clients. For example, our firm compiled extensive surveys of impact fees in Arizona and Florida for client communities in those states. For these reasons, the fact that a state is not well represented in a national survey does not necessarily mean that the state does not have many impact fees (although that may be true).

Average Total Fee or Sum of Average Fees. In this chapter, average fees are presented for a variety of capital facilities. These averages exclude communities that are represented in the survey but do not charge impact fees for the particular facility type. One could sum these average fees by facility type, but this “sum of the average fees” does not represent the average fee for communities that charge impact fees. A more meaningful statistic, and the one reported here, is the “average of the total impact fees” charged by all communities represented in the survey.

Only Published Fees. The fact that a community does not charge a particular impact fee does not mean that developers make no contributions to that type of capital facility. This is particularly true in

the case of roads, because many communities without road impact fees require developers to dedicate right-of-way and often to make substantial improvements to abutting roadways as a condition of development approval. In communities with road impact fees, developers who are required to make in-kind contributions receive credit against their impact fees for the value of those contributions. Thus, developers may contribute more on average to the cost of major road improvements in communities without road impact fees than in communities with modest road impact fees.

Eligible Facilities

State enabling legislation obviously influences the kind of impact fees that local governments enact. In most states, local governments have the authority to impose impact fees for water and wastewater facilities, although they may be called something else. The types of facilities that are eligible for impact fees in the various state impact fee acts are listed in Figure 1 (it should be noted that water and wastewater impact fees may be authorized under separate legislation).

**Figure 1
FACILITIES ELIGIBLE FOR IMPACT FEES BY STATE**

State	Roads	Water	Sewer	Storm Water	Parks	Fire	Police	Library	Solid Waste	School
Arizona (cities)	■	■	■	■	■	■	■	■	■	
Arizona (counties)	■	■	■	■	■	■	■	■	■	
Arkansas (cities)	■	■	■	■	■	■	■	■	■	■
California	■	■	■	■	■	■	■	■	■	■
Colorado	■	■	■	■	■	■	■	■	■	■
Florida	■	■	■	■	■	■	■	■	■	■
Georgia	■	■	■	■	■	■	■	■	■	■
Hawaii	■	■	■	■	■	■	■	■	■	■
Idaho	■	■	■	■	■	■	■	■	■	■
Illinois	■	■	■	■	■	■	■	■	■	■
Indiana	■	■	■	■	■	■	■	■	■	■
Maine	■	■	■	■	■	■	■	■	■	■
Montana	■	■	■	■	*	■	■	*	*	*
Nevada	■	■	■	■	■	■	■	■	■	■
New Hampshire	■	■	■	■	■	■	■	■	■	■
New Jersey	■	■	■	■	■	■	■	■	■	■
New Mexico	■	■	■	■	■	■	■	■	■	■
Oregon	■	■	■	■	■	■	■	■	■	■
Pennsylvania	■	■	■	■	■	■	■	■	■	■
Rhode Island	■	■	■	■	■	■	■	■	■	■
South Carolina	■	■	■	■	■	■	■	■	■	■
Texas (cities)	■	■	■	■	■	■	■	■	■	■
Utah	■	■	■	■	■	■	■	■	■	■
Vermont	■	■	■	■	■	■	■	■	■	■
Virginia****	■	■	■	■	■	■	■	■	■	■
Washington	■	■	■	■	■	■	■	■	■	■
West Virginia	■	■	■	■	■	■	■	■	■	■
Wisconsin (cities)	■	■	■	■	■	■	■	■	■	■

* may be imposed by super-majority vote

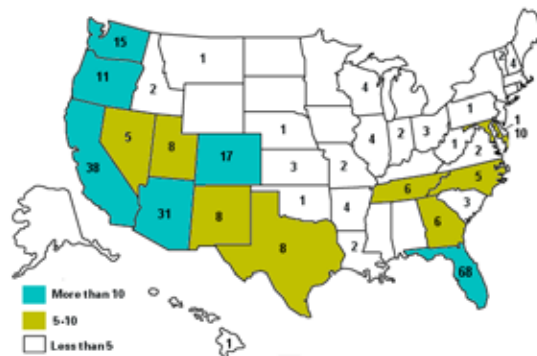
Source: Clancy Mullen, *Summary of State Impact Fee Acts*, 2008 (www.impactfees.com)

It is noteworthy that only nine states authorize school impact fees. School impact fees are found almost exclusively in Florida, California, Washington and Maryland (where they are authorized in some counties by special acts of the legislature). School impact fees tend to be high fees that are imposed only on residential development, and their prohibition in most of the country is an indication of the political clout of homebuilder associations.

Fee Incidence by State

As noted earlier, this survey is opportunistic, so the number of jurisdictions represented in the survey is not proportional to the actual incidence of impact fees. Nevertheless, the survey jurisdictions do provide some indication of the states where impact fees are most common. The 2008 survey includes 280 jurisdictions. Not surprisingly, the surveyed jurisdictions are concentrated in the South and West, especially Washington, Oregon, California, Arizona, Colorado and Florida (see Figure 2).

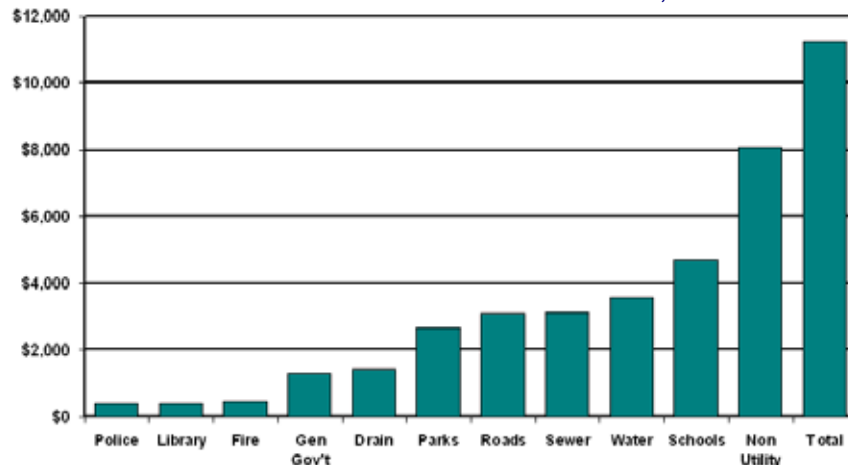
Figure 2
SURVEY JURISDICTIONS BY STATE, 2008



Average Fees by Facility Type

Average impact fees per single-family detached dwelling by type of facility are graphically illustrated in Figure 3. The total amount of impact fees charged by jurisdictions surveyed in 2008 averages \$11,239. Excluding utility fees, the average total fee is \$8,093. School impact fees, although not charged in many states, are the highest, followed by water, wastewater, road and park impact fees. Police, fire and library fees, on the other hand, tend to be relatively low. General government facility impact fees and stormwater drainage impact fees are relatively uncommonly charged—general government fees are not authorized in most states, and drainage fees are difficult to implement because they generally must be based on a comprehensive drainage master plan.

Figure 3
NATIONAL AVERAGE FEES PER SINGLE-FAMILY UNIT, 2008



Average Fees by Land Use

Average impact fees by land use type are presented in Table 2 and illustrated in Figure 4. Except in the few states where school fees are charged,³ road, park and utility fees are the primary components of total fees for residential land uses. Other types of fees tend to be small (fire, police, library) or infrequently charged (general government or drainage). For nonresidential land uses, park fees are seldom charged, and road and utility fees are the dominant components of the total fee.

Figure 4
AVERAGE FEES BY LAND USE, 2008

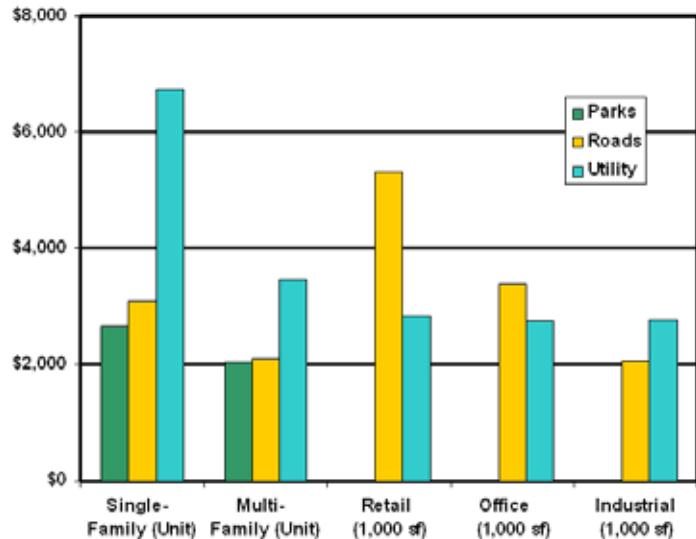


Table 2
AVERAGE FEES BY TYPE AND LAND USE, 2008

Facility Type	Single-Family (Unit)	Multi-Family (Unit)	Retail (1000 sf)	Office (1000 sf)	Indus. (1000 sf)
Roads	\$3,077	\$2,095	\$5,327	\$3,381	\$2,067
Water	\$3,584	\$1,706	\$1,130	\$1,108	\$1,108
Wastewater	\$3,141	\$1,746	\$1,683	\$1,648	\$1,678
Drainage	\$1,415	\$868	\$1,081	\$868	\$1,055
Parks	\$2,667	\$2,042	**	**	**
Library	\$394	\$296	**	**	**
Fire	\$452	\$347	\$397	\$338	\$243
Police	\$377	\$289	\$487	\$313	\$201
General Government	\$1,257	\$994	\$625	\$587	\$597
Schools	\$4,693	\$2,562	**	**	**
Total Non-Utility*	\$8,093	\$5,569	\$6,180	\$4,294	\$2,918
Total*	\$11,239	\$7,092	\$7,022	\$5,257	\$3,955

* totals do not represent sum of average fees, since not all jurisdictions charge all types of fees

** rarely charged to nonresidential land uses, with the exception of school fees in California

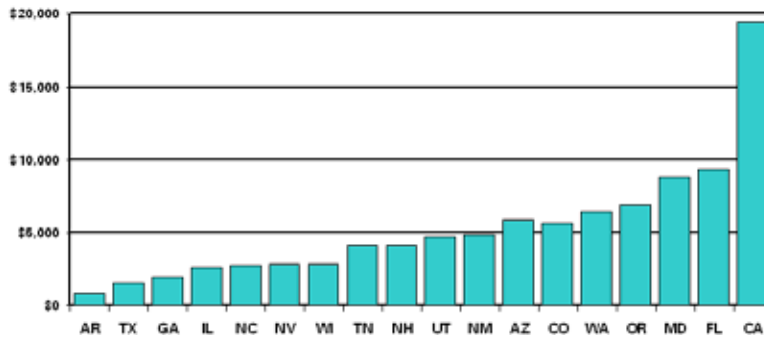
Source: Duncan Associates, 2008 survey of 280 jurisdictions

³ Florida, Washington and Maryland have extensive and significant school impact fees. California's school fees are widespread, but are capped by State law at a relatively modest level.

Average Fees by State

Average single-family impact fees, excluding water and wastewater utility fees, are illustrated for states with at least four jurisdictions included in the 2008 survey in Figure 5. Total fees for the majority of states start at less than \$1,000 in Arkansas and, with the exception of three states, peak at under \$7,000. It is not a coincidence that the three states with the highest fees – California, Florida and Maryland – are all states with large numbers of school impact fees, which as seen earlier are the highest facility fee per single-family unit. The average total single-family fee in California (\$19,506) is more than double that of the second-highest state, Florida (\$9,320). It is probably also not a coincidence that the states with the most jurisdictions charging fees are also the states with the highest fees.

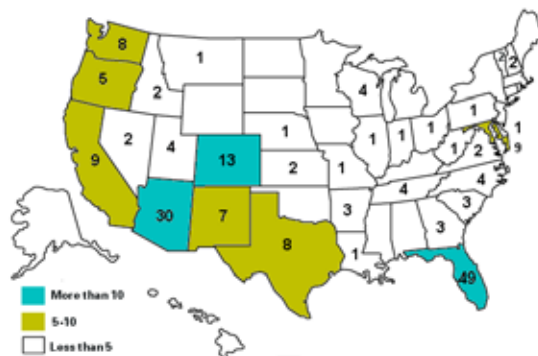
Figure 5
AVERAGE NON-UTILITY FEE PER SINGLE-FAMILY UNIT BY STATE, 2008



Fee Increases, 2004-2008

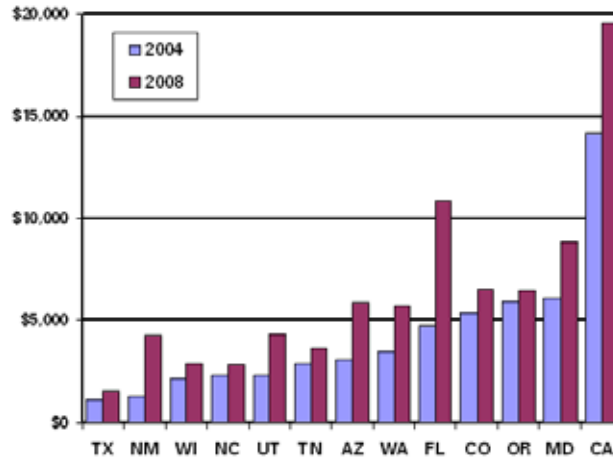
Impact fee amounts have increased significantly since this survey was published in 2004. At that time, the survey had 197 jurisdictions, compared to 280 jurisdictions currently. Comparing average fees from the 2004 and 2008 surveys could be misleading, however, since we could have added some jurisdictions that already had high fees in 2004, but were not included in the 2004 survey. In order to avoid this effect, average fees are compared for the 185 jurisdictions included in both surveys. While California is unfortunately under-represented, the 2004-2008 constant sample is otherwise fairly robust and representative of the incidence of impact fees around the country (see Figure 6).

Figure 6
NUMBER OF JURISDICTIONS BY STATE, 2004-2008 CONSTANT SAMPLE



First, let's look at increases in total non-utility fees charged by our constant-sample jurisdictions in each state (Figure 7 and Table 3 below). These increases are the result of two factors: (1) jurisdictions raising fees that they already charged in 2004 and (2) jurisdictions adopting new impact fees. Our observations are restricted to the 13 states with at least four jurisdictions in the constant sample. Nationally, the total non-utility fee per single-family unit increased 76 percent over the four-year period, from \$4,236 to \$7,455. This represents an annual average increase of about 15.2 percent

Figure 7
TOTAL NON-UTILITY SINGLE-FAMILY FEE, 2004-2008



Florida experienced the most growth in non-utility impact fees over the four-year period in absolute terms, more than doubling the average fee per single-family unit from \$4,752 to \$10,846 per unit. Florida went from the fifth-highest to the second-highest average total non-utility impact fee in the nation, after California.

Table 3
TOTAL NON-UTILITY SINGLE-FAMILY FEE BY STATE, 2004-2008

State	Sample Size	2004	2008	Increase	Percent Increase
Texas	8	\$1,160	\$1,520	\$360	31%
New Mexico	7	\$1,314	\$4,276	\$2,962	225%
Wisconsin	4	\$2,180	\$2,887	\$707	32%
North Carolina	4	\$2,304	\$2,830	\$526	23%
Utah	4	\$2,334	\$4,324	\$1,990	85%
Tennessee	4	\$2,878	\$3,644	\$766	27%
Arizona	30	\$3,127	\$5,929	\$2,802	90%
Washington	8	\$3,482	\$5,682	\$2,200	63%
Florida	49	\$4,752	\$10,846	\$6,094	128%
Colorado	13	\$5,373	\$6,568	\$1,195	22%
Oregon	5	\$5,969	\$6,458	\$489	8%
Maryland	9	\$6,144	\$8,856	\$2,712	44%
California	9	\$14,178	\$19,536	\$5,358	38%
Total Survey	185	\$4,236	\$7,455	\$3,219	76%

Source: Duncan Associates, constant sample survey of 185 jurisdictions.

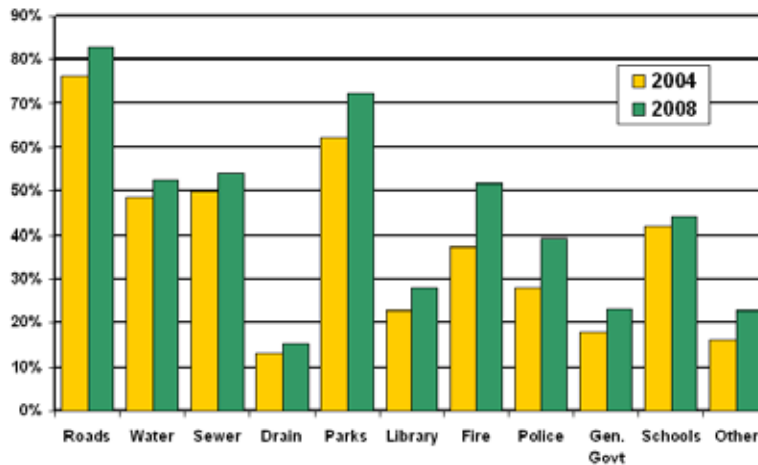
Within our constant sample of 185 jurisdictions, an increase in the average total fee charged can be the result of two different trends: adopting new fees and raising existing fees. Many new fees were adopted over the four-year period, as shown in Table 4 and illustrated in Figure 8. On average, another six percent of the jurisdictions were charging each type of impact fee at the end of the four years. The increase was greatest for fire, police and park fees, and lowest for drainage and school fees.

Table 4
JURISDICTIONS CHARGING FEES, 2004-2008

Type of Fee	Number of Jurisdictions			Percent of Jurisdictions		
	2004	2008	New	2004	2008	New
Roads	141	153	12	76%	83%	6%
Water	90	97	7	49%	52%	4%
Wastewater	92	100	8	50%	54%	4%
Drainage	24	28	4	13%	15%	2%
Parks	115	134	19	62%	72%	10%
Library	42	52	10	23%	28%	5%
Fire	69	96	27	37%	52%	15%
Police	52	73	21	28%	39%	11%
General Government	33	43	10	18%	23%	5%
Schools	78	82	4	42%	44%	2%
Other	30	42	12	16%	23%	6%

Source: Duncan Associates, constant sample survey of 185 jurisdictions

Figure 8
% OF JURISDICTIONS CHARGING FEES, 2004-2008



In addition to adopting new fees, jurisdictions are also raising existing fees for individual types of facilities (and/or adopting new fees at levels higher than the average). Only relatively modest increases were seen in water and wastewater utility impact fees, which are the oldest types of impact fees, and in library and drainage impact fees, which are relatively rare types of fees. Instead, the biggest increases have been seen in non-utility fees, particularly for roads and schools. In dollar terms, the biggest increases have been in school and road fees. The school fee increases have been occurring primarily in Florida (school impact fees are only allowed in a few states, and in California they are capped and can increase only with the cost of living). Increases in road fees have been a bigger factor in driving up total fees in most other areas of the country. Road fee increases have been driven largely by increases in oil prices, which have driven up the cost of asphalt. With the exception of drainage impact fees, which are the least common type, and library fees, which are also relatively uncommon, all of the other types of fees increased by significantly more than construction costs, which increased 17.9 percent from 2004 to 2008.⁴

Figure 9
INCREASE IN SINGLE-FAMILY FEES BY TYPE, 2004-2008

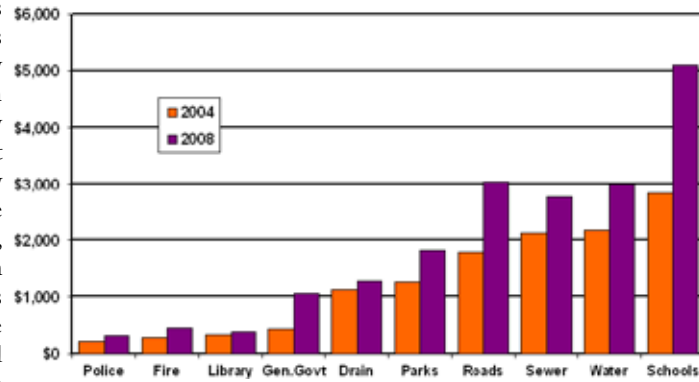


Table 5
AVERAGE FEES BY TYPE, SINGLE-FAMILY UNIT, 2004-2008

Type of Fee	2004	2008	Increase	Percent Increase
Police	\$216	\$314	\$98	45%
Fire	\$281	\$445	\$164	58%
Library	\$331	\$383	\$52	16%
General Government	\$425	\$1,055	\$630	148%
Drainage	\$1,124	\$1,295	\$171	15%
Parks	\$1,272	\$1,822	\$550	43%
Roads	\$1,798	\$3,039	\$1,241	69%
Wastewater	\$2,141	\$2,769	\$628	29%
Water	\$2,187	\$2,995	\$808	37%
Schools	\$2,837	\$5,107	\$2,270	80%
Total Non-Utility*	\$4,236	\$7,455	\$3,219	76%
Total*	\$6,090	\$10,264	\$4,174	69%

* totals do not represent sum of average fees, since not all jurisdictions charge all types of fees
Source: Duncan Associates, constant sample survey of 185 jurisdictions

⁴ *Engineering News-Record* Construction Cost Index, October 2004 to October 2008

Fee Increases, 2007-2008

More recent trends can be observed by comparing the last two surveys. The 2007 and 2008 surveys are almost identical in terms of the jurisdictions included. The only differences are that one Florida county was added, and four Florida cities were dropped because of the difficulty of getting information for them. The 279 jurisdictions included in both surveys increased their impact fee on average by about 9 percent over the last year (see Table 1 below).

Table 1
AVERAGE SINGLE-FAMILY FEES BY FEE TYPE, 2007-2008 CONSTANT SAMPLE

Facility Type	2007	2008	Increase
Police	\$359	\$376	4.7%
Library	\$378	\$397	5.0%
Fire	\$421	\$455	8.1%
General Government	\$1,150	\$1,266	10.1%
Stormwater Drainage	\$1,360	\$1,415	4.0%
Parks	\$2,484	\$2,679	7.9%
Roads	\$2,886	\$3,088	7.0%
Sewer	\$2,938	\$3,141	6.9%
Water	\$3,333	\$3,584	7.5%
Schools	\$4,382	\$4,723	7.8%
Total, Non-Utility*	\$7,455	\$8,108	8.8%
Total, All Fee Types*	\$10,387	\$11,276	8.6%

* totals do not represent sum of average fees

Source: Duncan Associates, constant sample survey of 279 jurisdictions.

The slowdown in the growth of non-utility impact fees, from an average rate of 15.2 percent over the last four years to 8.8 percent this last year, may be attributable to the housing downturn. A few jurisdictions in hard-hit Florida, for example, lowered their fees in a vain attempt to reverse the effects of the housing crisis by stimulating residential construction. Despite the obvious fact that the problem is one of over-supply, some governing bodies reasoned that they were not getting much impact fee revenue anyway, and that reducing fees would signal their sympathy with the plight of the home builders, even if it would have no real effect on reviving the construction industry. DeSoto County, Florida, for example, suspended its impact fees, which had been adopted in 2006, as of January 1, 2008, and refunded all the fees that had been collected.⁵ Charlotte County, Florida rolled back its impact fees to 1998 levels, a decrease of \$6,328 for a typical single-family unit. In the eight months before the January 1, 2008 rollback, the County had been issuing an average of 57 single-family permits a month; in the eight months since for which data are available, the County has issued on average only 30 permits a month.⁶ Marion County, Florida cut its residential fees by \$4,000 for a 90-day period; when asked if the impact fee cut had boosted the economy as intended, Commissioner Jim Payton, one of the prime advocates for the reduction, conceded that “if it did, we were in really bad shape.”⁷

⁵ It is difficult to tell if this had any effect, because DeSoto County has never been a high-growth area, issuing on average less than ten single-family permits a month.

⁶ Building permit data from the U.S. Census (<http://www.census.gov/const/www/permitsindex.html>)

⁷ *Ocala Star Banner*, “The Impact of Impact Fees,” September 27, 2008

Summary

Impact fees and similar development charges are not universal; they are found primarily in the South and West, and are relatively rare in the Northeast and Midwest. Total impact fees charged in 2008 average \$11,276 per single-family unit in our current sample of 280 jurisdictions, and are significantly higher in California than in the rest of the country. School impact fees are the highest single fee for residential development, and total single-family fees are highest in three states where school impact fees are authorized by statute and regularly imposed (California, Florida and Maryland). Aside from schools, the biggest fees are for roads, parks and water and wastewater utilities.

Over the last four years, utility fees increased at about twice the rate of construction cost inflation, while non-utility impact fees increased significantly more rapidly. On average, total non-utility impact fees charged by a constant sample of 185 jurisdictions increased by about 76 percent, or about 15.2 percent each year. This increase was the product of jurisdictions adopting new types of fees and increasing existing fees. The increases were most pronounced in Florida, where school fees, which saw the biggest increases, are becoming more common and are being aggressively increased. A more widespread factor was the increase in road impact fees, driven by increases in oil prices.

Over the last year, the pace of increase has slowed. Total non-utility fees charged by a constant sample of 279 jurisdictions went up only 8.8 percent. This more moderate rate of growth in the amount of impact fees charged may reflect the reluctance of governing bodies to increase fees or adopt new types of fees in the midst of the housing downturn.

Subject: Re: Developer Open House
From: "Sadie Mitchell" <Sadie@dceplanning.com>
Date: 11/01/2011 8:27 AM
To: <fern@ferntiger.com>, <ari.huber@stronachgroup.com>
CC: <pfanning@newellrea.com>, <dlinney@nextgeneration.org>, <brianhuse@gmail.com>, <bpollard@albanyca.org>, <liz@ferntiger.com>, <david@dceplanning.com>

Dear Fern,

Thank you for your response. I understand your concerns and the potential for confusion. I appreciate your insight and will be happy to make sure that future flyers incorporate your suggestions.

Sadie

----- Reply message -----

From: "Fern Tiger" <fern@ferntiger.com>
Date: Mon, Oct 31, 2011 4:29 pm
Subject: Developer Open House
To: "Sadie Mitchell" <Sadie@dceplanning.com>, "Ari Huber" <ari.huber@stronachgroup.com>
Cc: "PFanning" <pfanning@newellrea.com>, "Doug Linney" <dlinney@nextgeneration.org>, "Brian Huse" <brianhuse@gmail.com>, "Beth Pollard" <bpollard@albanyca.org>, "liz newman" <liz@ferntiger.com>

Hi Sadie -

I'm sorry, but I cannot distribute your flyer because it refers rather prominently to a "Public Meeting." Public meetings are hosted by governments and observe and respect certain protocols. Your Open House is wholly sponsored and facilitated by the developer to make a presentation (and of course to solicit comments and questions which I assume you will respond to).

Unfortunately, these sessions and flyers have already caused a good deal of confusion as they imply that they are something they are not. We have had calls from people thinking this is sponsored by the city-sanctioned Task Force; some think it sounds as if LBNL has already made a decision because of the title "LBNL at Golden Gate Fields;" and some think it implies that the sessions are sponsored by LBNL (mostly because there is no "signer" to any of these messages and because the developer's name does not appear anywhere). The flyers are misleading. If this is not your intention, then I would suggest that you write a retraction explaining that this is NOT a public meeting (although open to the public); not connected to either the city of Albany or Voices to Vision; and send out a new flyer that accurately states who is sponsoring these sessions.

Actually, we've noted this before with regard to earlier notices being sent by the Stronach Group (but without reference to the sender -- no explanation of who the "we" and "us" are), and the issue has been raised in public by the Task Force in early meetings (most especially at the October 9 meeting). This, however, is the first time you've inferred (actually stated clearly) that your session is a "Public Meeting," which it is not.

I trust that future correspondence and campaign information will be more careful about the use of common terms that have meanings within engaged communities.

Fern

PS - Once you have the retraction and a new email, please forward to me.

On 10/31/2011 2:42 PM, Sadie Mitchell wrote:

Fern,

At last night's taskforce meeting a number of taskforce members discussed the Open House's being held at Golden Gate Fields. We would appreciate it if you could forward this flyer advertising the Open House to all taskforce members so that they can be informed about the events and hopefully attend.

Thank you,

Sadie Mitchell, LEED AP | Project Planner

THE PLANNING CENTER | DC&E

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<<http://www.dceplanning.com/>>

From: Golden Gate Fields Team [<mailto:goldengatefieldsteam@gmail.com>]
Sent: Friday, October 28, 2011 1:43 PM
To: goldengatefieldsteam@gmail.com
Subject: Golden Gate Fields Open House: Sustainable Design Presentation

Dear Friends,

Please join us at the next Public Meeting to learn more about
LBNL's Second Campus at Golden Gate Fields.

On Tuesday, November 1st, David Johnson of William McDonough + Partners will describe the sustainability principles that are fundamental to the design of the proposed second campus for Lawrence Berkeley National Laboratory at Golden Gate Fields. William McDonough + Partners is a world renowned Architecture and Community Design Practice dedicated to creating places where people and nature can thrive together.

It's another chance to partner with us as we further refine this exciting

project.

Open house from 4:00 to 7:00 p.m.

Presentation will be made at 5:30 p.m.

Wizard Room

Golden Gate Fields

1100 Eastshore Highway, Berkeley, CA

We hope you can join us for this presentation. No need to RSVP.

We look forward to seeing you there.

For more information, please visit our website at <http://lbnlatggf.com/>
<<http://advocacy.lyris.net/t/92665/64312874/1410/0/>>

*If you would like to be removed from this mailing list, please feel free write goldengatefieldsteam@gmail.com and let us know