

## **Section 12**

### **Increased Demand for Schools**

This section describes how development associated with the *City of Modesto Urban Area General Plan* (UAGP) would affect demand for school services.

#### **A. ENVIRONMENTAL SETTING**

The following information is provided in accordance with Section 15125 of the California Environmental Quality Act (CEQA) Guidelines. This environmental setting is the baseline for determining whether an impact of the UAGP is significant.

##### **1. Study Area for Direct Impacts**

The study area for direct impacts related to schools is the UAGP planning area.

##### **2. Study Area for Cumulative Impacts**

This analysis will be based on the plan and projection approach to examining cumulative impacts, as provided under State CEQA Guidelines Section 15130(b)(1)(B). Pertinent plans and projections to be used for this purpose are the UAGP and projections of the school districts serving Modesto. The study area for cumulative impacts to schools includes the limits of the school districts serving the UAGP planning area.

##### **3. Existing Physical Conditions in the Study Area**

Modesto is served by eight (8) school districts: Modesto City Schools (MCS), Hart-Ransom Union, Stanislaus Union, Salida Union, Sylvan Union, Paradise Elementary, Empire Union, and Keyes Union. The Riverbank Unified and Oakdale Joint Unified school districts, located immediately north and east, respectively, of the Modesto planning area, serve a small number of students living within the Modesto planning area; similarly, the Hughson Unified and Ceres Unified School Districts serve some students living near Modesto's southern city limits. The majority of the city is served by the MCS district, which includes elementary schools, middle schools, and high schools.

The MCS district has experienced significant growth in decades past. Between 1980 and the fall of 2005, the enrollment in kindergarten through 12th grade has increased from 18,294 to 33,312, representing an 82 percent increase. As of 2015, MCS K-12 enrollment has stabilized at approximately 30,000 students. The District's 22 elementary schools remain at capacity. While on a traditional schedule currently, any substantial enrollment growth at the K-6 grades will require new facilities or schedule modifications, such as year round schools. To address years of high school enrollment overcrowding MCS has constructed two new comprehensive high schools in the past nine years. James C. Enochs High School, in the Village One Specific Plan Area opened in the

fall of 2006 and has capacity for 2,500 students. The Joseph A. Gregori High School on a 79-acre site on Stoddard Road east of State Route (SR) 99 in the Salida area opened in 2010 with a 2,500 student capacity (Meredith pers. comm. 2015).

According to the *Hart-Ransom Elementary School: School Accountability Report Card*, Hart-Ransom School facilities are currently in good repair, and no new major construction or modernization has been identified. The elementary school campus includes 19 permanent classrooms and 21 portable classrooms. A new multi-purpose building was opened in 2011 after a year of construction. (Hart-Ransom Union School District 2015)

The Stanislaus Union School District completed construction of a new elementary school in 2004 (Mary Lou Dieterich), and completed renovation and new construction at Prescott Junior High School in 2013 (Watson pers. comm. 2015).

In the Salida Union School District, additional schools are under consideration in response to residential development, and it is anticipated that within ten to 15 years, an elementary and a middle school will be constructed in the district (Silva pers. comm. 2015).

The Sylvan Union School District expanded its capacity in the Village One area through the construction of new schools. The district opened the 800-student Mary Ann Sanders Elementary School on August 6, 2007, and the 1,200-student Daniel J. Savage Middle School on August 27, 2007. Both schools are located in Village One, and are nearing capacity. In addition, the District purchased land for an elementary school in the Tivoli Specific Plan area. Pending new development, a new school is planned in the Tivoli Specific Plan area within the 2020-2025 timeframe (Gregory pers. Comm. 2015).

There is currently one (1) school in the Paradise Elementary School District. No schools are currently under construction or expansion or are planned for construction within the next 20 years (Speckman pers. comm. 2015).

There are six (6) schools in the Empire Union School District: five K-6 elementary schools; and, Glick Middle School (grades 7-8). District enrollment has been flat or slowly declining, ranging from around 4,000 students in the early 2000s to approximately 3,000 students during the 2014/15 school year. Near-term new facilities will consist of re-locatable classroom buildings, as needed. Routine maintenance such as paving and electrical / mechanical systems will continue (Wall pers. comm. 2015).

In the Keyes Union School District, Barbara Spratling Middle School was opened on January 8, 2002. No substantial new projects are currently planned within a 2020-2025 timeframe. Minor remodeling and/or the addition of portable classrooms may occur. (Hines pers. comm. 2015).

Modesto Junior College (MJC) operates two campuses in Modesto within the Yosemite Community College District: the East Campus between College Avenue and Tully Road; and, the West Campus at Blue Gum and Carpenter Avenues. In the 2014-15 academic year, the total enrollment was approximately 23,500 students between both campuses. The college is systematically removing old buildings and replacing them with new buildings. Several East campus buildings have been modernized over the last ten years. The West Campus is made up of mostly new buildings, constructed in the last fifteen years. There are a few remaining buildings on West campus which are World War II vintage buildings, part of a military hospital at the time. As new buildings are constructed, these older buildings are demolished. The Facilities Master Planning Committee has

begun work on preparing a facilities master plan for MJC that will guide the renovation of existing buildings and the construction of new buildings. The general goal of the committee is to improve college facilities that will enable dynamic, innovative education for residents of the community (Abbott pers. Comm. 2015).

#### **4. Existing Policies Applying to the Study Area**

Below is a comprehensive list of major federal, state, and local (Stanislaus County [County] and City of Modesto [City]) policies in effect that apply to the study area. This list provides the full range of applicable policies that a project within the study area potentially would need to comply with, including policies beyond the jurisdiction of the City. This list of laws, regulations, and programs also serves to describe the circumstances under which the master environmental impact report (Master EIR) analyzes this environmental topic.

A discrete reference number, following the initials of the resource topic, is assigned to each policy or policy summary listed to facilitate its identification elsewhere in this Master EIR or, where appropriate, its incorporation as a mitigation measure into subsequent projects analyzed under this Master EIR.

##### **a. Federal Regulations**

There are no directly applicable federal policies.

##### **b. State Policy**

Under the current education funding approach, the state sets operating fund revenue limits for schools, intended to equalize educational opportunities across the state. To the extent that a school's share of local property taxes does not reach the appropriate level, the state apportions funds to make up the difference. Modesto schools receive the majority of their operational funds from the state.

School construction and modernization funding is provided by a mix of state, school district (generally from property taxes, special taxes, and general obligation bonds), and developer fee sources. Upon the passage of Proposition 1A (a \$9.2 billion competitive school bond measure) on November 3, 1998, the provisions of Senate Bill (SB) 50 became effective. SB 50 altered the method by which school facilities to serve new development are constructed in California.

SB 50 prohibits a city from denying a residential project on the basis of inadequate school capacity (Government Code Section 65995). SB 50 also limits the fees that can be imposed on new development (Government Code Section 65995). Under SB 50, payment of development impact fees, in addition to specified other funding options, is established to be full mitigation of environmental impacts on schools (Government Code Section 65997). This law does preserve the traditional power of cities to use a general plan and zoning ordinance to reserve or designate areas for schools.

Proposition 1A bond funds were depleted by June 2002. The passage of Proposition 47, the Kindergarten-University Public Education Facilities Bond Act of 2002, in November 2002 provided a fresh \$13.05 billion source of funding for SB 50. Proposition 55, a companion bond measure, was passed in 2004 under the same name to provide an additional \$12.3 billion for school construction. Similarly, in November 2006, the Public Education Facilities Bond Act of 2006 was passed. It will provide up to \$7.1 billion for kindergarten-through-12th-grade school construction.

California Government Code Section 65995 and Education Code Section 17620 authorize school districts to impose facility mitigation fees on new development as a method of addressing increasing enrollment resulting from that development. California Government Code Section 65995 authorizes a residential development fee of \$1.93 per square foot of assessable area to assist in financing facilities needed to serve growth. This fee is adjusted over time. Pursuant to Government Code Section 65997, when the local district is availing itself of state financing, payment of development fees provides for full and complete mitigation of school impacts.

School construction, including modernization projects, is funded separately from educational programs. Because school construction and modernization involves physical changes to the environment, it will be a focus of this analysis.

### **c. Stanislaus County Policies**

There are no directly applicable County policies related to Modesto schools.

### **d. City of Modesto Policies**

An objective of the UAGP is to place a hierarchy of schools in close proximity to the residential areas that they may serve, to maximize the opportunity for children to walk or bike to school, minimize the extent of busing, reduce the use of private vehicles, and maximize the use of adjoining school and park facilities.

In 1991, the Modesto City Council established policies that address the impacts of new development. Any new development must provide funding mechanisms, land, or facilities to fully meet any increased demand to school services (Modesto City Council Resolution 91-134). This policy has been superseded by SB 50 limitations.

The UAGP has the following policies relating to schools.

#### **(1) Public Schools Policies—Baseline Developed Area**

- S-1:** Neighborhoods should contain sufficient K-12 schools necessary to serve them. Locate schools on Collector streets, preferably at or near the intersection of two Collector streets. Locate neighborhood parks (see Chapter VI for parks standards) adjacent to school sites. New schools and parks should be surrounded by streets on all sides wherever possible to encourage access by walking and bicycling. (UAGP Policy III-C.8)

- S-2:** For families with young children, the proximity of schools within easy walking distance is a strong criterion in their evaluation of housing choices. School districts are encouraged to involve the City in deliberations regarding any contemplated school closures as early as possible. Consistent with state statutes, school districts are encouraged to include extensive community participation in the process to close any existing schools. (UAGP Policy VI.I.1)
- S-3:** Continue to require that developers pay, prior to issuance of any building permit, the maximum residential, commercial, and industrial development school fees in effect. This requirement is in accordance with the provisions of State law. (UAGP Policy VI.I.2)

## **(2) Public Schools Policies—Planned Urbanizing Area**

- S-4:** Directly involve School Districts in the lead time for planning of infrastructure. (UAGP Policy VI.I.3)
- S-5:** Public schools should be central to neighborhoods. Schools, placed conveniently to the residents to be served, will maximize opportunities for students to walk and bike to school. Opportunities should be explored for joint school / park development when planning new schools. The option for joint acquisition and development of school and park sites should be continued. (UAGP Policy VI.I.4)
- S-6:** Land for new school facilities should generally meet the following minimum space requirements:
1. Elementary schools—ten (10) acres (gross)
  2. Middle schools or junior high schools—20 acres (gross)
  3. High schools—50 acres (gross). (UAGP Policy VI.I.5)
- S-7:** All of the policies for “Public Schools – Baseline Developed Area” apply equally in the Planned Urbanizing Area. (UAGP Policy VI.I.6)

## **5. Policies That Reduce Impacts**

The following policies are in effect and have been determined to reduce, avoid, or mitigate environmental impacts within the existing city limits, and within the Planned Urbanizing Area as annexation and development occur. The specific policy reference numbers are listed, and the full text of these policies is found, in Section A-4 above, *Existing Policies Applying to the Study Area*.

The construction, maintenance, and day-to-day operations of schools are not governed by the City. Pursuant to Government Code Section 53094, a school board, by a two-thirds vote, may exempt itself from zoning requirements. As a result, school districts are responsible for the actual implementation of school facilities. Therefore, the City’s role in the implementation of the above policies would be limited to coordination with the affected school districts. Proposed General Plan amendment policies S-1 through S-7 facilitate provision of adequate school facilities. Pursuant to

Government Code Section 65997, payment of school fees by development constitutes full mitigation under CEQA. Therefore, with payment of fees, there is no environmental impact(s) relative to schools.

## **B. CONSIDERATION AND DISCUSSION OF SIGNIFICANT IMPACTS**

The following information is provided in accordance with State CEQA Guidelines Section 15126.2.

### **1. Thresholds of Significance**

The proposed UAGP amendment could result a significant impact(s) relative to schools if new student population exceeds the school system capacity, or if the project conflicts with established educational uses of the area, except to the limits established under SB 50 / Proposition 1A as subsequently amended.

### **2. Significant Direct Impacts**

Complete development of the adopted Modesto planning area would result in a city of an estimated population of up to 390,000 residents. This corresponds to approximately 140,000 households, as identified in the General Plan.

Based on student generation factors of approximately 0.271 elementary school students, 0.083 middle school students, and 0.176 high school students per single-family household (McGarry pers. comm.), continued development in the Modesto planning area through 2040 could generate up to approximately 35,000 elementary school students, 10,700 middle school students, and 22,800 high school students. Assuming that existing facilities could not sufficiently accommodate this increase and that all of the new students would require new school facilities, continued development of the Modesto planning area would result in the need for approximately 53 elementary schools, eight middle schools, and nine high schools beyond existing levels. These estimates are derived using maximum enrollment numbers that school districts typically use for school design plans: 600 students per elementary school, 1,200 students per middle school, and 2,400 students per high school (California Department of Education 2000).

Furthermore, according to Modesto City Schools' Director of Planning and Research Dana McGarry, Modesto City Schools' elementary attendance areas within the City's planning area do not have excess capacity to accommodate impacts of any new residential development. The schools in the City's planning area are on year-round schedules and have no space for portable classrooms. Additional junior high students generated by new development would need to be accommodated by the expansion of existing schools and likely would not require a new campus (McGarry pers. comm.).

This increased demand for school facilities would result in a significant impact on schools in that it would exceed current capacity. By statute, however, this impact would be mitigated below a level of significance through the payment of school impact fees and the exercise of any or all of the financing options set forth in Government Code Section 65997.

Future school construction would result in environmental impacts. However, the location, size, and timing of future schools are under the authority of the various school districts that will undertake CEQA analyses of those facilities before they are approved and constructed. Because these facilities would be considered under separate CEQA analyses, and because the City would have no approval authority or any other related responsibility, no analysis is required in this document.

### **3. Significant Cumulative Impacts**

CEQA and the State CEQA Guidelines require the disclosure of the significant cumulative environmental impacts, whether the project will make a cumulatively considerable contribution to any such impacts, and, if so, mitigation measures intended to reduce the project's contribution (State CEQA Guidelines Section 15130). A cumulative impact is one that results from past, present, and probable future projects. A project that has a less-than-significant direct impact on the environment may make a considerable contribution to a cumulative impact nonetheless.

A cumulative impact analysis first identifies whether a cumulatively significant impact exists in the given resource area. If one does, the analysis determines whether the project will make a considerable contribution to that impact. Where a cumulative impact is severe, even a small contribution may be considerable. Where a project is required to implement or fund its fair share of a mitigation measure designed to alleviate a cumulative impact, its contribution will be rendered less than considerable (Section 15130[a] of the State CEQA Guidelines). Because continued development in the planning area would require impact fees for new school facilities, there would not be a considerable contribution to cumulative impacts. Pursuant to Government Code Section 65997, payment of school fees by development constitutes full mitigation under CEQA. Therefore, there would be no cumulative environmental impact(s) relative to schools. Accordingly, the project would result in a less than significant impact.

### **4. Potential Impacts for Which There Is Insufficient Information to Support a Full Analysis**

Increased demand for schools is a result of the anticipated growth to occur within the City. Site-specific impacts related to new school construction (e.g., traffic, noise, light, and glare) would need to be addressed by the affected school district as sites are selected and schools are constructed.

## **C. POLICIES ADOPTED TO REDUCE SIGNIFICANT EFFECTS**

The following information is provided in accordance with State CEQA Guidelines Section 15126.4.

### **1. Policies That Reduce Direct Impacts**

Proposed UAGP policies (S-1 through S-7, above) constitute conformance with PRC Section 21081.6(b). Furthermore, the payment of school impact fees and compliance with SB 50 and related legislation is statutorily deemed to be full mitigation of impacts related to increased demand for school facilities (Government Code Section 65997).

## **2. Policies That Reduce Cumulative Impacts**

For reasons described above, no further mitigation is required for cumulative impacts pursuant to SB 50.

### **D. MONITORING POLICIES THAT REDUCE IMPACTS**

The following information is provided in accordance with PRC Section 211081.6. The policies identified in this Master EIR have been drawn from the proposed UAGP amendment, and they are implemented by that plan. City staff provides the City Council with an annual report on UAGP implementation; therefore, no separate mitigation monitoring program is required for the UAGP Master EIR.