
	<b>Land Use Services Building and Safety Division Information Bulletin</b>	<b>Number:</b> IB-0013
		<b>Code References:</b> N/A
<b>Building Official Signature:</b> 		<b>Original Effective Date:</b> September 24, 2019
<b>Subject:</b> School Facility Fees		<b>Updated:</b> July 20, 2020

## 1.0 PURPOSE

The purpose of this Information Bulletin is to explain how Building and Safety determines “assessable space” for residential buildings, and “chargeable covered and enclosed space” for commercial or industrial buildings, for the purpose of assessing school fees, in accordance with Section 65995 of the California Government Code, and as authorized under Section 17620 of the Education Code.

## 2.0 HISTORY

Original Effective Date: September 24, 2019; Updated: July 20, 2020

## 3.0 BACKGROUND

Certain school districts in San Bernardino County have qualified under the California Government Code to collect School Facility Fees. There is a square foot rate for residential construction and a different square foot rate for commercial, industrial and senior citizen housing projects construction. All school districts in the County except Morongo Unified collect their own School Facility Fees. For Morongo Unified, refer to agreement #91-1148 approved by the Board of Supervisors on November 4, 1991 and follow the contract provisions as stated.

### I. DEFINITIONS

#### A. Construction

Under the California Government Code, construction means new construction and reconstruction of existing building for residential, commercial or industrial facilities.

#### B. Building Area

Under the California Building Code (CBC) Section 502, building area is defined as the area include within surrounding exterior walls (or exterior walls and fire walls) exclusive of vent shafts and courts. Areas of the building not provided with surrounding walls shall be included in the building area if such area included within the horizontal projection of the roof of floor above. The area within the thickness of exterior walls in included in the calculation of the building area.

#### C. Assessable Space

The California Government Code defines the “assessable space” as all of the square footage within the perimeter of a residential structure, not including carport, walkway, garage, overhang, patio, enclosed patio, detached accessory structure or similar area.

#### D. Chargeable covered and enclosed space

The California Government Code defines “chargeable covered and enclosed space” as the covered and enclosed space determined to be within the perimeter of a commercial or industrial structure, not including any storage areas incidental to the principal use of the construction, garage, parking structure, unenclosed walkway, or utility or disposal area.



## II. RESIDENTIAL CONSTRUCTION

In the case of residential single-family and multi-family construction, the school fee is determined based on the “assessable space.”

The “assessable space” is determined by calculating the “building area” for the building under consideration, excluding the following floor areas:

- A. Balcony
- B. Carport
- C. Court
- D. Deck
- E. Exterior exit balcony (per California Building Code, Chapter 10)
- F. Garage
- G. Gazebo
- H. Laundry room (detached)
- I. Patio (enclosed, unenclosed)
- J. Pool equipment room (detached)
- K. Porch
- L. Shaft floor opening (elevator, vent, trash chute, dumbwaiter)
- M. Shed (detached)
- N. Solarium
- O. Storage room (detached)
- P. Swimming pool, shower, spa (detached, outdoor/indoor)
- Q. Utility room not within building envelope (cable, electric, gas and telephone services)
- R. Unenclosed ground floor walkways

## III. COMMERCIAL OR INDUSTRIAL CONSTRUCTION

In the case of commercial or industrial (non-residential) construction, the school fee is determined based on the “chargeable covered and enclosed space.”

The California Government Code states that “commercial or industrial construction includes, but is not limited to, any hotel, inn, motel, tourist home or other lodging for which the maximum term of occupancy for guests does not exceed 30 days, but does not include any residential hotel.” Residential hotel means any building containing six or more guest rooms or efficiency (dwelling) units, intended or designed to be used, or which are used, rented, or hired out, to be occupied, or which are occupied, for sleeping purposes by guests, which is also the primary residence of those guests.

The “chargeable covered or enclosed space” is determined by calculating the “building area” for the building under consideration, excluding the following areas:

- A. Court
- B. Disposal area
- C. Equipment room (housing mechanical/electrical equipment providing service to the building)
- D. Exterior exit balcony (per California Building Code, Chapter 10)
- E. Garage
- F. Parking structure



- G. Shaft floor opening (elevator, vent, trash chute, dumbwaiter)
- H. Storage (incidental to the principal use)
- I. Utility room (cable, electric, gas, and telephone services)
- J. Unenclosed walkways

#### **IV. MIXED-RESIDENTIAL AND COMMERCIAL OCCUPANCIES**

Where the building occupancy is mixed and includes both residential and commercial/industrial occupancies, the school fees shall be based on the summation of the “assessable space” for the residential occupancy and, “chargeable covered and enclosed space” for the commercial/industrial (non-residential) occupancy.

In multi-family residential facilities, spaces such as the leasing office, laundry rooms, recreation rooms, exercise rooms, or similar spaces which are incidental uses of the residential occupancy, area considered as “assessable space.”

#### **V. CHANGE OF OCCUPANCY**

Where the occupancy classification of a space is changed to residential occupancy from commercial/industrial (non-residential occupancy), the school fees are considered as “assessable space” for the residential occupancy.

#### **VI. RESIDENTIAL CARE FACILITY FOR THE ELDERLY**

Any development project for the new construction of senior citizen housing, a residential care facility for the elderly, or a multilevel facility (residential facility with an intermediate care facility, a skilled nursing facility, or a general acute care hospital) for the elderly, is subject to the limits and conditions applicable in the case of commercial or industrial development.

#### **VII. PHASING OF PROJECTS (PARTIAL PERMITS)**

When the applicant proposes to phase the construction of a development, the school fees shall be paid upon issuance of the permit for the first phase that includes the building, such as the frame. The chargeable square footage will be reconfirmed and may be adjusted on future phases of the project.

#### **VIII. EXCLUSIONS**

The following facilities are exempt:

- A. Any facility used exclusively for religious purposes that is thereby exempt from property taxation under California law.
- B. Any facility used exclusively as a private full-time day school as described in Section 48222 of the California Education Code.
- C. Any facility that is owned and occupied by one or more agencies of Federal, State, or local government.
- D. Residential additions and conversions to residential assessable space when the net additional assessable space is 500 square feet or less. (California Education Code, Section 17620(a)(1)(C)).
- E. School fees shall not be required for the reconstruction of legally-permitted residential dwelling units destroyed by fire, flood, earthquake, etc., as long as the area of the reconstruction does not exceed the square footage of the original structure, plus five hundred (500) square feet. If the area of reconstruction does exceed the square footage



of the original structure, plus five hundred (500) square feet, than school fees shall be required for the square footage beyond that of the original structure.

Example:

Original structure = 1,000 square feet

Area of reconstruction = 1,600 square feet

School fees shall be paid for additional 600 square feet

#### **IX. SCHOOL FEE CREDITS AND EXEMPTIONS**

The County will report to the appropriate school district the applicable “assessable space” or the “chargeable covered and enclosed space” for the new development in accordance with this bulletin.

When the scope of development includes demolition of an existing building in its entirety, and a “Demolition Permit” is issued, the school fee is based on the new construction of the “assessable space” or “chargeable covered and enclosed space”, as applicable. Credits of the school fees for the demolished building may be issued by the appropriate school district.

When the scope of development includes demolition of portion of an existing building, the school fee is based on the net increase in area of the “assessable space” or “chargeable covered and enclosed space”, as applicable.

Issues concerning credits, exemptions, or adjustment of school fees shall be addressed directly to the appropriate school district by the applicant.

#### **X. SCHOOL FEES RATE**

The County of San Bernardino determines “assessable space” for residential buildings, and “chargeable covered and enclosed space” for commercial and industrial buildings (non-residential), for the purpose of assessing school impact fees. The fee amounts are calculated by and paid to the appropriate high school and elementary school districts, or unified school district. The chargeable square footage breakdown for Residential/Non-Residential is displayed in the scope of work.