

RESOLUTION NO. 2025-015

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA, APPROVING A DEVELOPMENT IMPACT FEE WAIVER RELATED TO A PROJECT LOCATED AT 16029 ARROW BLVD AND AUTHORIZING THE CITY MANAGER TO EXECUTE DOCUMENTATION EVIDENCING THE CITY'S APPROVAL OF THE DEVELOPMENT IMPACT FEE WAIVER AND A DEVELOPMENT IMPACT FEE WAIVER AGREEMENT ON BEHALF OF THE CITY

WHEREAS, the City of Fontana (the "City") has received a request from the Water of Life Community Church through City Link (the "Developer"), a California religious non-profit corporation related to a proposal for the development of a multi-use structure located in the City to be used for Developer's charitable operations within the City (the "Project"); and

WHEREAS, the Project will be located at 16029 Arrow Blvd, Fontana, CA 92335 (the "Property"); and

WHEREAS, the City Council of the City (the "City Council") had previously adopted Resolution No. 2019-158 which approved Development Impact Fees ("DIF") pursuant to Government Code, section 66000 *et seq.*, commonly known as the Mitigation Fee Act (the "Act"); and

WHEREAS, Developer, within existing structures, has operated out of being of similar size and nature to the Project constructed on the Property (the "Existing Property"); and

WHEREAS, at or around the time of this Resolution the Existing Property is scheduled to be, or will have been, demolished and therefore the Developer's net impact on the City facilities as a result of the demolition of the Existing Property and the construction of the Project is expected to have an estimated net even impact on the City facilities warranting consideration of waiver of certain DIF applicable to the Project approval process; and

WHEREAS, in addition, Developer's charitable operations within the City provides certain public benefits such as homeless outreach, including but not limited to providing housing and food pantry services to those in need within the City, and such activities furthers the City's efforts of providing for the health, safety, and well-being of City residents; and

WHEREAS, considering the net even impact of the Project and the public benefits Developer provides, the City Council wishes to grant a waiver of certain DIF applicable to the Project, and such waiver shall require the execution of an agreement known as the Development Impact Fee Waiver Agreement (the "Agreement") attached hereto as Exhibit "A" and incorporated herein by this reference, acceptable to the City Council which contains the terms of such waiver; and

WHEREAS, in order to ensure that the Developer and the Project are not disproportionately subject to the DIF and to ensure the Developer is able to continue to deliver the charitable services needed within the City, the Developer has requested that the City DIF applicable to the Project be waived; and

WHEREAS, the City Council is willing to waive the payment of City DIF, in furtherance of ensuring the DIF is only applicable to mitigate the impacts of new development pursuant to the Act and to ensure the substantial public benefits that will be provided by the Project will continue within the City; and

WHEREAS, the estimated total cost of the total DIF to be waived is approximately \$279,158.42, with the actual amount to be determined when all of the Project approvals have been completed; and

WHEREAS, the waiver of the City DIF will be evidenced by the Agreement to be executed between the City and Developer and the City Council now desires to approve such DIF waiver and Agreement.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Fontana, California, as follows:

Section 1. Recitals. The recitals set forth above are true and correct and are hereby incorporated into this Resolution by this reference.

Section 2. Findings. Based on the information provided by City staff, the staff report, and the Agreement, the City Council approves the DIF waiver imposed against the Project in the amount of approximately \$279,158.42, subject to the terms and conditions of the Agreement and based upon the following findings:

A. Limitations. The DIF waiver shall only apply to the certain DIF identified in the Agreement imposed by the City. It shall not apply to any other fees or charges levied by the City, including any category of DIF that is determined to still apply to the project that is not specifically enumerated in the Agreement, nor shall it apply to fees imposed by the County, School District, or any other public entity.

B. Net Even Development Impact. The City Council finds the Existing Property consists of seven structures totaling approximately 26,820 square feet ("sf"), while the Project is proposed to include a total of 27,360 sf or an approximate two percent (2%) difference in total building area.

C. Public Benefit of Charitable Services. Developer has provided and will continue to provide from the Project certain community services such as homeless outreach, including but not limited to providing housing and food pantry services to those in need within the City, and such activities generate a public benefit furthering the City's efforts of providing for the health, safety, and well-being of City residents.

Section 3. Agreement. The City Council hereby approves the Agreement for execution and use.

Section 4. Authorization. The City Council further authorizes the City Manager to execute documentation, including all agreements, evidencing the City Council's approval of the DIF waiver, and to enter into the Agreement in substantially the same form as attached on behalf of the City, with the terms as set forth in the Agreement and this Resolution, and to execute any other documents and carry out any other such actions as are necessary or appropriate to carry out the City Council's direction as set forth herein, including authorizing the City Manager to make any required changes to the Agreement as a result of potential negotiations with Developer.

Section 5. Severability. If any provision of this Resolution or the application of any such provision to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Resolution that can be given effect without the invalid provision or application, and to this end the provisions of this Resolution are severable. The City Council declares that it would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.

Section 6. Effective Date. This Resolution shall become effective immediately upon its adoption.

APPROVED AND ADOPTED this 25th day of February, 2025.

READ AND APPROVED AS TO LEGAL FORM:

City Attorney

I, Germaine Key, City Clerk of the City of Fontana, and Ex-Officio Clerk of the City Council, do hereby certify that the foregoing resolution is the actual resolution duly and regularly adopted by the City Council at a regular meeting on the 25th day of February 2025, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

City Clerk of the City of Fontana

Mayor of the City of Fontana

ATTEST:

City Clerk

EXHIBIT “A”

DEVELOPMENT IMPACT FEE WAIVER AGREEMENT

[Attach Agreement]