

**RESOLUTION NO. 2026-004**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FONTANA, CALIFORNIA, APPROVING A DEVELOPMENT IMPACT FEE DEFERRAL AGREEMENT BETWEEN THE CITY OF FONTANA AND SA GOLDEN INVESTMENTS, LLC FOR A MULTI-FAMILY RESIDENTIAL HOUSING APARTMENT COMPLEX PROJECT AND AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT AND TAKE CERTAIN ACTIONS TO COMPLETE THE TRANSACTION.**

**WHEREAS**, pursuant to California Government Code Section 66000 et seq. (the "Mitigation Fee Act"), the City of Fontana ("City") has exercised its authority to establish and impose development impact fees upon new development within the City of Fontana; and

**WHEREAS**, SA GOLDEN INVESTMENTS, LLC ("Owner") is the owner of that certain real property located at 8153 Banana Avenue., Fontana, CA 92335, in San Bernardino County, California, identified with Assessor's Parcel Number 0230-041-60-0000, on approximately .75 acres of land ("Property"); and

**WHEREAS**, the Owner is constructing a multi-family residential housing development project on the Property consisting of two residential buildings with a total of twenty-four (24) residential units ("Project"); and

**WHEREAS**, in order to assure that the Project is financially feasible and that the Owner is able to deliver the needed affordable housing and supportive services, the Owner has requested that the City's development impact fees imposed in connection with the Project be deferred; and

**WHEREAS**, the City is willing to defer the payment of City development impact fees pursuant to certain terms as set forth in this Resolution, in furtherance of the substantial public benefits that will be provided by the Project.

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

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

**Section 2.** Based on the information provided in the staff report, the City Council authorizes the deferral of payment of the development impact fees levied against the Project on the following terms:

- A. This deferral shall only apply to development impact fees levied by the City. It shall not apply to any other fees levied by the City, nor shall it apply to fees levied by the County, School District, or any other public entity.
- B. If not paid by the Maturity Date, the fees deferred by the City shall accrue interest at a rate of 10% simple interest annually.
- C. Owner shall pay the principal sum of the Deferred Fees 1) within ninety (90) days of the date of issuance of the final occupancy clearance (the "Certificate of Occupancy" or "COO") for Building Permit BLD-24-01341 or 2) the close of escrow date if the Property or the Project is sold, whichever is earlier, but in no event shall the Deferred Fees for the Project be paid later than May 28, 2026.
- D. Owner shall enter into a Development Impact Fee Deferral Agreement with the City to provide the terms and conditions for the deferral of the development impact fees.
- E. City shall record the Development Impact Fee Deferral Agreement against the Property upon full execution by the City and Owner and will file a release of lien when the Deferred Fees plus any interest, charges and fees have been fully paid and satisfied.

**Section 3.** The City Council further authorizes the City Manager to execute a Development Impact Fee Deferral Agreement on behalf of the City in a form as approved by the City Attorney with the terms as set forth in this Resolution, and to execute any other documents and carry out such actions as are necessary or appropriate to carry out the City Council's direction as set forth herein.

**Section 4.** 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 declares that the City would have adopted this Resolution irrespective of the invalidity of any particular portion of this Resolution.

**Section 5.** This Resolution shall become effective immediately upon its adoption.

**Section 6.** The City Clerk shall certify adoption of this Resolution.

**APPROVED AND ADOPTED** this 10<sup>th</sup> day of February 2026.

**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 10<sup>th</sup> day of February, 2026, 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