

## RESOLUTION NO. 2025-010

### **A RESOLUTION OF THE CITY COUNCIL OF RANCHO CUCAMONGA, CALIFORNIA, APPROVING A DEVELOPMENT IMPACT FEE NEXUS STUDY FOR THE COMMUNITY AND RECREATION CENTER IMPACT FEE, LIBRARY IMPACT FEE, ANIMAL CENTER IMPACT FEE, POLICE IMPACT FEE, PARK IMPACT FEES AND FIRE IMPACT FEE, ADOPTING A CAPITAL IMPROVEMENT PROGRAM AS PART OF THE NEXUS STUDY, UPDATING AND ESTABLISHING THE FEE AMOUNTS FOR SUCH DEVELOPMENT IMPACT FEES, AND MAKING A DETERMINATION OF EXEMPTION UNDER CEQA**

#### **A   Recitals.**

1.   The Mitigation Fee Act, contained in Government Code 66000 et seq., permits the City to impose development impact fees on new development for the purposes of funding public facilities necessary to serve that new development.

2.   Rancho Cucamonga Municipal Code Chapters 3.28 (“City-Wide System Fees for Transportation”) (referred to herein as the “Transportation Development Impact Fee”), 3.52 (“Community and Recreation Center Impact Fee”), Chapter 3.56 (“Library Impact Fee”), Chapter 3.60 (“Animal Center Impact Fee”), 3.64 (“Police Impact Fee”), and 3.68 (“Park Impact Fees”) established the City’s current development impact fee program.

3.   The City Council now desires to update the foregoing impact fees on new development to fund the costs associated with the increased demand for such public facilities throughout the City.

4.   The City Council further desires to establish an impact fee on new development to fund the cost of fire protection facilities within the City and utilized by the Rancho Cucamonga Fire Protection District.

5.   Proposed Ordinance No. \_\_\_\_, once effective, will add Chapter 3.80 (“Fire Impact Fee”) to the Municipal Code to establish a Fire Impact Fee.

6.   These existing and proposed Municipal Code provisions will establish the program and the requirements for imposition of development impact fees on development projects, as supported by nexus studies, and provide that the City Council shall, by resolution, impose the specific amount of development impact fees that will be levied on new development in the City for each category of fee.

7. NBS Government Finance Group has prepared the City of Rancho Cucamonga Development Impact Fee Nexus Study dated February 20, 2025, included as Exhibit A ("NBS Nexus Study"). The NBS Nexus Study covers the Park Impact Fees, Community and Recreation Center Impact Fee, Library Impact Fee, Animal Center Impact Fee, Police Impact Fee, and proposed Fire Impact Fee.

8. The NBS Nexus Study identifies the purpose of each fee and the use of each fee, and demonstrates a reasonable relationship between each fee's use, the type of development projects where the fee will be imposed, provides how there is a reasonable relationship between the amount of each fee, and the cost of the public facility or portion of the public facility attributable to the development. In addition, the Nexus Study identifies capital projects necessary to meet the goals, programs and objectives within the City's General Plan.

9. The Nexus Study provides the documentation, detail, and other information required by the Mitigation Fee Act as the basis for the adoption and imposition of the development impact fees for (1) park, (2) community and recreation center, (3) library, (4) animal center, (5) police, and (6) fire facilities. Furthermore, the Nexus Study describes the benefit and impact area on which the development impact fees are to be imposed, lists specific public improvements to be financed through the imposition and collection of the development impact fees, describes the estimated cost of providing the improvements and facilities, describes the reasonable relationship between the development impact fees and the various types of new development, and otherwise satisfies the requirements of the law with regard to the imposition and collection of development impact fees.

10. The facts and evidence presented to the City Council have established that there is a reasonable relationship between the need for new facilities or improvements and the impacts of new development for which a corresponding fee is charged, also that there is a reasonable relationship between the fees' uses and the type of development for which the fees are imposed.

11. There is a reasonable relationship between the development and improvement of parks and residential development that does not involve the subdivision of land for which the fee is imposed, because the additional parks and improvements will improve and expand the City's Park system and thus reduce the risk that the City's increasing population will overuse or overcrowd the City's parks.

12. The City is required to implement the fee program according to various administrative, accounting, reporting, and public notice responsibilities that are specified in the Government Code. These responsibilities require the expenditure of staff time and often include retaining outside advisory services. The City proposes to include a fee to allow for reasonable cost recovery for these administrative costs and proposes a fee of two and one-half percent (2.5%) which is in line with representative implementation costs, including as specified and studied in the “Nexus Study and Residential Feasibility Calculation Templates in fulfillment of AB 602” prepared by the Turner Center for Housing Innovation at UC Berkeley for the California Department of Housing and Community Development.

13. The City has complied with the notice and hearing requirements of state law and the Mitigation Fee Act prior to adopting the Nexus Studies, Capital Improvement Plans, and fees specified in this Resolution, and a notice of public hearing on the development impact fees was mailed as required by law to any interested party who filed a written request with the City Clerk for mailed notice of a meeting on new or increased fees.

14. The City Council opened a duly noticed public hearing at the April 2, 2025, regular City Council meeting, at which time testimony was presented. Thereafter, the City Council continued the public hearing to the City Council’s regular meeting of April 16, 2025, as to the non-transportation impact fees described herein. The City Council re-opened the duly notice public hearing at the April 16, 2025, regular City Council meeting and took further testimony, and closed the public hearing as to the non-transportation fees.

15. The City Council continued the item with respect to the F&P Nexus Study and the Transportation Development Impact Fee to its May 7, 2025, meeting, and took action to approve the NBS Nexus Study and the park, community and recreation center, library, animal center, police, and fire facilities impact fees.

16. Fehr & Peers has prepared the Transportation Development Impact Fee Program Nexus Study dated February 11, 2025; The F&P Nexus Study covers the Transportation Development Impact Fee. It will be considered at the May 7, 2025, continued public hearing.

17. The City Council finds that the record of these proceedings, including the NBS Nexus Study, the City’s General Plan, ordinances and resolutions, the staff report, written correspondence received by the City, and the testimony received at the hearing prior to the adoption of this Resolution held on April 2, 2025, contains substantial evidence to support the imposition and collection of the development impact fees established herein.

18. The City Council has reviewed and considered the development impact fees established herein, and finds that the fees will mitigate some of the impacts associated

with additional capital and infrastructure needs necessitated by new residential and non-residential development in the City.

B. Resolution.

The City Council of the City of Rancho Cucamonga finds and resolves as follows:

SECTION 1. Recitals. The City Council hereby specifically finds that all of the facts and recitals set forth in Part A of this Resolution are true and correct and incorporated as a material part of this Resolution.

SECTION 2. CEQA. The approval of the Nexus Studies, Capital Improvement Plans associated with the Nexus Studies, and the adoption of the development impact fees specified in this Resolution, was reviewed in accordance with the criteria contained in the California Environmental Quality Act ("CEQA") and the State CEQA Guidelines. The City Council finds that approval of the Nexus Studies, Capital Improvement Plans, and the adoption of the development impact fees specified in this Resolution will not have a significant impact on the environment and are exempt from CEQA pursuant to Section 15061(b)(3) of State CEQA Guidelines because these actions involve the adoption of development impact fees and no specific development is authorized by the adoption of the Nexus Studies, Capital Improvement Plans, or the adoption of new or updated development impact fees. Furthermore, the Capital Improvement Program is a prioritizing and funding allocation program and cannot and does not have the potential to cause a significant effect on the environment. No physical activity will occur until all required environmental review is conducted at the time the physical improvements prioritized in the Capital Improvement Program are undertaken at a future unspecified date. Therefore, the approval of the Nexus Studies, Capital Improvement Plans associated with the Nexus Studies, and adoption of the development impact fees does not have the potential for causing a significant effect on the environment. In addition, the adoption of this Resolution approves and sets forth a procedure for determining fees for the purpose of obtaining funds for capital projects and equipment necessary to maintain service within existing service areas and is statutorily exempt from CEQA pursuant to State CEQA Guidelines 15273(a)(4). Also, approval of the Capital Improvement Plans associated with the Nexus Studies, is exempt from the requirements of CEQA pursuant to State CEQA Guidelines Section 15378(b)(4) because the Plan is not a "project" as defined by CEQA, but involves the creation of government funding mechanisms or other government fiscal activities that do not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment.

SECTION 3. Approval of the NBS Nexus Study and Mitigation Fee Act Findings. The City Council hereby approves the NBS Nexus Fee Study, and the findings contained therein. The NBS Nexus Study shall constitute the current "Study" for each respective fee pursuant to Chapters 3.52, 3.56, 3.60, 3.64, 3.68, and the proposed Chapter 3.80 of the Rancho Cucamonga Municipal Code. A copy of the NBS Nexus Study shall be on file with the City Clerk and available during regular City business hours for public inspection. With respect to development impact fees for (1) park, (2) community and recreation center, (3)

library, (4) animal center, (5) police, and (6) fire facilities, the NBS Nexus Study explains (1) the purpose of each impact fee; (2) the use of each impact fee; (3) the reasonable relationship between the use of each impact fee and the development type on which it is imposed; (4) the reasonable relationship between the need for the facilities and the type of development between the need for the type of development on which each fee is imposed; and (5) the reasonable relationship between the amount of the fee and facility cost attributable to the applicable development project. The City Council agrees with the findings set forth in the NBS Nexus Study and adopts them as their own as if set forth in full here.

SECTION 4. Adoption of a Capital Improvement Program. The City Council hereby adopts the amendments to the Fiscal Year 2024/25 Major Projects Program which contains the City's Capital Improvement Program as shown in the attached listing included as Exhibit B to this Resolution as a part of the Nexus Studies.

SECTION 5. Establishing the Amount of Development Impact Fees. The City Council hereby adopts the development impact fee amounts for the Park Impact Fees, Community and Recreation Center Impact Fee, Library Impact Fee, Animal Center Impact Fee, Police Impact Fee, and Fire Impact Fee in accordance with the Amendments to the Master Fee Schedule, attached hereto as Exhibit C and incorporated herein by this reference. The Master Fee Schedule shall be amended to contain the fees and amounts identified therein. The City Council is not readopting or revising the existing fees not identified in this Resolution or analyzed in the Nexus Studies; all such fees and charges remain in place at the current amount.

SECTION 6. Adoption of Methodology for Calculation, Adjustment, and Collection of Development Impact Fees. The City Council adopts the methodology set forth in the NBS Nexus Study for calculating and collecting the development impact fees adopted herein. The amount of the development impact fees shall be adjusted annually in July of each calendar year beginning in 2026, using the Construction Cost Index (CCI), for the Park Impact Fees, the Building Cost Index (BCI) for the Community and Recreation Center Impact Fee, Library Impact Fee, Animal Center Impact Fee, Police Impact Fee, and Fire Impact Fee for the Los Angeles Region both as reported by Engineering News Record (ENR) for the twelve-month period ending in May, or a similar published index if the BCI, CCI, or Caltrans Construction Cost Indexes are no longer available. The City Council hereby authorizes the City Manager, or designee, to make such annual adjustments to certain fees based on an inflationary factors effective July 1 of each year.

SECTION 7. Timing of Payment. All development fees shall be paid when required by the applicable provisions of the Rancho Cucamonga Municipal Code and in accordance with Government Code section 66007.

SECTION 8. Effective Date of Development Impact Fees. Except for the Fire Impact Fee, the development impact fees established by Section 5 of this Resolution shall be effective on the later of: (i) the sixtieth (60th) day following the adoption of this Resolution or (ii) July 1, 2025. The Fire Impact Fee established by Section 5 of this Resolution shall be effective on the later of: (i) the sixtieth (60th) day following the adoption of this

Resolution, (ii) the effective date of proposed Ordinance No. 1038, an ordinance adding Chapter 3.80 ("Fire Impact Fee") to the Municipal Code and establishing the City's program and requirements for the imposition of a fire development impact fees on development projects, or (iii) July 1, 2025.

SECTION 9. Administration Fee. The City shall include an Administration Fee in the not to exceed amount of two and one-half percent (2.5%) of the total project cost for the management of the development impact fee program.

SECTION 10. No Changes to Other City Fees. Nothing in this Resolution shall repeal, amend or supersede any other City imposed fees except for the amount of specific type and category of development impact fee addressed in the Nexus Studies and expressly established by this Resolution.

SECTION 11. If any section, subsection, sentence, clause, phrase or portion of this Resolution is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this Resolution shall nonetheless remain in full force and effect. The City Council hereby declares that it would have adopted each section, subsection, sentence, clause, phrase or portion of this Resolution, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions of this Resolution be declared invalid or unenforceable.

SECTION 12. The City Clerk shall certify to the adoption of this Resolution.

**PASSED, APPROVED, AND ADOPTED** this 16th day of April 2025

AYES:  
NOES:  
ABSENT:  
ABSTAINED:

\_\_\_\_\_  
L. Dennis Michael, Mayor

**ATTEST:**

\_\_\_\_\_  
Kim Sevy, City Clerk

**I, KIM SEVY, CITY CLERK** of the City of Rancho Cucamonga, California, do hereby certify that the foregoing Resolution was duly passed, approved and adopted by the City Council of the City of Rancho Cucamonga, California, at a Regular Meeting of said City Council held on the 2nd day of April 2025.

Executed this \_\_\_\_ day of \_\_\_\_\_, 2025 at Rancho Cucamonga, California

\_\_\_\_\_  
Kim Sevy, City Clerk

**EXHIBIT A**  
**NBS NEXUS STUDY**



**EXHIBIT B**  
**CAPITAL IMPROVEMENT PLANS**

**EXHIBIT C**

**AMENDMENTS TO MASTER FEE SCHEDULE**