

RESOLUTION NO. 10-70

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, AUTHORIZING THE EXTENSION OF THE NEW CONSTRUCTION INCENTIVE PROGRAM

WHEREAS, the City of Lancaster ("City") has enacted, from time to time, various impact fees as well as sewer and recycled water connection fees so as to require the developers of real property within the City to pay for, in part, the monetary impact on the City and other governmental bodies as a result of them developing their property; and

WHEREAS, the current economy, and in particular the real estate market, is not very favorable at this time and as a result, there has been a significant decrease in the number of building permits issued for new construction within the City; and

WHEREAS, the goal of this incentive program is to encourage potential new construction with a fee reduction, if they build a new facility in the City; and

WHEREAS, the City has been approached by several builders and developers that have requested that the City extend its construction incentive program, which would allow said developers and/or builders to be more competitive in the current market in an effort to build and sell additional units; and

WHEREAS, this incentive program will demonstrate to both commercial, residential, and retail developers that the City is committed to continuing a steady rate of growth for building permits issued in the City, which is needed for the economic viability of commercial, residential, and retail developments; and

WHEREAS, the issuance of more building permits for new construction increases employment opportunities for many individuals including, but not limited to, those that live within the City and/or do business within the City; and

WHEREAS, in an effort to help increase the equalized assessed value within the City of Lancaster for the City and its governmental neighbors, the City Council of the City of Lancaster has decided to reenact this Resolution.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, DOES HEREBY FIND, DETERMINE, AND RESOLVE AS FOLLOWS:

Section 1. The City Council hereby finds that the recitals contained in the preamble are true and correct, and incorporate the recitals into this resolution by this reference.

Section 2. The City has been approached by several builders and developers that have requested that the City examine its various fees, which would allow said developers and/or builders to be more competitive in the current market in an effort to build and sell additional units.

Section 3. The City's New Construction Incentive Program shall be instituted for any new construction on any and all property that has been annexed into the City on or before January 1, 2011 as long as a building permit is applied for between January 1, 2011, and June 30, 2011.

Section 4. The City's New Construction Incentive Program shall be limited to the first 300 applications for permit issuance received by the City of Lancaster at its offices at 44933 Fern Avenue, Lancaster, California.

Section 5. The City's New Construction Incentive Program shall provide for the waiving a portion of development impact fees to the Developer of real property.

Section 6. The City shall fund the Building Stimulus Incentive Program by waiving 30% of all city development impact fees collected on each new building permit within the Downtown Lancaster Specific Plan Area, issued between January 1, 2011, and June 30, 2011.

Section 7. The City shall fund the Building Stimulus Incentive Program by waiving 20% of all city development impact fees collected on each new building permit citywide issued between January 1, 2011, and June 30, 2011.

Section 8. Multiple building projects may prepay all development impact fees for all buildings within the project at the discounted rates at the issuance of the first building permit. The non-discounted shall be applicable to all permits issued pursuant to this program for applicants who fail to complete at least 10% of the buildings (rounded to the nearest whole number) for which permits were issued within twelve months of the approval of this program.

Section 9. Should the builder and/or developer of the particular real property in question not be current on all fees owed to the City including, but not limited to, any and all professional fees, the City may withhold the certificate of occupancy until the City is paid its appropriate fees.

Section 10. When the Developer installs a 100% drought tolerant or xeriscape plant palette in the front yard, installation of the rear and side yard landscaping requirements shall be waived. This does not apply to slopes exceeding three feet in height or side yards on corner lots.

Section 11. This program only applies to new construction by builders/developers. It does not apply to real property built by builders or developers prior to the implementation of the Building Stimulus Incentive Program. This program does not apply to fees collected by other agencies or fees collected by the City on behalf of outside agencies.

Section 12. For consideration and to be eligible for the Building Stimulus Incentive Program, the builders and developers that this program is applicable to shall consider purchasing building materials and/or other required goods necessary for the construction of their real property from businesses located within the City of Lancaster which materials and goods shall include, but not be limited to trees and landscaping materials, and shall provide said proposals to the City, upon request.

Section 13. Each section and part hereof of this Resolution is deemed to be severable and should any section or part hereof be held invalid or unconstitutional by any court of competent jurisdiction, such ruling shall not affect the validity or constitutionality of the remaining portion(s) of this Resolution.

Section 14. This Resolution shall be in full force and effect immediately upon its passage and approval and publication as provided by law. All ordinances, resolutions, motions or orders in conflict herewith be, and the same hereby are, to the extent of such conflict, repealed for the time period that the Resolution is in full force and effect, which is up through and including June 30, 2011.

Section 15. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2010, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

APPROVED:

\_\_\_\_\_  
GERI K. BRYAN, CMC  
City Clerk  
City of Lancaster

\_\_\_\_\_  
R. REX PARRIS  
Mayor  
City of Lancaster

STATE OF CALIFORNIA            }  
COUNTY OF LOS ANGELES    }ss  
CITY OF LANCASTER            }

CERTIFICATION OF RESOLUTION  
CITY COUNCIL

I, \_\_\_\_\_,  
City of Lancaster, CA do hereby certify that this is a true and correct copy of the original Resolution No. 10-70, for which the original is on file in my office.

WITNESS MY HAND AND THE SEAL OF THE CITY OF LANCASTER, on this \_\_\_\_\_  
day of \_\_\_\_\_, \_\_\_\_\_.

(seal)

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