

ORDINANCE NO. 964

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, ADDING SECTIONS 17.08.050.A.3.a.3, 17.10.040.G, 17.12.050.A.1.c, 17.12.590.D, AND 17.12.740.A.1.a.3 TO TITLE 17 OF THE LANCASTER MUNICIPAL CODE, TO ALLOW THE USE OF CARGO CONTAINERS FOR THE STORAGE OF PUBLIC EMERGENCY SUPPLIES IN VARIOUS RESIDENTIAL AND COMMERCIAL ZONES, AND THE HOSPITAL ZONE, SUBJECT TO A DIRECTOR'S REVIEW

WHEREAS the City of Lancaster General Plan states that it is the intent of the City to “maintain a level of preparedness to respond to emergency situations, which will save lives, protect property, and facilitate recovery with a minimum of disruption” (Objective 5.1); and, “maintain ongoing coordination and cooperation with participating jurisdictions, and work closely with emergency responders, community partners and residents to engage in comprehensive disaster planning to improve regional capabilities to respond to disaster situations” (Specific Action 5.1.1(c)); and

WHEREAS the City Council further finds and declares that emergency preparedness includes ensuring that adequate emergency supplies are available to emergency responders in appropriate locations throughout the City; and

WHEREAS, the City has been coordinating with the Community Emergency Response Team (CERT) to ensure that emergency supplies are available throughout the City, and CERT members have indicated a need to allow for placement of cargo containers in key locations as the most effective way to ensure that such supplies are available; and

WHEREAS, the City Council hereby finds that modifications are necessary to the City's cargo container ordinance in order to advance the substantial public interest inherent in effective emergency planning, and to balance this interest to the extent possible against potential community aesthetic concerns; and

WHEREAS, the City Council hereby finds that the proposed ordinance will not result in any environmental impacts beyond those disclosed in the final environmental impact report prepared for the City of Lancaster General Plan, and further finds that, pursuant to Section 15162 of the State CEQA Guidelines, no further environmental review is required; and

THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Title 17 of the Lancaster Municipal Code is hereby amended by adding the following Sections:

Add Section 17.08.050.A.3.a.3) to read as follows:

3) Real property utilized for the placement of cargo containers that are used exclusively for the storage of emergency supplies to be used for the benefit of the public by a recognized governmental agency, such as the Los Angeles County Fire Department, in the event of a disaster or emergency situation. Placement of a cargo container for the storage of private supplies is not included in this exemption. Placement of cargo containers for this purpose shall be approved through a Director's Review.

Add Section 17.10.040.G to read as follows:

G. Cargo containers utilized exclusively for the storage of emergency supplies to be used for the benefit of the public by a recognized governmental agency, such as the Los Angeles County Fire Department, in the event of a disaster or emergency situation, may be approved in the MU zones through a Director's Review. Placement of a cargo container for the storage of private supplies is not allowed.

Add Section 17.12.050.A.1.c to read as follows:

c. Real property utilized for the placement of cargo containers that are used exclusively for the storage of emergency supplies to be used for the benefit of the public by a recognized governmental agency, such as the Los Angeles County Fire Department, in the event of a disaster or emergency situation. Placement of a cargo container for the storage of private supplies is not included in this exemption. Placement of cargo containers for this purpose shall be approved through a Director's Review.

Add Section 17.12.590.D to read as follows:

D. Cargo containers utilized exclusively for the storage of emergency supplies to be used for the benefit of the public by a recognized governmental agency, such as the Los Angeles County Fire Department, in the event of a disaster or emergency situation. Placement of a cargo container for the storage of private supplies is not allowed.

Add Section 17.12.740.A.1.a.3) to read as follows:

3) Real property utilized for the placement of cargo containers that are used exclusively for the storage of emergency supplies to be used for the benefit of the public by a recognized governmental agency, such as the Los Angeles County Fire Department, in the event of a disaster or emergency situation. Placement of a cargo container for the storage of private supplies is not included in this exemption. Placement of cargo containers for this purpose shall be approved through a Director's Review.

Section 2. That the City Council finds that this Ordinance is consistent with the City's adopted General Plan.

Section 3. That the City Clerk shall certify to the passage of this Ordinance and will see that it is published and posted in the manner required by law.

I, Geri K. Bryan, CMC, City Clerk of the City of Lancaster, do hereby certify that the foregoing ordinance was regularly introduced and placed upon its first reading on the ____ day of _____, 2011, and placed upon its second reading and adoption at a regular meeting of the City Council on the ____ day of _____, 2011, 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 ORDINANCE
CITY COUNCIL

I, _____, _____ City of Lancaster, California, do hereby certify that this is a true and correct copy of the original Ordinance No. 964, for which the original is on file in my office.

WITNESS MY HAND AND SEAL OF THE CITY OF LANCASTER, on this _____ Day of the _____, _____.

(seal)

PLANNING COMMISSION ACTION:

APPROVED (6-0-0-1) (ABSENT: Elihu)

AGENDA ITEM: 3.

DATE: 04-18-11

STAFF REPORT

**AMENDMENT TO TITLE 17 - LANCASTER MUNICIPAL CODE
CARGO CONTAINER REGULATIONS**

DATE: April 18, 2011

TO: Lancaster Planning Commission

FROM: Planning Department *BL*

LOCATION: City-wide

SUBJECT: Amendment of Title 17 of the City of Lancaster Municipal Code (Zoning Ordinance) allowing the placement of cargo containers used exclusively for storage of emergency and disaster supplies, subject to a Director's Review

RECOMMENDATION: Adopt Resolution No. 11-07 recommending to the City Council approval of an amendment to Title 17 of the Lancaster Municipal Code allowing the placement of cargo containers used exclusively for storage of emergency and disaster supplies, subject to a Director's Review.

BACKGROUND: In 2009, the City adopted an ordinance to restrict the placement of cargo containers on private property. This ordinance was enacted in response to concerns about the aesthetic appearance of these containers, and the possibility of widespread use that could significantly affect residential neighborhoods and commercial centers. Certain exemptions from the regulations were also established for property owned by public agencies, as well as public and private schools. Recently, staff has been contacted regarding the placement of cargo containers for emergency supplies in neighborhoods by the Los Angeles Community Emergency Response Team (CERT). CERT consists of volunteers trained by the Los Angeles County Fire Department intended to assist as emergency responders. In some cases, CERT has been able to locate sites where such containers and supplies could be stored, but would also like to have the opportunity to use other sites, such as churches or schools, where appropriate.

ENVIRONMENTAL REVIEW: The proposed ordinance would generally apply to and regulate cargo container use in certain of the City's zoning classifications. The ordinance would not alter any existing land use or zoning designations or locations within the City; therefore, the final

environmental impact report adopted for the City's general plan would adequately describe the potential impacts from the enactment of such ordinance. Pursuant to Section 15162 of the State CEQA Guidelines, no additional environmental review is required; notice of such finding has been provided in the public notice published for this proposal.

DISCUSSION: Staff believes that the objective of locating emergency supplies in dispersed areas where they are available to emergency responders is worthwhile. Therefore, staff is recommending an ordinance amending the zoning code to allow for these cargo containers to be placed in various areas, subject to a Director's Review. The draft ordinance would allow containers to be placed if they are used exclusively for storage of supplies that would be available to emergency responders/agencies for the benefit of the public. The Director's Review process would allow sufficient review to ensure that any such containers provide a direct general public benefit, and do not create significant aesthetic, circulation, or parking concerns.

BL/jr

Attachments: PC Resolution No. 11-07
 Draft CC Ordinance

RESOLUTION NO. 11-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL ADOPTION OF AN ORDINANCE ADDING VARIOUS SECTIONS TO TITLE 17 OF THE LANCASTER MUNICIPAL CODE TO ALLOW FOR THE PLACEMENT AND USE OF CARGO CONTAINERS FOR THE STORAGE OF EMERGENCY SUPPLIES, SUBJECT TO A DIRECTOR'S REVIEW.

WHEREAS, the Planning Commission of the City of Lancaster believes that there is a need to promote and allow for effective emergency planning within the City of Lancaster; and

WHEREAS, the Planning Commission of the City of Lancaster has initiated the preparation of this ordinance to establish an appropriate balance between emergency planning and community aesthetic concerns; and

WHEREAS, notice of intention to consider this proposed ordinance has been given in accordance with the Lancaster Municipal Code and Section 65905 of the Government Code of the State of California; and

WHEREAS, the Planning Commission held a public hearing on the proposed ordinance on April 18, 2011; and

WHEREAS, staff has performed necessary investigations, prepared a written report, and recommended approval of the ordinance; and

WHEREAS, the Commission hereby finds that the proposed ordinance will not result in any environmental impacts beyond those disclosed in the final environmental impact report prepared for the City of Lancaster General Plan, and further finds that, pursuant to Section 15162 of the State CEQA Guidelines, no further environmental review is required; and

WHEREAS, this Commission hereby adopts the following findings in support of approval of this application:

1. The City of Lancaster General Plan states that it is the intent of the City to "maintain a level of preparedness to respond to emergency situations, which will save lives, protect property, and facilitate recovery with a minimum of disruption" (Objective 5.1) and "[M]aintain ongoing coordination and cooperation with participating jurisdictions; and, work closely with emergency responders, community partners and residents to engage in comprehensive disaster planning to improve regional capabilities to respond to disaster situations" (Specific Action 5.1.1(c)).
2. Emergency preparedness includes ensuring that adequate emergency supplies are available to emergency responders in appropriate locations throughout the City.

3. The City has been coordinating with the Community Emergency Response Team (CERT) to ensure that emergency supplies are available throughout the City, and CERT members have indicated a need to allow for placement of cargo containers in key locations as the most effective way to ensure that such supplies are available.
4. The Commission hereby finds that modifications are necessary to the City's cargo container ordinance in order to advance the substantial public interest inherent in effective emergency planning, and to balance this interest to the extent possible against potential community aesthetic concerns.

NOW, THEREFORE, BE IT RESOLVED:

This Commission hereby recommends to the City Council adoption of the proposed ordinance addressing the placement of emergency supply cargo containers as attached hereto.

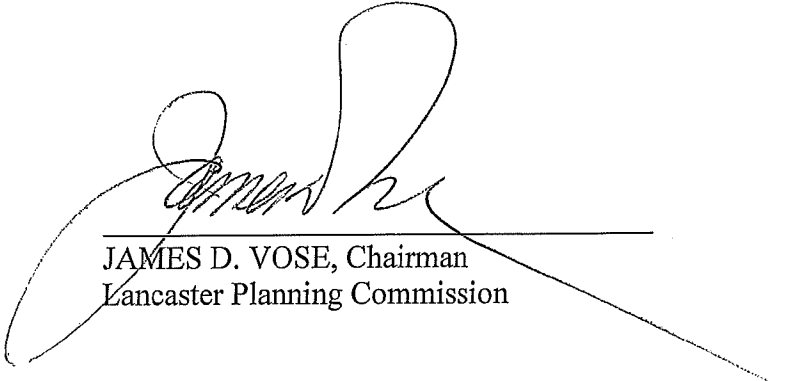
PASSED, APPROVED and ADOPTED this 18th day of April 2011, by the following vote:

AYES: Commissioners Hall, Harvey, Malhi, Terracciano, Vice Chairman Jacobs, and
Chairman Vose.

NOES: None.


ABSTAIN: None.

ABSENT: Commissioner Elihu.



JAMES D. VOSE, Chairman
Lancaster Planning Commission

ATTEST:



BRIAN S. LUDICKE, Planning Director
City of Lancaster

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Ordinance No.

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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)
CITY OF LANCASTER)

ss

CERTIFICATION OF ORDINANCE
CITY COUNCIL

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WITNESS MY HAND AND SEAL OF THE CITY OF LANCASTER, on this _____ Day of the _____.

(seal)
