

RESOLUTION NO. 12-39

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, APPROVING THE CONTINUATION OF THE BUILDING INCENTIVE STIMULUS PROGRAM FOR EXISTING TRACTS AND NEW COMMERCIAL DEVELOPMENT

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, has not improved and as a result, many tract developers have stopped construction and abandoned their projects, leaving many unfinished homes and empty; and

WHEREAS, abandoned buildings and tract construction are attractive nuisances, create blight, and reduce the value of surrounding properties; and

WHEREAS, the goal of this incentive program is to encourage potential new construction within existing tracts in the City with a fee reduction; and

WHEREAS, the City has been approached by builders, developers, and the Building Industry Association that have requested that the City continue its construction incentive program within existing tracts, which would allow said developers and/or builders to be competitive in the current market, selling additional homes, and complete existing tracts; and

WHEREAS, commercial and industrial development has almost stopped because of the lack of commercial financing; and

WHEREAS, the goal of this incentive program is to encourage commercial and industrial construction by deferring the payment of development impact fees to the completion of construction; and

WHEREAS, this incentive program will demonstrate 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 commercial development; 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 enact 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 the construction of new buildings within the City, as long as a building permit is issued between July 1, 2012 and December 31, 2012.

Section 4. The City's New Construction Incentive Program shall provide for the waiving a portion of development impact fees to the Developer of new single family dwellings within existing tracts.

Section 5. The City's New Construction Incentive Program shall provide for the deferral of development impact and fire protection fees to the Developer of commercial and industrial real property within the City without a reduction in the amount of the fees.

Section 6. Deferred development impact and fire protection fees shall be paid in full prior to the issuance of any certificate of occupancy or temporary certificate of occupancy. The amount of the fees paid shall be determined by the current fee rate at the time of payment.

Section 7. The City shall fund the Building Stimulus Incentive Program by waiving 25% of all City development impact fees collected on each new home permit within existing tracts, issued between July 1, 2012 and December 31, 2012.

Section 8. Developers may prepay all development impact fees for all homes within a tract at the discounted rates at the issuance of the first building permit. The non-discounted fees shall be applicable to all home permits issued pursuant to this program for applicants who fail to complete at least 10% of the homes (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 to which this program is applicable, 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 effective 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 December 31, 2012.

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

PASSED, APPROVED and ADOPTED this _____ day of _____, 2012, 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. 12-39, 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 _____, 2012.

(seal)
