

ORDINANCE NO. 995

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER, CALIFORNIA, AMENDING SECTIONS 16.08.190 AND 17.32.170.A. OF THE LANCASTER MUNICIPAL CODE, AND ADDING SECTION 17.32.175 TO THE LANCASTER MUNICIPAL CODE, RELATING TO THE EXPIRATION OF OTHER DISCRETIONARY APPROVALS IN CONJUNCTION WITH A TENTATIVE MAP

WHEREAS, Section 16.08.190 of the Lancaster Municipal Code (the “Municipal Code”) provides that any conditional use permit approved concurrently with a tentative map for a residential planned development shall have the same expiration date as the approved tentative map or any extension of the map, unless a specific expiration date is specified in the conditional use permit; and

WHEREAS, expiration dates and extension provisions contained in Section 17.32.170.A and elsewhere in Title 17 of the Lancaster Municipal Code create potential for conflicts when tentative maps and other discretionary actions are approved in conjunction with each other for specific development projects; and

WHEREAS, the City Council has determined that it is in the public interest and welfare to amend Section 16.08.190 of the Municipal Code in order to make it applicable to any development approval (not only a conditional use permit) and any development (not only a residential planned development), and make other amendments within Title 17 of the Municipal Code to provide for consistency in handling these types of development approvals; and

WHEREAS, the Planning Commission reviewed said ordinance at its regular meeting of October 21, 2013, and recommended to the City Council adoption of said ordinance as outlined in Planning Commission Resolution No. 13-16; and

WHEREAS, the City Council has held a duly noticed public hearing and received and considered public testimony and the Planning Commission recommendation;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LANCASTER DOES ORDAIN AS FOLLOWS:

Section 1. Section 16.08.190 of the Lancaster Municipal Code shall be and hereby is amended in its entirety to read as follows:

“16.08.190 Expiration of other approvals in conjunction with a tentative map.

Any discretionary land use entitlement (including, without limitation, a conditional use permit, site plan review, or director’s review) approved in conjunction with a tentative map shall have the same expiration date as the approved tentative map or any extension of the map, unless a specific expiration date is specified in the approval of such entitlement.”

Section 2. Section 17.32.170.A. of the Lancaster Municipal Code shall be and hereby is amended in its entirety to read as follows:

“A. Except as provided in section 17.32.175, an approved conditional use permit shall expire twenty-four (24) months from the date of planning commission or city council approval. Conditional use permits may be granted time extensions prior to the expiration of the project not to exceed three (3) one-year extensions. Any extension granted shall be conditioned to comply with the city's current design guidelines as adopted by the city council, unless the applicant can demonstrate to the planning commission's satisfaction that such compliance will impose an undue hardship on the project. The applicant is required to file for an extension sixty (60) days prior to such expiration date.”

Section 3. Section 17.32.175 is hereby added to the Lancaster Municipal Code to read as follows:

“17.32.175 Exceptions to expiration dates.

A conditional use permit approved in conjunction with a tentative map shall have the same expiration date as the approved tentative map or any extension of the map, unless a specific expiration date is specified in the approval of the conditional use permit.”

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held for any reason to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Lancaster hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

Section 5. The adoption of the Ordinance is not subject to the California Environmental Quality Act pursuant to Section 15061(b)(3) of the State CEQA Guidelines, because there is no possibility that it may have a significant effect on the environment.

Section 5. The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published and posted pursuant to the provisions of law in that regard and this Ordinance shall take effect 30 days after its final passage.

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 _____, 2013, and placed upon its second reading and adopted at a regular meeting of the City Council on the _____ day of _____, 2013, by the 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. 995, 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)

PLANNING COMMISSION ACTION:

APPROVED (7-0-0-0)

AGENDA ITEM: 2.

DATE: 10-21-13

STAFF REPORT

**LANCASTER MUNICIPAL CODE AMENDMENT
EXPIRATION DATES OF DISCRETIONARY LAND USE APPROVALS IN
CONJUNCTION WITH A TENTATIVE MAP**

DATE: October 21, 2013

TO: Lancaster Planning Commission

FROM: Planning Department *BL*

REQUEST: Amendment to Titles 16 and 17 of the Lancaster Municipal Code

RECOMMENDATION: Adopt Resolution No. 13-16, recommending to the City Council approval of an ordinance, amending Title 16 and 17 of the Lancaster Municipal Code to allow the expiration dates of discretionary land use actions approved in conjunction with a tentative map to be the same as the tentative map.

BACKGROUND: The Lancaster Municipal Code establishes expiration dates for various types of discretionary land use actions, including tentative maps and conditional use permits. However, the State Subdivision Map Act, which establishes different criteria for the expiration and extension of tentative maps (including automatic extensions), can create conflicts between the status of these tentative maps and other discretionary approvals when they are related to the same project. The City's current subdivision regulations (Section 16.08.190) rectify this potential conflict for residential development projects by establishing a co-terminus expiration date for both the tentative map and other discretionary approvals; essentially, as long as the tentative map is valid, the other discretionary approvals also remain valid. Extensions to the tentative map also extend the expiration date of the other discretionary approvals.

Staff has noted the potential for conflict exists between tentative maps and discretionary approvals for commercial and industrial developments. Tentative maps are often filed in conjunction with the development applications for these types of projects to facilitate leasing or financing. Staff believes that amending the municipal code to resolve the potential for conflict between various development approvals for the same project would be of benefit both to the developers of these projects and the City's efforts to encourage long-term economic development.

DISCUSSION: Staff is recommending that sections of both Title 16 (Subdivisions) and Title 17 (Zoning) be revised to provide a resolution of this issue. As noted in the attached draft ordinance, Sections 16.08.190 and 17.32.170.A of the Lancaster Municipal Code would be modified to extend the co-terminus expiration date provisions to all situations where a discretionary land use action is approved in conjunction with a tentative map, and a specific exception to the expiration and extension provisions for conditional use permits would be created. The addition of Section 17.32.175 would specifically establish the ability to create a co-terminus expiration date for conditional use permits that are approved in conjunction with a tentative map.

Staff would like to highlight additional two aspects of this ordinance amendment. First, these provisions, because they refer to a the approval of a discretionary land use action done in conjunction with a tentative map, would allow a situation where the map and the discretionary land use action approved on the same site do not have to be approved concurrently. There are situations where a map may precede or follow the actual land use approval, particularly if the land use approval only requires a staff-level approval (such as a site plan review). Also, the language of the ordinance amendment that states "...unless a specific expiration date is specified in the approval of such entitlement" would allow the City to establish a different expiration date for a land use approval if such an approach were desirable or necessary in a specific circumstance.

Staff recommends that the Commission recommend to the City Council approval of the ordinance amendment as proposed.

Respectfully submitted,



Brian S. Ludicke, Planning Director

RESOLUTION NO. 13-16

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AMENDMENTS TO TITLE 16 AND TITLE 17 OF THE LANCASTER MUNICIPAL CODE RELATING TO THE EXPIRATION OF DISCRETIONARY APPROVALS IN CONJUNCTION WITH A TENTATIVE MAP

WHEREAS, Section 16.08.190 of the Lancaster Municipal Code (the "Municipal Code") provides that any conditional use permit approved concurrently with a tentative map for a residential planned development shall have the same expiration date as the approved tentative map or any extension of the map, unless a specific expiration date is specified in the conditional use permit; and

WHEREAS, expiration dates and extension provisions contained in Section 17.32.170.A and elsewhere in Title 17 of the Lancaster Municipal Code create potential for conflicts when tentative maps and other discretionary actions are approved in conjunction with each other for specific development projects; and

WHEREAS, the Planning Commission believes that it is in the public interest and welfare to amend Section 16.08.190 of the Municipal Code in order to make it applicable to any development approval (not only a conditional use permit) and any development (not only a residential planned development), and make other amendments within Title 17 of the Municipal Code to provide for consistency in handling these types of development approvals; and

WHEREAS, the Planning Commission has held a duly noticed public hearing on October 21, 2013, and received public testimony and a staff recommendation on this matter; and

WHEREAS, the adoption of the Ordinance is not subject to the California Environmental Quality Act pursuant to Section 15061(b)(3) of the State CEQA Guidelines, because there is no possibility that it may have a significant effect on the environment;

NOW, THEREFORE, BE IT RESOLVED:

The Planning Commission hereby recommends to the City Council the adoption of an ordinance amending Title 16 and Title 17 as attached hereto and incorporated herein.

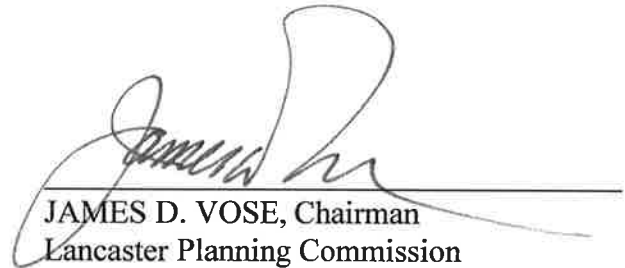
PASSED, APPROVED and ADOPTED this 21st day of October 2013 by the following vote:

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

NOES: None.


ABSTAIN: None.

ABSENT: None.



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:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

GERI K. BRYAN, CMC
City Clerk
City of Lancaster

R. REX PERRIS
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. _____, 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)