

AGENDA ITEM: 4.

DATE: 05-18-09

STAFF REPORT

AMENDMENT TO TITLE 17 OF THE LANCASTER MUNICIPAL CODE (ZONING ORDINANCE)

DATE: May 18, 2009

TO: Lancaster Planning Commission

FROM: Planning Department

APPLICANT: City of Lancaster

LOCATION: City Wide

REQUEST: Amend Title 17 (Zoning Ordinance) of the Municipal Code modifying the expiration date for Conditional Use Permits and increasing the allowable number of extensions for Site Plan Reviews and Conditional Use Permits

RECOMMENDATION: Adopt Resolution No. 09-14 recommending to the City Council approval of an amendment to Title 17 of the Lancaster Municipal Code, the Zoning Ordinance, in order to modify the expiration date for Conditional Use Permits and increase the number of extensions available for Site Plan Reviews and Conditional Use Permits.

BACKGROUND: The Lancaster Municipal Code (LMC) establishes Conditional Use Permits and Site Plan Review applications for the development of property within the City. Conditional Use Permits expire one year after granting of permit; however, under current practices Conditional Use Permits expire two years after granting of approval with the ability to request a one-year extension for a total of three years. Current practices for Site Plan Reviews expire two years after granting of approval with the ability to request a one year extension for a total of three years.

ENVIRONMENTAL REVIEW: A final Environmental Impact Report (SCH # 97011074) was prepared and certified in October 1997 in conjunction with the adoption of the City's General Plan. Since the proposed ordinance, amendment is consistent with the General Plan, no further environmental review is required under Section 15162 of the State California Environmental Quality Act (CEQA) Guidelines. Notice of this determination was included in the Notice of Public Hearing.

LEGAL NOTICE: Notice of Public Hearing was posted in three places, and noticed in a newspaper of general circulation per prescribed procedures.

ANALYSIS: This ordinance would modify two aspects of the Zoning Ordinance. The request would lengthen the approval time for Conditional Use Permits by establishing by ordinance a two-year initial approval, and allowing three one-year extensions beyond that time. The total time frame for Conditional Use Permits approvals would be an aggregate of five years. The second modification would increase the allowable number of extensions for Site Plan Reviews from one one-year to three one-year extensions. The total approval would be for five years.

At present, there are approximately 25 active Conditional Use Permits and 36 Site Plan Reviews that have been approved and are scheduled to expire. These projects encompass approximately 500,000 square feet of commercial and industrial buildings, and consequently expiration could result in loss of future jobs and income into the City.

Given the current financial crisis, it is becoming increasingly more difficult for developers to obtain construction loans resulting in construction delays. As a consequence, without funding, the developers are not able to construct the approved project within the allotted three-year timeframe. Given the number of outstanding approved applications for development within the City, staff feels it is reasonable to reconsider the timeframe for Conditional Use Permits and Site Plan Reviews. The proposed modification would reflect a two-year approval date with the ability to request an aggregate of three one-year extensions for a total of five years. This modification would allow the City to retain its future commercial inventory, while retaining flexibility to deny extensions to projects where health, safety, or other issues exist.

By approving the proposed amendment to the current Zoning Ordinance, developers would be allowed additional time to get through the financial crisis that is seriously affecting development within the City.

Respectfully submitted,

Randie Davis, Assistant Planner

cc: Applicant
Engineer

RESOLUTION NO. 09-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF LANCASTER, CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL APPROVAL OF AMENDMENTS TO TITLE 17 OF THE LANCASTER MUNICIPAL CODE, THE ZONING ORDINANCE

WHEREAS, staff is recommending amendments to Title 17 of the Lancaster Municipal Code, the Zoning Ordinance, as indicated in the attached Ordinance, in order to modify the expiration date for Conditional Use Permits and increase the number of extensions available for Site Plan Reviews and Conditional Use Permits; and,

WHEREAS, notice of intention to consider the amendments to Title 17 of the Lancaster Municipal Code has been given in accordance with Section 65090 of the Government Code of the State of California; and

WHEREAS, staff has prepared a written report recommending approval of the amendments; and

WHEREAS, a public hearing on the proposed ordinance was held on May 18, 2009; and

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

1. The proposed amendments are consistent with the General Plan, because it will not result in changes to the land use or maps and affects only the process for approval of Conditional Use Permit and Site Plan Review application by modifying the expiration date for Conditional Use Permits and number of extensions available for Site Plan Reviews and Conditional Use Permits.
2. The proposed amendments to the Lancaster Municipal Code will not adversely affect the public health, peace, comfort or welfare, because amending the expiration date and number of extensions would not affect the City's ability to review extension requests in light of these factors.
3. The modification to the Lancaster Municipal Code would not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because the modification would not alter the land. If development were to take place, an Initial Study would be prepared for the project and any environmental issues would be addressed prior to development.
4. The proposed amendments will not alter the land use patterns and requirements established by the General Plan, and will not alter the development standards contained in Title 17 (Zoning Ordinance) of the Lancaster Municipal Code, or any other adopted development requirements; therefore, this Commission hereby finds that the environmental findings adopted by the City Council under City Council

Resolution No. 97-102 on October 28, 1997, are valid for these proposed amendments, and no further environmental review is required pursuant to Section 15162 of the State CEQA Guidelines.

NOW, THEREFORE, BE IT RESOLVED:

This Commission hereby recommends that the City Council approve the Ordinance to amend Title 17 of the Lancaster Municipal Code as attached hereto and incorporated herein.

PASSED, APPROVED and ADOPTED this 18th day of May 2009, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

JAMES D. VOSE, Chairman
Lancaster Planning Commission

ATTEST:

BRIAN S. LUDICKE, Planning Director
City of Lancaster