

17.72.110 Lapse of approval and extensions.

A. Lapse of Approvals. Unless otherwise specified in this title, approvals for development review permits, structure development permits, conditional use permits, variances, and minor exceptions shall lapse (i.e., expire) and become void 24 months after the date of the approval, unless a different expiration date is specifically established as a condition of the approval or unless the following action occurs:

1. A building permit is issued in accordance with the approval.

B. Extensions. An extension may be issued prior to the lapse (i.e., expiration) of any approval described in subsection A of this section. There is not an absolute right to receive an extension. Approvals originally granted by the director of community development (the "director") may be extended by the director. Approvals granted by the view assessment committee may only be extended by the city council. Approvals by the city council may only be extended by the city council.

1. One or more (but not more than a total of four) extensions may be granted not exceeding a cumulative total of 24 months after the date the original approval of the project expires. The duration of an extension shall be in an increment of 30 days. The minimum duration of an extension shall be six months. The maximum duration of an extension shall not be more than 12 months. The duration of an extension shall be determined at the discretion of the issuing authority.

2. All applications for extensions shall be filed with the director at least 60 days prior to the expiration date of the approval. Concurrent with the filing of an application for an extension, the applicant shall submit payment of applicable fees and deliver to the director the documents and information required from time-to-time by the city to provide notice of the application to the owners of all properties within a 300 foot radius from the project. An additional 15 days may be provided by the director for supporting documents and information as needed to deem the application complete.

3. An application for an extension shall include the following information and other information reasonably requested by the director or city council:

a. A detailed factual description and explanation of the reasons why a building permit was not issued prior to the expiration of the original approval or preceding extension and the specific reason(s) the extension is necessary; the applicant's request for a specific time period for the extension;

b. A detailed description of the actions that will be taken during the specific requested extension period that justify the requested time period of the extension and that will result in the timely issuance of a building permit for the project before the extension expires; and

c. A detailed timeline for the actions that will be taken during the requested extension period.

C. The director or city council may issue an extension of the approval of a project in their discretion if they make all of the following findings:

1. The applicant has presented facts which establish that the applicant has timely and diligently pursued issuance of a building permit during the 24 month period following the issuance of the original approval for the project (or the different period set forth as a condition of approval of the project) or during the then current extension period;

2. Circumstances beyond the applicant's control have intervened and prevented the applicant from obtaining the issuance of a building permit for the project prior to expiration of the 24 month period (or the expiration date established as a condition of the approval) or during the then current extension period;

3. The application for the extension sets forth a reasonable and substantial factual basis for issuance of the extension;

4. There is a substantial factual basis to determine that the applicant will be able to perform the actions necessary to obtain issuance of a building permit prior to expiration of the requested extension;

5. The duration of the extension requested by the applicant is not longer than is reasonably necessary to perform the actions necessary to obtain the issuance of a building permit;

6. There have not been any significant changes in the general plan, applicable specific plan, if any, zoning, or character of the area within which the project is located that would cause the approved project to become inconsistent, incompatible, or nonconforming therewith; and

7. The granting of an extension shall not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.