

### 5.08.136 Lapse of Approval; Transferability; Discontinuance; Revocation

- A. Lapse of Approval. A use permit or variance shall lapse after two years, or at an alternative time specified as a condition of approval, after its date of approval unless:
1. A building permit has been issued, coupled with diligent progress evidencing a good faith intent to commence the intended use; or
  2. A certificate of occupancy has been issued; or
  3. The use is established; or
  4. The approval is granted a one-year extension by the Zoning Enforcement Official upon receipt of a written application with the required fee within the time period specified by the review authority, or two years of the date of the approval.

A use permit also shall lapse upon discontinuance of work on a project or expiration of a building permit.

- B. Transferability. The validity of a use permit or variance shall not be affected by changes in ownership or proprietorship provided that the new owner or proprietor applies to the City for a business license and zoning approval.
- C. Discontinuance. A use permit or variance shall lapse if the exercise of rights granted by it is discontinued for 180 consecutive days.
- D. Revocation. A use permit or variance that is exercised in violation of a condition of approval or a provision of this Code may be revoked, as provided in Section 5.24.108 Revocation of Discretionary Permits.
- E. Renewal. Upon written request or a use permit, variance may be renewed by the Zoning Enforcement Official for one year, with one additional one-year renewal allowed for a total period not to exceed two years without notice or public hearing if the findings required by Section 5.08.124 Required Findings remain valid.
- F. Automatic Extension. Any use permit or variance for a single-family residential, multi-family residential, or mixed-use residential project granted between January 1, 2019 and June 30, 2022, including any such use permit or variance that has lapsed, shall be automatically extended by two (2) years. The extension provided by this subsection (F) shall be in addition to any other extension granted pursuant to any section of the San Leandro Zoning Code or applicable California law, and shall not limit the ability of an applicant to apply for and receive such additional extensions under the Zoning Code.

### 5.12.132 Effective Date; Lapse and Renewal; Alterations

- A. Effective Date. Site Plan approval shall become effective on the 15th day after the date the decision maker or the decision making body approves the site plan, unless appealed, as provided in Chapter 5.20 Appeals.
- B. Lapse of Approvals and Renewals. Site Plan approval shall lapse two years after its date of approval, or at an alternate time specified as a condition of approval, unless:
  - 1. A grading permit or building permit has been issued, coupled with diligent progress evidencing good faith intention to commence the intended use; or
  - 2. An occupancy permit has been issued; or
  - 3. The approval is granted a one-year extension by the Zoning Enforcement Official upon receipt of a written application with the required fee within the time period specified by the review authority, or two years of the date of the approval.
- C. Changed Plans. The Zoning Enforcement Official may approve changes to approved plans or in conditions of approval without a public hearing upon determining that the changes in conditions are minor and consistent with the intent of the original approval. Revisions involving substantial changes in project design or conditions of approval shall be treated as new applications to be reviewed as a new project by the decision making body as required by Section 5.12.112 Review and Approval Authority of this chapter.
- D. Automatic Extension. Any site plan review for a single-family residential, multi-family residential, or mixed-use residential project granted between January 1, 2019 and June 30, 2022, including any such site plan review that has lapsed, shall be automatically extended by two (2) years. The extension provided by this Subsection (D) shall be in addition to any other extension granted pursuant to any section of the San Leandro Zoning Code or applicable California law and shall not limit the ability of an applicant to apply for and receive such additional extensions under the Zoning Code."