

STAFF REPORT
City of Lancaster, California

CPH 1
08/11/09
MVB

Date: August 11, 2009

To: Mayor Parris and City Council Members

From: Brian S. Ludicke, Planning Director

Subject: **Municipal Code Amendment-Additional Time Extensions for Conditional Use Permits and Site Plan Reviews**

Recommendation:

Introduce **Ordinance No. 924**, amending Title 17 of the Lancaster Municipal Code to modify the expiration date for conditional use permits, and increasing the number of allowable time extensions for conditional use permits and site plan reviews.

Background:

Title 17 of the Lancaster Municipal Code (LMC) establishes, in various sections, time limits for the initial approval of conditional use permits and site plan reviews, and the number and length of extensions that can be granted for those approvals. Under the current provisions of the LMC, site plan reviews receive an initial approval of two years, and a request for a single one-year extension can also be made prior to the expiration date. Conditional use permits, under Section 17.32.170 of the LMC, expire within the timeframe specified by the permit or, if no time is specified, within one year of the granting of the permit. An additional one-year extension may be granted in addition to this initial approval. In most instances, conditional use permits are approved for two years with a one-year extension available, identical to the approval and extension provisions for site plan reviews.

The current economic situation has created a situation in which a significant number of site plan reviews (36) and conditional use permits (25) may expire during the 2009 calendar year. Many of these approvals allow for commercial and industrial projects (approximately 500,000 square feet) that could yield positive economic benefits to the City. However, without a modification to the current code, there is no legal mechanism available to grant additional time extensions. Staff is, therefore, recommending modifications to the LMC that will:

- Clearly establish an initial two-year approval for conditional use permits
- Allow for three (3) one-year extensions of approval for both conditional use permits and site plan reviews, thereby allowing a potential total of five years of validity for both of these approvals. This would be the same amount of time that is currently allowed for a tentative tract map approval in the City.

The Planning Commission reviewed this proposed ordinance on May 18, 2009, and unanimously recommended approval of it to the City Council. On June 9, 2009, the City Council requested that staff investigate whether projects granted extensions could be required to comply with the City's new design requirements, currently being finalized by the Architectural and Design Planning Commission. The draft ordinance contains language that establishes this requirement, while providing the ability for compliance with the new design guidelines to be waived in situations where such compliance would create an undue hardship on the project (for example, building plans have already been approved).

BSL/jr

Attachments:

Ordinance No. 924
Planning Commission Staff Report