



Planning Commission Agenda Item

January 21, 2013

TO: Chair Steiner and
Members of the Planning Commission

THRU: Leslie Aranda Roseberry
Planning Manager

FROM: Chad Ortlieb
Senior Planner

SUBJECT

CONSENT CALENDAR: Confirmation of Time Extension in accordance with California State Assembly Bill 208 for Major Site Plan Review (MJSP 0480-06), Conditional Use Permit (CUP 2683-07), Conditional Use Permit (CUP 2689-07), Tentative Parcel Map (TPM 2007-118), Design Review Committee (DRC 4178-06), and Mitigated Negative Declaration (MND – 1783-06). The time extension is for a medical office building and parking structure with a shared parking agreement located at 999 Town and Country Road.

SUMMARY

The subject entitlements have twice received Planning Commission approval of time extensions, the maximum allowed under the Orange Municipal Code. The approved entitlements are for the construction of a three-story, 65,370 square foot medical office building and a three-story parking garage with 395 parking spaces on an existing surface parking area with landscape improvements and a Shared Parking Agreement between two parcels. The current property owner is now seeking affirmation from the City that the time extension for tentative maps and their associated entitlements mandated under California State Assembly Bill 208 (also known as California Government Code Section 66452.23.) includes extending the subject project entitlements an additional two years to October 15, 2014. Assembly Bill 208 extends the expiration date of the project two years beyond the maximum time extension allowed under the Orange Municipal Code.

RECOMMENDED ACTION

Affirm a Two-Year Time Extension for Major Site Plan Review (MJSP 0480-06), Conditional Use Permit (CUP 2683-07), Conditional Use Permit (CUP 2689-07), Tentative Parcel Map (TPM 2007-118), Design Review Committee (DRC 4178-06), and Mitigated Negative Declaration (MND – 1783-06) pursuant to California State Assembly Bill 208.

AUTHORIZATION/GUIDELINES

California State Assembly Bill (AB 208)/California Government Code Section 66452.23 was approved July 13, 2011. Subsection (a) states that “The expiration date of any tentative map, vesting tentative map, or parcel map for which a tentative map or vesting tentative map, as the case may be, has been approved that has not expired on or before the date that the act that added this section became effective, and that will expire before January 1, 2014, shall be extended by 24 months.” Since the project expiration date under the Orange Municipal Code was October 15, 2012 and did not expire prior to the date of adoption of AB 208 (July 13, 2011), the project parcel map is valid until October 15, 2014.

Subsection (c) states that “Any legislative, administrative, or other approval by any state agency that pertains to a development project included in a map that is extended pursuant to subdivision (a) shall be extended by 24 months if this approval has not expired on or before the date that the act that added this section became effective. This extension shall be in addition to any extension provided for in Sections 66452.13, 66452.21, and 66452.22.” Although the project approvals were discretionary actions of the City (not a state agency), City Attorney staff has opined that the intent of AB 208 was to include associated entitlements for extension along with the extension of the parcel map.

DISCUSSION and BACKGROUND

On October 15, 2007, the Planning Commission approved the project by adopting Resolution PC No. 42-07 approving Mitigated Negative Declaration (MND 1783-06), Major Site Plan Review (MJSP 0480-06), Conditional Use Permit (CUP 2683-07), Tentative Parcel Map (TPM 2007-118), and Design Review Committee (DRC 4178-06). On November 19, 2007 the Planning Commission approved Conditional Use Permit (CUP 2689-07) for a reciprocal access agreement between the subject two parcels. The staff reports, approved resolutions and minutes from the hearings on October 15, 2007, and November 19, 2007, are included as Attachments 2 and 3, respectively.

On October 7, 2009 the Community Development Department received a written request from the project applicant requesting that a Time Extension be granted for the project entitlements due to economic conditions.

On November 2, 2009, the Planning Commission approved a one year time extension for the project entitlements due to economic conditions (Attachment 4 – Staff Report and Meeting Minutes).

On May 27, 2010 the Community Development Department received a written request from the project applicant requesting that a second Time Extension be granted for the project entitlements to allow them to sell the property and allow the new owner the additional time to prepare for the construction of the proposed improvements.

On October 4, 2010 the Planning Commission approved an additional two-year time extension that was set to expire on October 15, 2012 (Attachment 5 – Staff Report and Meeting Minutes).

On December 4, 2012, the Community Development Department received a written request from the new property owner seeking formal action to extend their entitlements in accord with AB 208 (Attachment 6). Since the City has no formal code procedure to extend the entitlements beyond the maximum time period allowed in our code, the applicant now seeks Planning Commission affirmation that AB 208 has extended the project expiration date to October 15, 2014. No changes are proposed to the approved plans or entitlements.

ATTACHMENTS/EXHIBITS

Attachments to Report:

1. Location Map
2. Planning Commission staff reports, approved resolutions and minutes from October 15, 2007
3. Planning Commission staff reports, approved resolutions and minutes from November 19, 2007
4. Planning Commission time extension staff report and minutes from November 2, 2009
5. Planning Commission time extension staff report and minutes from October 4, 2010
6. Applicant letter date stamped received on December 4, 2012

CC: Kilroy Realty Corporation
12200 W. Olympic Boulevard
Los Angeles, CA 90064