



STAFF REPORT

CITY of YORBA LINDA

COMMUNITY DEVELOPMENT DEPARTMENT

DATE: OCTOBER 19, 2021

TO: HONORABLE MAYOR AND MEMBERS OF THE CITY COUNCIL

FROM: DAVID BRANTLEY, AICP
DIRECTOR OF COMMUNITY DEVELOPMENT

PREPARED BY: ASHANTI MASON-WARREN, ASSISTANT PLANNER

SUBJECT: RESOLUTION NOS. 2021-5766 AND 2021-5767 - APPEAL OF
CONDITIONAL USE PERMIT 2021-25 – SUNSET RECYCLING

RECOMMENDATION

Staff recommends that the City Council adopt Resolution No. 2021-5766 upholding the Planning Commission's decision to deny Conditional Use Permit 2021-25 – Sunset Recycling based on the location proposed by the applicant. Otherwise, staff recommends that the City Council adopt Resolution No. 2021-5767 approving Conditional Use Permit 2021-25 – Sunset Recycling, with special conditions requiring the facility to locate to the rear of the Costco building.

BACKGROUND

The applicant, Artashes Balyan (d.b.a. Sunset Recycling), is requesting a conditional use permit to establish and operate a recycling collection facility consisting of a single, self-enclosed, transportable unit within the Costco parking lot. This item was initially heard at the regularly scheduled Planning Commission meeting of August 11, 2021. The item was continued by the Planning Commission to a date certain on September 15, 2021. **For a complete discussion of the project proposal and Planning Commission review, please refer to the attached Planning Commission staff report and minutes of August 11, 2021, and September 15, 2021, which have been included as Attachments 2-5.**

At the August 11, 2021, Planning Commission meeting staff brought a resolution to deny the applicant's request due to negative aesthetic, parking, and circulation impacts resulting from the proposed location of the recycling center. Staff communicated with the applicant that a recycling center had previously been reviewed and approved for a conditional use permit (CUP) at this Costco site (CUP 2012-01). The previous recycling center had been approved to locate to the rear of the building at the northeast corner of the site. Staff believes this remains the optimal location for such a facility because it limits impacts to aesthetics, customer parking, and parking lot circulation. The current applicant proposes to locate the facility in the front parking lot, approximately 300 feet east of the main entrance to Costco. The Planning

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Commission concurred with staff's analysis that the proposed location in the front parking lot would result in negative impacts to the aesthetics, parking, and circulation of the site. The Planning Commission moved to continue the public hearing on this item to a date certain on September 15, 2021, to allow the applicant to meet with staff on the site and discuss alternative locations that would be amenable to the applicant and Costco as well as limit potential negative impacts.

On August 17, 2021, staff met with the applicant and Costco management to walk the site and discuss possible alternative locations. Staff identified additional locations, beyond those initially recommended, that staff believed would limit the recycling center's impact on aesthetics, parking, and circulation. These locations (along the easterly boundary of the site) were relatively close to the location previously proposed by the applicant but were located outside the front row parking drive aisle and to the rear of the building, near the employee parking area and loading docks. Staff believes locating the recycling center anywhere along the easterly boundary, towards the rear of the building and behind the loading dock screening wall, would resolve the concerns regarding aesthetics, parking, and on-site circulation. Staff also suggested wayfinding signage could be allowed on site as a condition of approval to improve the visibility of the recycling center for its patrons if it were to locate to the rear of the building. The applicant stated they were amenable to the alternative locations suggested by staff, but that the previously proposed location (along the front/south elevation of the building) or an alternative location at the northwest corner of the site, near the gasoline fuel pumps, would be preferable. Costco management also expressed that the currently proposed location or an alternative location near the fuel pumps and tire center at the northwest corner of the site would be preferred. They explained that the area to the rear of the building experiences heavy delivery truck traffic and is used for employee parking; Costco was concerned locating the facility along the east boundary would create a conflict with their delivery trucks. Nonetheless Costco management said they would discuss staff's suggested locations internally and get back to staff with an answer on whether they were agreeable to locate the recycling center in one of the proposed alternate locations along the rear (east boundary) of the site.

Costco management responded to staff with the attached letter (attachment no. 6) stating that they would like the Planning Commission to consider approving the recycling center in the front parking lot near the gasoline fuel pumps and tire center or at (or near) the applicant's originally proposed location. They explained that the location near the fuel pumps and tire center is a low traffic area and is more visible to management such that they could ensure the site is monitored/maintained. They further explained that the proposed locations to the rear of the building would conflict with delivery traffic and areas used for staging vendors.

DISCUSSION

Planning Commission Review

At the Planning Commission meeting of September 15th, staff explained to the Planning Commission that they had met with the applicant and a member of the Costco management

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team at the project site. Staff identified multiple locations that could accommodate the recycling center and negate the traffic circulation, parking, and aesthetic concerns by locating outside the front parking area. Costco and the applicant expressed that a location in the front parking lot, either at the previously proposed location along the south elevation of the building or the drive aisle north of the fuel pumps would be preferable. At the September 15th continued public hearing, Costco provided a letter confirming their preference, stating they could not accommodate the recycling center anywhere to the rear of the building. The applicant also provided a letter to the Planning Commission stating that the recycling center operation would not impede the flow of traffic and generally would not result in any negative parking, circulation, or aesthetic impacts to the Costco site (Attachment no. 7).

At the continued public hearing, staff showed the Planning Commission photos of three existing recycling center facilities; two located to the side or rear of shopping centers and one located in the front parking area of a shopping center. Staff explained these images exemplified the types of parking, circulation, and aesthetic impacts that are cause for concern at the Yorba Linda Costco site. Staff further expressed that opposition to the proposal was not due to the use itself, but rather the proposed location of the use. Staff reiterated its recommendation that the proposed facility be located towards the rear of the Costco building (along the easterly boundary of the site).

The Planning Commission concurred with staff's analysis but noted that if the application were to be denied that it would be preferable to deny the request *without prejudice* so that the applicant or Costco had the option to submit a new CUP application without the year-long delay normally required by the municipal code for resubmittal of the same or similar application following denial of a CUP. Accordingly, the Planning Commission adopted a resolution denying Conditional Use Permit 2021-25 – Sunset Recycling without prejudice by a 5-0 vote.

Appeal Action

In accordance with Section 18.36.820 of the Yorba Linda Zoning Code, on September 16, 2021, Artashes Balyan (d.b.a. Sunset Recycling) appealed the Planning Commission's denial of Conditional Use Permit 2021-25. The appellant stated that the information provided by staff to the Planning Commission was false, in part because the Google Earth images presented by staff to the Planning Commission of two (2) of the three (3) recycling center locations were not operated by Sunset Recycling at the time the images were taken. He further stated that there was not sufficient justification to deny his conditional use permit request based on staff's assertion of potential parking, circulation, and aesthetic impacts. A copy of the appeal request is included as Attachment no. 8.

Post Planning Commission

Following the appeal of Conditional Use Permit 2021-52, staff visited seven (7) existing Sunset Recycling locations at commercial shopping centers in the surrounding area to evaluate firsthand what, if any, impacts were evident relative to parking, traffic circulation, and aesthetics. The Sunset Recycling Centers visited by staff were located in the cities of West Covina, Baldwin Park, La Puente, Whittier, Santa Fe Springs, and La Mirada. Of the seven facilities, staff noted that three (3) were located in the front parking area and four (4)

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were located to the rear or side of the shopping center. Each site had a staging area taking up additional parking spaces beyond the 3-4 parking space footprint of the recycling center building itself (as shown on the applicant's site plan). Although the grounds surrounding the recycling centers were generally well-maintained, staff does believe the recycling centers present a negative aesthetic condition, particularly when located in the front parking area of shopping centers. Some locations were busier than others at the time of staff's visit, with one location in West Covina taking up approximately 10 parking spaces between the container footprint, staffing area, and patron parking. Staff believes locating the proposed Sunset Recycling Center in the front parking area of the Yorba Linda Costco site will displace high demand parking spaces, will engender a negative aesthetic condition, and will disrupt on-site circulation within the parking lot at times.

Staff discussed the proposed recycling center locations with the City Engineering Department. The City's Traffic Engineering Manager concurred with Planning staff that the proposed locations north of the gasoline fuel pumps and along the south elevation of the building (along the first row of parking) would result in negative parking and traffic circulation impacts.

Staff reached out to Costco management to discuss the appeal matter on October 14th. Staff shared the images of existing Sunset Recycling facilities with Costco management to show examples of the potential parking, traffic circulation, and aesthetic impacts the recycling facility could have, particularly if located in the front parking area. Staff explained that if the City Council were to uphold the Planning Commission's decision to deny the request based on the proposed location, they would need to start the CUP process over again to get a recycling center approved on their site. Staff also brought to their attention correspondence received from Savi Ranch Property Holdings, LLC, representing the easterly neighboring property ownership (Attachment no. 9). The letter expressed concerns with the aesthetic impact of the recycling center were it to locate near the shared property boundary on the east side of the Costco site.

Following this discussion, Costco responded to staff with the attached letter (see Attachment no. 10) stating that they wished to support Mr. Balyan's appeal of the Planning Commission's decision. The letter further states that should the City Council concur with the Planning Commission's decision to deny the CUP request at the originally proposed location based on the parking, traffic circulation, and aesthetic impacts, they would be amenable to locating the recycling center to the rear of Costco (along the easterly boundary) as suggested by staff. Accordingly, staff has prepared two resolutions for the Council's consideration: one resolution upholding the Planning Commission's decision to deny the CUP request without prejudice, and another resolution approving the CUP request with added conditions of approval requiring the recycling center to locate in the rear parking lot area, along the east boundary of the property and north of the loading dock screening wall. If the City Council were inclined to approve the application on this basis, and in response to the correspondence received from the easterly neighboring property ownership, staff has included a special condition of approval within the attached approval resolution requiring

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supplemental screen landscaping between the recycling center location and the easterly adjacent property to limit potential negative aesthetic impacts to the adjacent property owner and tenants.

SUMMARY

The Planning Commission denied Conditional Use Permit 2021-25 – Sunset Recycling on September 15, 2021, based on analysis by staff that the proposed locations in the front parking area of the subject site (along the south building elevation) would result in negative parking, circulation, and aesthetic impacts. Staff maintains this position and recommends that the City Council uphold the Planning Commission's denial of Conditional Use Permit 2021-25, based on the applicant's currently proposed location. Should the applicant wish to relocate the facility along the easterly boundary of the site, staff would recommend that the City Council consider adopting a resolution approving Conditional Use Permit 2021-25 – Sunset Recycling, with special conditions requiring the recycling center to locate towards the rear of the Costco Building (along the easterly boundary), north of the loading dock screening wall. Resolution No. 2021-5766 has been provided for the Council's adoption, upholding the Planning Commission's denial decision. As an alternative, Resolution No. 2021-5767 has been provided the Council's adoption, approving CUP 2021-25 - Sunset Recycling in the locations recommended by staff.

ENVIRONMENTAL ANALYSIS

As this project is for the deviation from a zoning code setback requirement, it qualifies as a Class 3 (New Construction) Categorical Exemption, and is, therefore exempt from CEQA pursuant to the provisions of Title 14 CCR § 15303.

FISCAL IMPACT

None

ALTERNATIVES

Alternatively, the City Council may:

1. Provide direction to staff relative to the City Council's determination on the requested application. Options in this regard may include incorporation of additional design modifications or referring the matter back to the Planning Commission for further review and consideration.

ATTACHMENTS

- 1) Locator Map
- 2) Staff Report from the August 11, 2021, Planning Commission Meeting

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- 3) Minutes from the August 11, 2021, Planning Commission Meeting
 - 4) Staff Report from the September 15, 2021, Planning Commission Meeting
 - 5) Minutes from the September 15, 2021, Planning Commission Meeting
 - 6) Letter from Costco Management, received September 8, 2021.
 - 7) Letter from the Applicant, received September 13, 2021
 - 8) Appeal Application from Artashes Balyan
 - 9) Letter from Savi Ranch Property Holdings, LLC, received October 6, 2021.
 - 10) Letter from Costco Management, received October 11, 2021.
 - 11) City Council Resolution No. 2021-5766 upholding the Planning Commission's denial decision of Conditional Use Permit 2021-25
 - 12) City Council Resolution No. 2021-5767 approving Conditional Use Permit 2021-25, with conditions
 - 13) Plans
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