

Chair Masterson open the public hearing ask the applicant if he agreed with all the conditions of approval.

Michael Mueller approached and stated he agreed with all the conditions of approval and asked if he can begin construction immediately.

Director Brantley stated it is preferable to wait until the 15-day appeal process has been completed.

There were no other speakers; the public hearing was closed.

A motion was made by Commissioner Pease, second by Chair Pro Tem Darnell to adopt Resolution No. 5469 approving Conditional Use Permit 2021-38 Mueller subject to the findings and conditions. The motion carried (3-0) with the following roll call vote:

AYES:	Masterson, Darnell, Pease
NOES:	None
ABSENT:	Bernstein, Singh
ABSTAIN:	None

Director Brantley advised this action by the Planning Commission this evening is final unless it is appealed to the City Council within 15 days through the City Clerk's office.

5. **PUBLIC HEARING RE: CONDITIONAL USE PERMIT 2021-25 SUNSET RECYCLING:** A request to establish and operate a staffed recycling center within the front parking lot area of Costco, on property addressed as 22633 Savi Ranch Parkway, located on the northeast quadrant of Mirage Street and Savi Ranch Parkway, south of the Santa Ana River, in the Savi Ranch (Planned Development) zone. (APN: 352-111-47)

CEQA STATUS: Categorical Exemption (Class 3, New Construction)
MEASURE B APPLICABILITY: a) Vote - No; b) Public Notice - No
TRAFFIC COMMISSION REVIEW: No
RECOMMENDATION: To adopt a resolution denying the project.

Ashanti Mason Warren, Assistant Planner, provided an overview of the project's site plan. Previously, a CUP was approved for a facility in back of Costco, but it was never built. Staff has aesthetic concerns with the proposed location of the facility particularly related to the activities associated with the drop off of recyclables. The applicant is proposing to locate the facility directly in front of Costco, between the building and Savi Ranch and it would be visible from Savi Ranch Parkway and Costco patrons. The Costco site currently has a surplus of 6 parking spaces and there is a potential for those six surplus spaces to be taken by this use. Staff also has concerns about the proposed location taking up spaces that are in high demand because of its close proximity to the handicap accessible parking and potential traffic and circulation impacts.

Staff believes the aesthetics, parking and on-site circulation impacts are significant and requested that the applicant relocate facility to the rear of the Costco building to the

location that was previously approved. Staff is recommending that the Planning Commission adopt the attached resolution denying the request.

Chair Pro Tem Darnell asked what is located in the back of the property and if they would still need a CUP because a CUP exists at that location.

Mr. Litfin responded that if it has not been used for 12 months it would expire.

Chair Masterson opened the public hearing and asked the applicant to step forward.

Artashes Balyan, applicant, explained he has several facilities at Costco's throughout the area and they do not have any facilities in the back of their buildings due to their loading docks. Placing facilities in the back of the building also causes concerns for more theft and crime. Costco's general manager chose this location for the facility, which placed them in the front of their building. They have built many of these facilities and have never had to screen the building or have had any problems with the parking or circulation.

There were no other speakers; the public hearing was closed.

Chair Masterson asked the applicant if the general manager of Costco proposed any other locations.

Mr. Balyan said Costco's GM proposed three other locations, but this location was preferred. This will be the only recycling center in the entire city of Yorba Linda.

Mr. Litfin stated the Bottle Act provides land use authority to determine locations for these facilities. There are other recycling centers in the city.

Chair Masterson asked Director Brantley if the applicant could return to the Planning Commission, after working with Costco, to find a different location if this is not approved tonight.

Director Brantley responded that the Commission could continue the item and direct staff to find another location; staff would have to prepare a new resolution for adoption at a subsequent meeting.

Chair Pro Tem Darnell opined that she had an issue with taking up Costco's prime parking. If Costco wants this facility so badly, then they need to rethink their location policy rather than causing a detriment to the traffic and circulation.

Chair Masterson stated it is not a good location from an aesthetic, safety, parking, and traffic aspect.

Commissioner Pease stated he respects the need for recycling and encourages it, but has concerns with the aesthetics, circulation and flow given its current location.

Mr. Litfin and the Commission Committee members discussed the applicant's options for denial or continuance.

Director Brantley added that staff feels the prior approved location in the back of the store, which was also approved by Costco, is the best option and it would be best if the applicant and Costco could agree to relocate the facility.

Chair Masterson asked the applicant if he would have more leverage with Costco, if the Commission approved the project subject to relocating to the previous site that was approved in the back of the store.

Mr. Balyan said he didn't know.

Chair Pro Tem Darnell proposed continuing the item to a date certain so that the applicant does not lose their fees or have to re-notice the item.

A motion was made by Chair Pro Tem Darnell, second by Commissioner Pease to continue this item to a date certain of September 15, 2021. The motion carried (3-0) with the following roll call vote:

- AYES:** Masterson, Darnell, Pease
- NOES:** None
- ABSENT:** Bernstein, Singh
- ABSTAIN:** None

DIRECTOR'S REPORT

Director Brantley advised the Commission that Mrs. Jamie K. Cerda will be leaving Yorba Linda for another opportunity in Eastvale.

COMMISSIONER COMMENTS - None

CORRESPONDENCE RECEIVED – None

ADJOURNMENT - 7:26 p.m.

The Planning Commission meeting was adjourned the next scheduled Planning Commission Meeting on September 15, 2021.

DAVID BRANTLEY, AICP
COMMUNITY DEVELOPMENT DIRECTOR