

CONTINUED PUBLIC HEARINGS

Director Brantley stated all the items have been properly noticed.

2. **CONTINUED 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.

Director Brantley stated this item was before the Commission on August 11th when staff expressed concerns about the proposed location of the recycling facility. Staff worked with the applicant to find an alternative location.

Ashanti Mason Warren, Assistant Planner stated staff had concerns with aesthetics, parking and circulation impacts with the original proposal and asked the applicant to relocate the recycling center behind the Costco, which was previously approved in 2012. Staff met with the applicant and a member from Costco management and found a number of locations that could accommodate the recycling center and significantly alleviate, if not eliminate, the aesthetic, and potential traffic and circulation impacts. Staff also offered to provide wayfinding signage, given the lack of visibility in the back, to accommodate the business and provide added visibility.

Costco and the applicant maintain that the proposed location, as well as the area next to the fuel pumps and tire center, are optimal locations. Nevertheless, Costco management stated they would internally discuss whether or not they would be favorable to moving the recycling center in the rear and get back to staff.

Costco responded stating they would not be able to accommodate the proposed location in the rear of the store and maintain that the optimal location is in the front at the previously proposed location or near the fuel pumps.

The applicant, Sunset Recycling, provided a letter stating they could operate in their proposed location without significant aesthetic, parking, and circulation impacts.

Staff analyzed other Sunset Recycling facilities that were located in the back of other Costco stores; including one facility located at a Costco in Cypress that was located to the rear of the Costco building. One facility was located in front of the store which showed aesthetic, parking and circulation impacts.

Staff is not opposed to the use itself, but rather the proposed location of the recycling center and maintains that this facility should locate to the rear of the Costco center. Staff is still willing to work with the applicant and Costco and would recommend approval of the project if it would relocate to the rear of the Costco facility as previously approved. Staff recommends that the Planning Commission adopt the attached resolution denying the conditional use permit.

Chair Pro Tem Darnell asked staff to explain their perspective on the proposed location.

Mr. Mason-Warren stated they believe the proposed location would exacerbate the traffic and circulation in that part of the center. That particular drive aisle is a main exit and entry aisle for the fuel center. There are ten drive aisles queued for the fuel pumps that all meter into a single lane; it is a very busy part of the center and staff patrons of the recycling center staging to drop off their recyclable materials will obstruct the flow of traffic in that area.

Chair Pro Tem Darnell asked if Costco would be amenable to removing the cordoned off parking spaces near the tire center and relocate it there.

Mr. Mason Warren said Costco's preferred location is near the tire center.

Mr. Balyan, the project applicant, approached and stated they will add decorative elements to improve the aesthetics. They have safety concerns about locating the facility in the back and Costco management feels they will be able to easily monitor the facility in the proposed location. The facility will not be a detriment to the shopping center or the traffic; they will only use the parking stalls which are allocated to them; furthermore, Costco customers won't want to use their parking stalls because they are too far away from the store.

Commissioner Singh asked how they will control the parking.

Mr. Balyan stated there will be containers at the kiosk area and the customers cannot park in the middle of the drive aisle; their staff will be directing them to a parking stall, or they will not purchase their materials.

Chair Masterson asked the applicant if the previously approved location in the back will be utilized if this proposal is not accepted by the Planning Commission this evening. He asked if any traffic studies were conducted by the applicant or Costco. There could be a potential circulation problem due to the delivery trucks and gas station patrons that are there at all times of the day, especially on weekends.

Mr. Balyan stated the rear location will not work and Costco does not want it in the back. They serve many locations at Costco facilities, and they have taken studies from all the sites that they serve. They will not be in the way of the gas station patrons even if they operate near the tire center. The visibility will deter the homeless and crime.

Chair Pro Tem Darnell asked if the facility will be built or be a prefab facility.

Mr. Balyan stated it is a prefabricated building and kiosk.

Chair Masterson opened the public hearing; seeing no one approach he closed the public hearing.

Commissioner Pease disclosed he shops and purchases his gas at this Costco. He stated he has concerns about placing the recycling center adjacent to the north side alongside the gas pumps; it will force people to try to exit at the southerly side which will exacerbate the traffic. He opined the proposed location does not make sense due to traffic and parking concerns, especially around the holidays and he will vote to deny the CUP.

Chair Pro Tem Darnell proposed to conditionally approve the project and condition it so that the recycling center had to use the four most easterly spaces, then it would be incumbent upon Costco to figure out where the tire center parking would be relocated. Since it is a prefab building, it could return to the Community Development Director in one year to evaluate how the operation is running.

Director Brantley stated the applicant is not there every day and even though he has the best intentions, people will do what is most convenient for them. Photographs of other recycling center facilities show vehicles staging in the drive aisle and not parking in appropriate stalls. It is ambitious to think that the Costco staff will monitor and ensure that it operates and is managed in a way that it doesn't create a circulation problem. Staff's concerns are not limited to the circulation and parking impacts. There are real aesthetic impacts about this land use and when the last application was approved by the Planning Commission and Costco five years ago, it was to be placed in the rear and the applicant and Costco didn't have any issues. Staff has recommended several locations, but they are unacceptable to the applicant and Costco. The concerns that Costco has expressed regarding conflicts with the delivery trucks would also be prevalent at the proposed location that Costco seems to support. Staff is concerned about any location in the front of the building, not only from the circulation impacts, but from the aesthetic impacts. Staff supports it in one of the alternative locations and if the Commission chooses to approve it at an alternate location, staff recommends that the item be continued until the next meeting to allow staff to return with a resolution of approval for that alternative location.

Chair Masterson opined that the proposed location would cause circulation issues as well as aesthetic impacts and he feels they have given the applicant and Costco viable alternative locations. The Commission can continue the item to allow the applicant to work with Costco on alternate locations or deny the conditional use permit.

Chair Pro Tem Darnell asked if the motion would be to deny without prejudice.

Director Brantley responded the motion would be to deny without prejudice, but a whereas clause could be added to the resolution to indicate that it is without prejudice which would allow the applicant to return with a new application at a different location and not wait for the one-year time frame when a project is denied with prejudice. However, it would require the applicant to submit a new application; the other option

would be to continue the item with advising the applicant and Costco that the Commission as a strong preference for the location. If they are amenable to that, staff can return with an approval resolution.

Commissioner Pease spoke against the continuance because the Commission provided a strong message at the August 11th meeting, and it was not well received by the applicant.

A motion was made by Commissioner Pease, second by Commissioner Bernstein to adopt Resolution No. 5470 denying Conditional Use Permit 2021-25 Sunset Recycling without prejudice.

The motion carried (5-0) with the following roll call vote:

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

3. PUBLIC HEARING RE: CONDITIONAL USE PERMIT 2021-39 AND ADMINISTRATIVE ADJUSTMENT 2021-22 – KREUTZIGER: A request to reduce the required front yard setback by not more than fifteen percent (15%) from twenty-five feet (25') to twenty-one feet and six inches (21'-6") to allow the construction of an 853 square foot attached garage and a 567 square foot second story addition, the area of construction within seventy feet (70') of another single-family residence, on the property addressed as 20740 Vista Del Norte, located near the easterly terminus of Vista Del Norte, within the RS (Residential Suburban) zone. (APN: 350-121-09)

CEQA STATUS: Categorical Exemption (Class 1, Existing Facilities)

MEASURE B APPLICABILITY: a) Vote – No; b) Public Notice – No

TRAFFIC COMMISSION REVIEW: No

RECOMMENDATION: To adopt a resolution approving the project.

Ashanti Mason-Warren, Assistant Planner, provided an overview of the request to accommodate a second story addition and remodel this existing single-family home. The proposed second story addition would result in new windows; however, staff has no privacy concerns with the proposed windows. The applicant is requesting an administrative adjustment to reduce the front yard set back by less than 15% from the standard. Staff supports the project and recommends approval of the conditional use permit and administrative adjustment.

Mr. Mason-Warren added that staff has not heard from the applicant since the conditions of approval were sent to him.