

RESOLUTION NO. 2021-5766

A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF YORBA LINDA DENYING CONDITIONAL
USE PERMIT 2021-25 – SUNSET RECYCLING

WHEREAS, an application for Conditional Use Permit 2021-25 was made by Artashes Balyan for Sunset Recycling, 13027 Victory Boulevard #175, CA 91606, to establish and operate a staffed recycling center within the Costco parking lot located at 22633 Savi Ranch Parkway within the Savi Ranch PD (Planned Development) zone; and,

WHEREAS, in accordance with all the land use application review requirements and procedures contained in the City of Yorba Linda Municipal Code, and the requirements of other applicable local, state and federal agencies, on September 15, 2021, the Planning Commission reviewed this matter at a duly noticed public hearing and adopted Resolution No. 5470 denying Conditional Use Permit 2021-25 without prejudice; and,

WHEREAS, on September 16, 2021, Mr. Artashes Balyan appealed the Planning Commission's decision to deny this project; and,

WHEREAS, this matter of appeal requires a public hearing in accordance with Section 18.36.700.C of the Zoning Code; and,

WHEREAS, notice of public hearing before the City Council of the City of Yorba Linda concerning this matter of appeal was given in accordance with applicable law; and,

WHEREAS, On October 19, 2021, the City Council held a public hearing pertaining to appeal of Conditional Use Permit 2021-25; and,

WHEREAS, the City Council has reviewed and considered the Planning Commission's action to deny this project, including the findings upon which the Planning Commission based its approval actions, and all of the conditions of approval, contained within Resolution No. 5470; and,

WHEREAS, after consideration of the staff report and all of the information, testimony, and evidence presented at the public hearing, the Yorba Linda Planning Commission does hereby find:

- A. The proposed location of the conditional use and the conditions under which it would be operated or maintained will be detrimental to the public health, safety, or welfare, or be materially injurious to properties or improvements in the vicinity in that the proposed collection facility is proposed to situate in a location (i.e., the front of the building) that will have significant aesthetic, parking, and circulation impacts. The proposed

location will displace four (4) to six (6) high demand parking spaces along a high traffic drive aisle and will be situated along the front façade of the Costco building within a direct line of site from Savi Ranch Parkway. There are alternative locations on the project site that would substantially reduce these aesthetic, parking, and circulation impacts.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Yorba Linda does hereby uphold the decision of the Planning Commission, and deny Conditional Use Permit 2021-25.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Yorba Linda, on the 19th day of October 2021.

PEGGY HUANG, MAYOR
CITY OF YORBA LINDA

ATTEST:

MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA

APPROVED AS TO FORM:
RUTAN & TUCKER, LLP

CITY ATTORNEY

STATE OF CALIFORNIA)
ss.
COUNTY OF ORANGE)

I, MARCIA BROWN, City Clerk of the City of Yorba Linda, California, **DO HEREBY CERTIFY** that the foregoing Ordinance was adopted at a regular meeting of the City Council of the City of Yorba Linda held on the 19th day of October, 2021, and was carried by the following roll call vote:

AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS

MARCIA BROWN, CITY CLERK

CITY OF YORBA LINDA