

RESOLUTION NO. 2021-5767

A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF YORBA LINDA APPROVING CONDITIONAL
USE PERMIT 2021-25 – SUNSET RECYCLING, WITH
CONDITIONS

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, evidence presented at the public hearing, and the willingness of the applicant to locate the recycling center to the rear of the Costco building and north of the loading dock screening wall, the Yorba Linda Planning Commission does hereby find:

- A. The proposed location of the conditional use is in accord with the same objectives of the Zoning Code and the purpose of the zone in which the site is located, in that Section 18.32.070 of the Zoning Code permits the

establishment of a large recycling collection facility with the approval of a conditional use permit by the Planning Commission.

- B. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not 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 will be operated in conformance with Section 18.32.070. Furthermore, analysis of the proposal has not revealed any significant issues of aesthetics, parking and/or circulation due to the recycling collection facility locating to the rear of the Costco building, along the easterly side of the property and north of the loading dock screening wall.
- C. The proposed conditional use will comply with each of the applicable provisions of the Zoning Code of the City of Yorba Linda.
- D. The project constitutes a Class 3 (New Construction) Categorical Exemption, and is therefore, exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Title 14 California Code of Regulations Section 15303.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Yorba Linda does not uphold the decision of the Planning Commission to deny the project, and hereby approve 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

EXHIBIT "A"

FOR RESOLUTION NO. 2021-5767

CONDITIONAL USE PERMIT 2021-25 – SUNSET RECYCLING

Standard Conditions:

- Eng.
1. Best Management Practices (BMPs) shall be used during construction in accordance with the Construction Runoff Guidance Manual for Contractors, Project Owners, and Developers to prevent pollutants, construction materials, and soil from entering the storm drain.
 2. **Prior to building permit**, drainage shall be designed to convey flows to an acceptable drainage system or outlet to the street to the satisfaction of the City Engineer.
 3. **Prior to building permit**, an erosion and sediment control plan shall be submitted at the time of building permit review and be accepted by the City Engineer.
 4. **Prior to building permit**, the applicant shall comply with the National Pollution Discharge Elimination System (NPDES) permit from the California Regional Water Quality Control Board (Santa Ana Region) as applicable.

- Bldg.
5. This project shall be subject to applicable school fees, the payment of which shall be documented to the satisfaction of the Building Official **prior to issuance of building permits.**
 6. All structures shall be designed in accordance with Section 1609 for the wind design and Section 1613 for seismic design from the 2019 California Building Code. The design shall be site specific and include the necessary data to justify proposed design.
 7. Plans submitted to Building for Plan Review shall include anchorage details, engineering calculations as necessary, full construction plans details.

Submitted plans Shall also include all disabled access features, related details, and dimensions. This shall include all site path of travel routes, with required slopes indicated, parking stalls, entry points to kiosk and the proposed bins and all other associated items such as counters, or points of sale/refund areas. etc.
 8. It is highly suggested the owner consult with a Certified Access Specialist (CAsp). Please see the attached handout as required by State of California, Assembly Bill 3002.
 9. **Prior to permit issuance**, developer shall contact Orange County Fire Authority (OCFA) to verify their requirements. Please contact OFCA at (714) 573-6100 and provide the Building Division with the OFCA conditions and approvals **prior to issuance of occupancy permits.**
 10. Applicant shall satisfy all conditions of approval and any other department or agency requirements prior to the building permit's final inspection.
- Plng.
11. Development shall occur substantially as shown on the plans approved by the Planning Commission and on file in the Community Development Department.
 12. Approval of this request shall not excuse compliance with all other applicable City ordinances and development standards in effect at this time.
 13. Failure to establish this facility at the approved location within the shopping center by October 19, 2022, shall cause the Conditional

Use Permit to expire, unless a time extension is requested in writing prior to that date.

14. The applicant shall agree and consent in writing within 60 days to the conditions of approval as adopted by the Planning Commission.

Special Conditions:

- Plng.
15. The facility shall be kept in good order and free of litter at all times. All donated items shall be stored inside at all times.
 16. Adjacent drive aisles shall be kept clear of litter, donated items, and may not be used for staging of material collections.
 17. Wayfinding signage may be permitted on site subject to approval of Costco management and the Community Development Director.
 18. The recycling unit shall be the 29' x 8' x 8' bin size Microcenter Product Specification at all times. Any deviation in model design shall be reviewed and approved to the satisfaction of the Community Development Director.
 19. The recycling collection facility is only permitted to operate in the area along the eastern side of the subject property, north of the loading dock screening wall, and to the rear of the Costco building.
 20. Any change in the approved operation or location of this facility shall require the approval of the Community Development Director. At the discretion of the Community Development Director, any proposed modifications may be referred to the Planning Commission for review/approval of a modification to the Conditional Use Permit.
 21. The applicant and its employees shall be responsible for ensuring that this facility will not obstruct, impede, or interfere with any on-site traffic and/or pedestrian circulation.

The facility shall comply with all requirements of Section 18.32.070.B.2 of the Yorba Linda Zoning Code at all times.

22. Prior to occupancy, the applicant shall work with the property owner to install supplemental screening landscaping along the easterly property boundary, between the recycling center and the easterly adjacent property, to the satisfaction of the Community Development Director.

-The End-