

## RESOLUTION NO. 2025-

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, DETERMINING THAT THE PROJECT IS CATEGORICALLY EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) UNDER CLASS 1 OF THE CEQA GUIDELINES SECTION 15301 (EXISTING FACILITIES) AND APPROVING A CONDITIONAL USE PERMIT FOR A RECYCLING CENTER TO BE LOCATED AT 1240 E PLAZA BOULEVARD.**

**WHEREAS**, the Planning Commission of the City of National City considered the Conditional Use Permit for a proposed recycling center, located at 1240 E Plaza Blvd. at a duly advertised public hearing held on October 20, 2025, at which time the Commission denied the Conditional Use Permit; and

**WHEREAS**, subsequent to the Planning Commission denial of the Conditional Use Permit, the applicant (“APPELLANT”) appealed the decision of the Planning Commission to the City Council; and

**WHEREAS**, the City Council of the City of National City considered the appeal of the Planning Commission’s denial of the Conditional Use Permit at a duly advertised public hearing held on December 2, 2025, at which time oral and documentary evidence was presented; and

**WHEREAS**, at said public hearing the City Council considered the staff report contained in Case File No. 2025-19 CUP maintained by the City and incorporated herein by reference along with evidence and testimony at said hearing; and

**WHEREAS**, this action is taken pursuant to all applicable procedures required by State law and City law. .

**NOW, THEREFORE, THE CITY COUNCIL OF NATIONAL CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:**

**Section 1:** That the City Council hereby upholds the appellants’ appeal of and overturns the Planning Commission’s decision to deny the Conditional Use Permit No. 2025-19 CUP for a proposed recycling center based on the following findings:

1. The proposed use is allowable within the applicable zoning district pursuant to a Conditional Use Permit and complies with all other applicable provisions of the Land Use Code because mobile recycling centers are a conditionally-allowed use in the Major Mixed-Use District (MXD-2) zone, and the conditions of approval will ensure the proposed recycling center will meet all requirements as contained in NCMC §18.30.170 – Recycling collection facilities.
2. The proposed use is consistent with the General Plan and any applicable specific plan, because the Land Use Code conditionally allows mobile recycling centers in the MXD-2 zone; the Land Use Code is consistent with the General Plan. There are no Specific Plans affecting this location.

3. The design, location, size, and operating characteristics of the proposed activity would be compatible with the existing and future land uses in the vicinity, because the recycling facility will be in compliance with the City's LUC and all applicable building and fire codes. There is adequate area on-site for a mobile recycling facility in accordance with the LUC requirements and the facility does not remove any parking spaces. In addition, the proposed mobile recycling center, subject to the conditions of approval, meets all requirements for such uses outlined in the Land Use Code, as discussed above.
4. The site is physically suitable for the type, density, and intensity of use being proposed, including access, utilities, and the absence of physical constraints, because the site has sufficient access to a major street that is adequate in width and pavement type to carry the volume and type of traffic generated by the proposed use, since the use is expected to generate a minimal amount of additional traffic for the Smart & Final shopping center, as many of the customers will also shop at the center.
5. Granting the permit would not constitute a nuisance or be injurious or detrimental to the public interest, health, safety, convenience, or welfare, or materially injurious to persons, property, or improvements in the vicinity and zone in which the property is located, because the proposed use will be subject to conditions that limit issues related to mobile recycling centers such as noise, traffic, and litter. The business operates during daytime hours, the site shall be swept and cleared of litter at the end of each day, containers shall be locked when not in use and emptied on a regular basis, the business is located in an area separate from residences that will not interfere with parking or circulation for the shopping center.
6. The proposed project has been reviewed in compliance with the California Environmental Quality Act and has been determined to be categorically exempt from environmental review pursuant to Class 1 of the CEQA Guidelines, Section 15301 (Existing Facilities), for which a Notice of Exemption will be filed subsequent to approval of this CUP. The reason for the exemption is that the use is proposed within an existing shopping center, the use is ancillary and does not include the addition of any permanent structures, and the use is similar to other commercial uses in the area, which are permitted in Major Mixed-Use District zone.

**Section 2:** That the City Council hereby approves the application for Conditional Use Permit subject to the following conditions:

#### General

1. This *Conditional Use Permit* authorizes a mobile recycling center at 1240 East Plaza Boulevard. Except as required by conditions of approval, all plans submitted for permits associated with the project shall conform to Exhibit A, Case File No. 2025-19 CUP, dated 9/17/2025.
2. Before this *Conditional Use Permit* shall become effective, the applicant and the property owner both shall sign and have notarized an Acceptance Form, provided by the Planning Division, acknowledging and accepting all conditions imposed upon the approval of this permit. Failure to return the signed and notarized Acceptance Form within 30 days of its receipt shall automatically terminate the Conditional Use Permit. The applicant shall also submit evidence to the satisfaction of the Planning Division that a Notice of Restriction on

Real Property is recorded with the County Recorder. The applicant shall pay necessary recording fees to the County. The Notice of Restriction shall provide information that conditions imposed by approval of the Conditional Use Permit are binding on all present or future interest holders or estate holders of the property. The Notice of Restriction shall be approved as to form by the City Attorney and signed by the City Manager or assign prior to recordation.

3. *Within four (4) days of approval*, pursuant to Fish and Game Code 711.4 and the California Code of Regulations, Title 14, Section 753.5, the applicant shall pay all necessary environmental filing fees for the San Diego County Clerk. Checks shall be made payable to the San Diego County Clerk and submitted to the National City Planning Division.
4. This permit shall become null and void if not exercised within one year after adoption of the resolution of approval unless extended according to procedures specified in the Municipal Code.
5. This permit shall expire if the use authorized by this resolution is discontinued for a period of 12 months or longer. This permit may also be revoked, pursuant to provisions of the Land Use Code, if discontinued for any lesser period of time.
6. This *Conditional Use Permit* may be revoked if the operator is found to be in violation of any Conditions of Approval or applicable law.

#### Building

7. Building plans and permits shall be required to meet current California Building, Mechanical, Electrical, Plumbing, Accessibility, Green, Energy, and Fire Codes.
8. An accessible path of travel must be identified and/or implemented from a public right of way to the facility. This path of travel must meet accessibility requirements set forth in the California Building Code for minimum width, grade, markings, etc.
9. An accessible path of travel to a restroom must be identified and/or implemented and must be no further than 500 feet from the employee workplace. There shall be an agreement in place with the property owner or management group for use of one of the existing business' restrooms.
10. The facility must ensure dedicated working area for employees and customers loading/off-loading recycling material so to not impede traffic, parking, and ensure safety.
11. The facility must ensure proper best management practices for runoff.

#### Engineering

12. The operator shall maintain compliance with all the routine industrial/commercial facility BMPs in the National City BMP Manual (Table 2, Minimum BMPs for Industrial, Commercial, and Municipal Sites)
  - a. These are operational BMPs like regularly picking up trash and cleaning up/preventing spills.
13. The operator of the recycle center shall enter into a BMP maintenance agreement and shall execute said agreement and submit it to the National City Engineering/Public Works Department.
14. The operator shall be responsible for sweeping the area on a daily basis and removing all loose recycling material that has fallen onto the ground.

#### Fire

15. Plans are to be designed, fabricated and installed to code.
16. Project to be in compliance with the current editions of the National Fire Protection Association, California Fire Code 2022 Edition, Title 19 and local City of National City Municipal Codes.
17. The proposed recycling business must not, at any time, obstruct or impede the exits, access pathways, or areas designated for safe egress and refuge for surrounding businesses. A thorough evaluation of these considerations shall be conducted by the responsible party for the proposed business. This evaluation must take into account the impact on all adjacent and affected businesses and ensure continued compliance with all applicable safety and accessibility regulations.
18. Fire apparatus access roads shall comply with the requirements of this section (Section 5 CFC 2022) and shall extend to within 150 feet of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved area for turning around fire apparatus. This comment shall apply to new residential structures. The fire code official shall have the authority to require or permit modifications to the required access widths where they are inadequate for fire rescue operations or where necessary to meet the public safety objectives of the jurisdiction
19. The required width of emergency fire apparatus access roads shall not be obstructed in any manner, including parking of vehicles. All access roads shall be no less than 20 feet wide, no less than 14 feet high and shall have an all-weathered road with the ability to support 75 thousand pounds or greater. Where a fire hydrant is located on a fire apparatus road; the minimum road width shall be 26 feet. A 28-foot turning radius is required for fire department access through site. All fire department access roads shall be painted and signed to prevent parking in these required designated emergency areas
20. All designated fire access roads—including those located at the front, east, and rear of the business—must remain unobstructed at all times.
  - a. This requirement applicable to all vehicles associated with the business, including but not limited to customer parking, delivery vehicles, and product retrieval trucks. It is the responsibility of the business to ensure that these fire lanes remain fully accessible and free from obstructions at all times during business operations.
  - b. Failure to maintain clear fire access roads may result in enforcement action in accordance with applicable fire code regulations.
21. Fire hydrants to be located throughout the project as not to have a separation distance greater than 300 feet. Fire hydrants to be located within 400 feet of all locations which are roadway accessible. (Measurement starts from nearest existing fire hydrant to project)
22. Approved vehicle access for firefighting shall be provided to all construction and demolition sites. Vehicle access shall be provided to within 100 feet of temporary or permanent fire department connections. Vehicle access shall be provided by either temporary or permanent roads, capable of supporting vehicle loading under all weather conditions. Vehicle access shall be maintained until permanent fire apparatus access roads are available.
23. Where there is conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in a specific case, different sections of

this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

### Planning

24. The recycling collection facility shall conform to all provisions in Land Use Code Section 18.30.170 – Recycling Collection Facilities.
25. The recycling collection facility shall be established in conjunction with an existing commercial use or community service facility which is in compliance with the zoning, building, and fire codes of the city.
26. The recycling collection facility shall be no larger than three hundred and fifty square feet and occupy no more than three parking spaces.
27. The business shall not obstruct pedestrian or vehicular circulation.
28. The business shall only accept only glass, aluminum, nonaluminum, and plastic containers.
29. The use of power-driven processing equipment is prohibited.
30. Containers shall be constructed and maintained with durable waterproof and rustproof material, covered when the site is not attended, secured from unauthorized entry or removal of material, and have a capacity sufficient to accommodate materials collected and the collection schedule.
31. All recyclable material shall be stored in containers and not left outside of designated storage containers at any time; the recycling center area shall be maintained free of litter, and any undesirable materials, and removed at the end of each collection day. Any discarded material left overnight shall be removed immediately upon opening of business in the morning.
32. Noise levels shall not exceed sixty dBA as measured at the property line of residentially zoned property, and otherwise not exceed sixty-five dBA.
33. Containers shall be labeled to identify the type of material which may be deposited. Labels shall include: facility name, facility operator telephone number, hours of operation, and notice stating that no material shall be left outside the recycling enclosure or containers.
34. Any required landscape areas shall not be occupied or interfered with.
35. The area shall be clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present.
36. No recyclable material shall be accepted from persons transporting said material in non-motorized carrying devices including, but not limited to, shopping carts, wagons, etc.
37. Loitering at the facility or in its vicinity shall be prohibited.
38. The hours of operation shall be permitted only between the hours of 9 a.m. and 5 p.m. Monday through Saturday.
39. A signage plan shall be submitted to the Planning Division showing the location, size and type of signage, including labeling of containers, prior to operation of the facility.
40. Exterior walls of containers to a height of not less than 6 feet shall be treated with a graffiti resistant coating subject to approval from the Building Official. Graffiti shall be removed within 24 hours of its observance.

### Indemnification Agreement

The Applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify the Applicant of any claim, action, or proceeding. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, the Applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Applicant shall not be required to pay or perform any settlement unless such settlement is approved by the Applicant.

**Section 3:** The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

**PASSED and ADOPTED this 2<sup>nd</sup> day of December, 2025.**

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Ron Morrison, Mayor

**ATTEST:**

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Shelley Chapel, MMC, City Clerk

**APPROVED AS TO FORM:**

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Barry J. Schultz.  
City Attorney