



# **CITY COUNCIL AGENDA REPORT**

MEETING DATE: SEPTEMBER 20, 2005

ITEM NUMBER:

**SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING TITLE 20 OF THE COSTA MESA MUNICIPAL CODE REGARDING TRASH DUMPSTERS/BINS AND TRASH ENCLOSURES.**

**DATE: SEPTEMBER 12, 2005**

**FROM: DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION**

**PRESENTATION BY: KIMBERLY BRANDT, AICP, PRINCIPAL PLANNER**

**FOR FURTHER INFORMATION CONTACT: KIMBERLY BRANDT (714) 754-5604**

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## **RECOMMENDATIONS:**

1. Give first reading to the attached ordinance, which amends the Property Maintenance Code (Title 20), to require lids on all existing trash dumpsters/bins and the screening of trash dumpsters/bins from public view. This ordinance is applicable citywide.
2. By minute order, establish the priority enforcement for the first year to the Westside.

## **BACKGROUND:**

On March 15, 2005, the Costa Mesa City Council unanimously approved several revitalization strategies to improve the City's Westside. (See Figure 1 in Attachment 3) These strategies were based on the recommendation in the Westside Revitalization Oversight Committee's (WROC) Final Report and Implementation Plan that were reviewed by both the Costa Mesa Redevelopment Agency and City Council.

Revitalization Strategy C4 addresses trash dumpster/bin standards:

**"Description:** A new City ordinance that would require that all garbage dumpsters shall be affixed with a lid and should be entirely screened from public view – no exceptions."

On August 22, 2005, Planning Commission reviewed the ordinance and recommended that Council give it first reading on a 5-0 vote.

## **ANALYSIS:**

In their recommendation of approval of the ordinance, Commission recommended that the ordinance be applied citywide and that language be added that allows relief from the screening and/or trash enclosure requirements if a parking hardship will result. The following text amendment includes the Commission's recommendations. See Attachment 1 for the complete ordinance.

**“(j) Trash bins.** Trash bins or dumpsters shall be kept within an enclosed building, a trash enclosure, or screened from public view to the maximum extent feasible.

Exception: All existing trash dumpsters shall be affixed with a lid and screened from public view by a trash enclosure or other acceptable manner under the direction of the Planning Division. The provision of a trash enclosure or screen may result in the loss of required parking spaces, landscaping, and/or open space without approval of a variance from development standards in Title 13, PLANNING, ZONING AND DEVELOPMENT. The Development Services Director may waive this requirement, if he/she determines that the loss of onsite parking shall create a hardship for the site. The location of any trash enclosure or screen on the site as required by this section shall be approved by the Planning Division.

Overflowing trash bins or dumpsters due to inadequate number of bins and/or request for service from the trash hauler are prohibited. Use of commercial trash bins for residential uses in the R-1 zone is prohibited, except for the purpose of removing construction and demolition materials pursuant to Section 20-6(a) Construction Activities.”

Staff believes this program can be accomplished with existing Development Services Department personnel as part of their ongoing patrol and enforcement activities provided the program is applied in a phased approach. Staff recommends that the priority for the first year be the Westside. Staff believes that this approach will not overwhelm staff resources. The City Attorney has determined that Council may direct staff by minute order to implement this program with priority being given to the Westside for the first year.

A copy of the Commission’s staff report and meeting minutes is contained in Attachment 2. The Commission staff report provides additional analysis of the ordinance.

**ALTERNATIVES CONSIDERED:**

Council may choose to do any of the following:

1. Give first reading to the ordinance as recommended by Planning Commission and establish the priority enforcement for the first year to the Westside;
2. Give first reading to the ordinance with an added provision that it be applied only to the Westside; or
3. Take no action on the ordinance, and thereby retain the City’s current municipal code provisions regarding trash enclosures and the screening of trash dumpsters.

**FISCAL REVIEW:**

As discussed above, application of this ordinance can be accomplished with existing Development Services staff personnel if a phased implementation approach is undertaken or if the program were limited to the City’s Westside (Attachment 3).

**LEGAL REVIEW:**

The ordinance has been approved as to form by the City Attorney's Office.

**ENVIRONMENTAL DETERMINATION**

This code amendment has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures, and has been found to be exempt.

**CONCLUSION:**

The proposed ordinance implements strategy C4 of the Westside Revitalization Program, and it will result in an overall improved appearance of the community by requiring existing trash dumpsters/bins to be placed in trash enclosures.



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KIMBERLY BRANDT, AICP  
Principal Planner



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DONALD D. LAMM, AICP  
Deputy City Mgr. – Dev. Svs. Director

DISTRIBUTION: City Manager  
Assistant City Manager  
City Attorney  
Deputy City Manager – Dev. Svs. Director.  
Public Services Director  
Chief of Code Enforcement  
City Clerk (2)  
Staff (4)  
File (2)

ATTACHMENTS: 1 Strike-through Ordinance  
2 Planning Commission meeting minutes  
and staff report  
3 Westside Map

File Name: 092005TrashEnd

Date: 090605

Time: 10:45 a.m.

**ATTACHMENT 1**  
**STRIKE-THROUGH ORDINANCE**

ORDINANCE NO. 05-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING TITLE 20 OF THE COSTA MESA MUNICIPAL CODE REGARDING TRASH DUMPSTERS/BINS AND TRASH ENCLOSURES.

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Title 20 of the Costa Mesa Municipal Code is hereby amended to read as follows:

a. Amend Section 20-7(j) as follows:

**“(j) Trash bins.** Trash bins or dumpsters shall be kept within an enclosed building, a trash enclosure, or screened from public view to the maximum extent feasible.

Exception: All existing trash dumpsters shall be affixed with a lid and screened from public view by a trash enclosure or other acceptable manner under the direction of the Planning Division. The provision of a trash enclosure or screen may result in the loss of required parking spaces, landscaping, and/or open space without approval of a variance from development standards in Title 13, PLANNING, ZONING AND DEVELOPMENT. The Development Services Director may waive this requirement, if he/she determines that the loss of onsite parking shall create a hardship for the site. The location of any trash enclosure or screen on the site as required by this section shall be approved by the Planning Division.

Overflowing trash bins or dumpsters due to inadequate number of bins and/or request for service from the trash hauler are prohibited. Use of commercial trash bins for residential uses in the R-1 zone is prohibited, except for the purpose of removing construction and demolition materials pursuant to Section 20-6(a) Construction Activities.”

Section 2. Environmental Determination. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City’s environmental procedures, and has been found to be exempt.

Section 3. Inconsistencies. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to affect the provisions of this Ordinance.

Section 4. Severability. If any chapter, article, section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance or its application to other persons. The City

Council hereby declares that it would have adopted this Ordinance and each chapter, article, section, subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, phrases, or portions of the application thereof to any person, be declared invalid or unconstitutional. No portion of this Ordinance shall supersede any local, State, or Federal law, regulation, or codes dealing with life safety factors.

Section 5: This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof and prior to the expiration of fifteen (15) days from its passage shall be published once in the ORANGE COAST DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2005

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk of the  
City of Costa Mesa

\_\_\_\_\_  
City Attorney

STATE OF CALIFORNIA)  
COUNTY OF ORANGE) ss  
CITY OF COSTA MESA)

I, Julie Folcik, Deputy City Clerk and ex-officio clerk of the City Council of the City of Costa Mesa, hereby certify that the above and foregoing Ordinance No. 05-\_\_ was introduced and considered section by section at a regular meeting of said City Council held on the \_\_\_\_ day of \_\_\_\_\_, 2005, and thereafter passed and adopted as a whole at a regular meeting of said City Council held on the \_\_\_\_ day of \_\_\_\_\_, 2005, by the following roll call vote:

AYES:

NOES:

ABSENT:

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the City of Costa Mesa this \_\_\_\_ day of \_\_\_\_\_, 2005.

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Deputy City Clerk and ex-officio  
Clerk of the City Council of the  
City of Costa Mesa

## **ATTACHMENT 2**

### **Planning Commission Meeting Minutes and Staff Report**

Excerpt from the minutes of the Planning Commission meeting of August 22, 2005

AN ORDINANCE:  
AMENDMENTS REGARDING  
TRASH DUMPSTERS/BINS  
AND TRASH ENCLOSURES

CITY

The Chair opened the public hearing for consideration of an ordinance of the City Council of the City of Costa Mesa, California, amending Title 20 of the Costa Mesa Municipal Code regarding trash dumpsters/bins and trash enclosures. Environmental determination: Exempt.

Principal Planner Kimberly Brandt reviewed the information in the staff report and gave a presentation. She said staff was recommending that Planning Commission recommend to City Council to give ordinance first reading.

In response to a question from Commissioner Egan regarding a provision for a property owner who has an unusual hardship and to whom he would apply, Ms. Brandt explained that there is not a specific provision included in the ordinance and could be something the Commission could recommend with language and forward on to City Council.

In response to a follow-up question from Commissioner Egan to Deputy City Attorney Tom Duarte regarding a property owner (referencing one or more on the Center Street alley) who would lose all of his parking as a result of having to enclose the trash dumpster, Mr. Duarte suggested that should that happen, at a point in time, he would apply for a variance. In response to Commissioner Egan if he would lose his parking, Mr. Duarte said this is something he could research and get back to her. He also offered to send the results on to City Council for their review. Commissioner Garlich agreed that some provision should be made in any event because it could mean someone might even lose his or her home.

Commissioner Garlich also asked why this is not a citywide ordinance and is only limited to the Westside, and what would staff's recommendation be on how to deal with that this evening. Ms. Brandt explained that the genesis of this ordinance was from the City Council's Westside Revitalization Plan and a particular strategy that was just limited to the Westside, however, if the Planning Commission is interested in having this applied citywide, it can be a part of the Commission's recommendation to City Council. Staff would also provide in the staff report, some fiscal implications of that recommendation.

Val Skoro, owner of 19 units located at 859 West 19<sup>th</sup> Street, stated that he is a "Keep Costa Mesa Beautiful Committee" member with Commissioner Egan and has owned this property for over 20 years and well-versed with the situation as far as dumpsters are concerned. He stated that he has an enclosure in the back of his units and a continuing problem with the units on Center Street as previously mentioned by Commissioner Egan.

He did not feel that variances should be granted because it takes people off the hook to keep the area cleaned up. He said they can claim there is an economic hardship involved with building an enclosure, but in these times with rentals what they are, if you can't make money it could be there is not a good understanding of the business. He felt the Commission should recommend approval to City Council without further delay.

No one else wished to speak.

MOTION:  
TRASH DUMPSTERS/BINS AND  
TRASH ENCLOSURES  
RECOMMENDED TO CITY COUNCIL

A motion was made by Commissioner Egan, seconded by Commissioner Garlich and carried 5-0 to recommend to City Council to give ordinance first reading to include the following recommendations:

- (1) Consider hardship language in cases where trash enclosures/bins may require the use of existing, on-site parking spaces and could cause commercial/industrial/multifamily areas to lose parking already accounted for.
- (2) Consider an additional ordinance to apply citywide.

During discussion of the motion, the Chair agreed with Commissioner Egan's reasoning and said he would support the motion. Commissioner Fisler also agreed and favored it going citywide.



# **PLANNING COMMISSION AGENDA REPORT**

*III. 2.*

MEETING DATE: AUGUST 22, 2005

ITEM NUMBER:

**SUBJECT:** AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING TITLE 20 OF THE COSTA MESA MUNICIPAL CODE REGARDING TRASH DUMPSTERS/BINS AND TRASH ENCLOSURES.

**DATE:** AUGUST 11, 2005

**FOR FURTHER INFORMATION CONTACT:** KIMBERLY BRANDT, AICP, PRINCIPAL PLANNER  
(714) 754-5604

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## **DESCRIPTION**

A Property Maintenance Code amendment to require lids on all existing trash dumpsters/bins and the screening of trash dumpsters/bins from public view. This requirement is limited to the City's Westside.

## **RECOMMENDATION**

Staff recommends that Planning Commission recommend to City Council that the ordinance be given first reading.

  
KIMBERLY BRANDT, AICP  
Principal Planner

  
R. MICHAEL ROBINSON, AICP  
Assistant Development Svs. Director

## **BACKGROUND**

On March 15, 2005, the Costa Mesa City Council unanimously approved several revitalization strategies to improve the City's Westside. (See Figure 1) These strategies were based on the recommendation in the Westside Revitalization Oversight Committee's (WROC) Final Report and Implementation Plan that were reviewed by both the Costa Mesa Redevelopment Agency and City Council.

Revitalization Strategy C4 addresses trash dumpster/bin standards:

**“Description:** A new City ordinance that would require that all garbage dumpsters shall be affixed with a lid and should be entirely screened from public view – no exceptions.”

The proposed code amendment implements this strategy.

## **ANALYSIS**

The following requirement is an amendment to the City's existing trash dumpster/bin regulations in Title 20, Property Maintenance. Normally, the Planning Commission does not review amendments to this Municipal Code section; however, the proposed regulation may result in the loss of onsite parking, open space, and/or landscaping in order to provide a trash enclosure or other acceptable screening on every property. Thus, staff believes Commission's recommendations to Council are appropriate on this ordinance.

**“(j) Trash bins.** Trash bins or dumpsters shall be kept within an enclosed building, trash enclosure, or screened from public view to the maximum extent feasible.

Exception: In the City's Westside, all existing trash dumpsters shall be affixed with a lid and screened from public view by a trash enclosure or other acceptable manner under the direction of the Planning Division. The provision of a trash enclosure or screen may result in the loss of required parking spaces, landscaping, and/or open space without approval of a variance from development standards in Title 13, PLANNING, ZONING AND DEVELOPMENT. The location of any trash enclosure or screen on the site as required by this section shall be approved by the Planning Division. The boundaries of the Westside are on file in the Planning Division.

Overflowing trash bins or dumpsters due to inadequate number of bins and/or request for service from the trash hauler are prohibited. Use of commercial trash bins for residential uses in the R-1 zone is prohibited, except for the purpose of removing construction and demolition materials pursuant to Section 20-6(a) Construction Activities.”

Development Services will be responsible for implementing this new code requirement upon its adoption by City Council. It is anticipated, that Code Enforcement will

methodically begin to enforce the provision of trash enclosures. Planning Division staff will also be involved in the review and approval of the location of the enclosures and/or screens.

**ALTERNATIVES**

Commission may recommend modification to the proposed ordinance or recommend to Council that the City's current regulations remain in place.

**ENVIRONMENTAL DETERMINATION**

These code amendments have been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures, and have been found to be exempt.

**CONCLUSION**

The proposed ordinance implements strategy C4 of the Westside Revitalization Program, and it will result in an overall improved appearance of the Westside by requiring existing trash dumpsters/bins to be placed in trash enclosures.

- Attachments:
1. Proposed Ordinance- strike-through version
  2. Figure 1- Westside

- Distribution:
- Deputy City Manager - Dev. Svs. Director
  - Senior Deputy City Attorney
  - Public Services Director
  - Building Official
  - Chief of Code Enforcement
  - City Engineer
  - Fire Protection Analyst
  - Staff (4)
  - File (2)
  - Tom Fauth, Costa Mesa Sanitary District

File: 082205Title20TrashEnd	Date: 080905	Time: 10:30 a.m.
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**ATTACHMENT 1**  
**PROPOSED ORDINANCE**

ORDINANCE NO. 05-

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA AMENDING TITLE 20 OF THE COSTA MESA MUNICIPAL CODE REGARDING TRASH DUMPSTERS/BINS AND TRASH ENCLOSURES.

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Section 2. Environmental Determination. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City’s environmental procedures, and has been found to be exempt.

Section 3. Inconsistencies. Any provision of the Costa Mesa Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to affect the provisions of this Ordinance.

Section 4. Severability. If any chapter, article, section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance or its application to other persons. The City Council hereby declares that it would have adopted this Ordinance and each chapter, article,

section, subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more subsections, subdivisions, sentences, clauses, phrases, or portions of the application thereof to any person, be declared invalid or unconstitutional. No portion of this Ordinance shall supersede any local, State, or Federal law, regulation, or codes dealing with life safety factors.

Section 5: This Ordinance shall take effect and be in full force thirty (30) days from and after the passage thereof and prior to the expiration of fifteen (15) days from its passage shall be published once in the ORANGE COAST DAILY PILOT, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance, and within fifteen (15) days after adoption, the City Clerk shall cause to be published the aforementioned summary and shall post in the office of the City Clerk a certified copy of this Ordinance together with the names and member of the City Council voting for and against the same.

PASSED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2005

\_\_\_\_\_  
Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
City Clerk of the  
City of Costa Mesa

\_\_\_\_\_  
City Attorney



# **CITY OF COSTA MESA**

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92626-1200

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DEVELOPMENT SERVICES DEPARTMENT

**FOR ATTACHMENTS NOT INCLUDED IN THIS  
REPORT, PLEASE CONTACT THE CITY CLERK'S  
OFFICE AT (714) 754-5121**