



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

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.

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, 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.”

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:

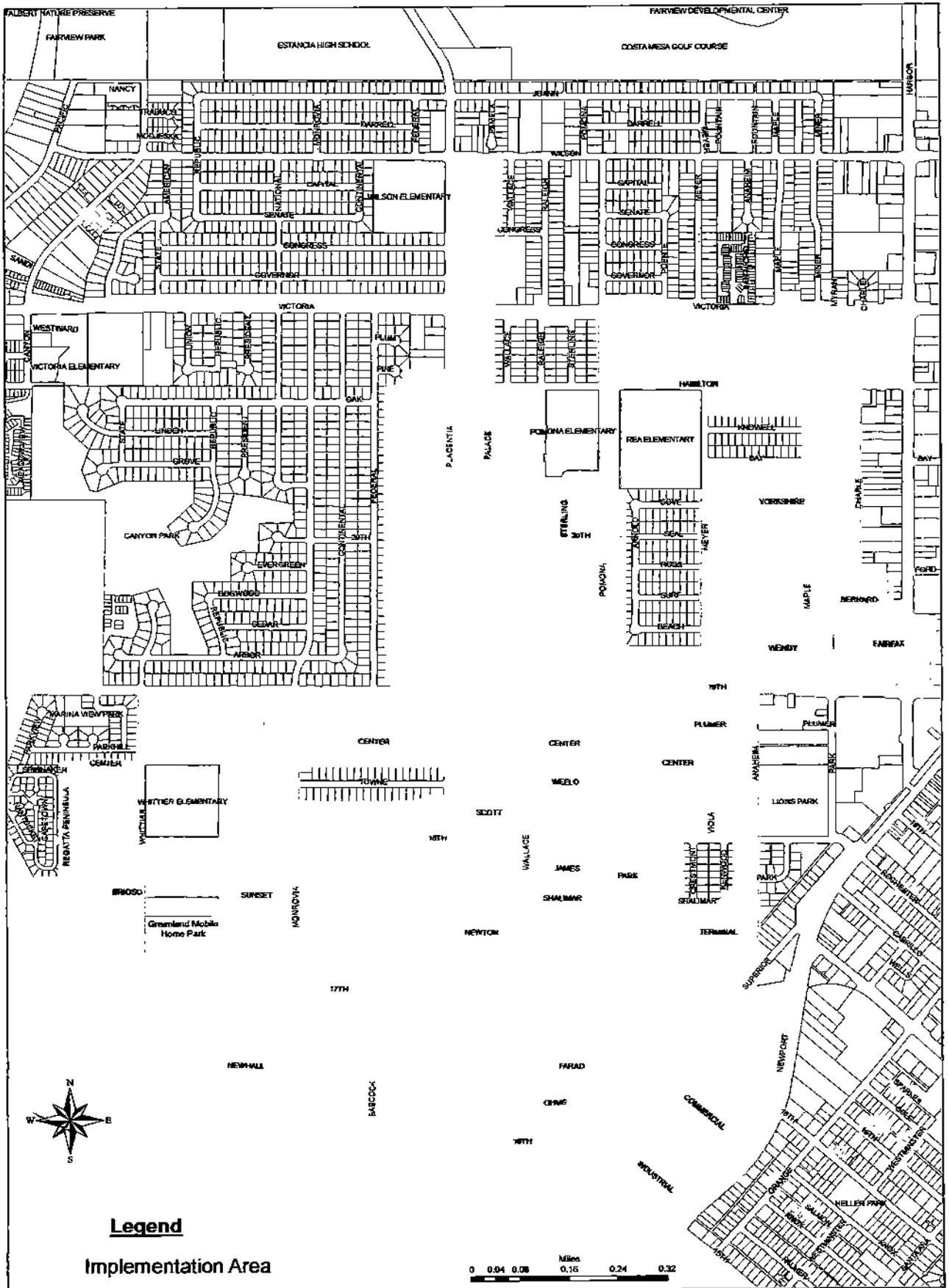
NOES:

ABSENT:

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

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

ATTACHMENT 2



City of Costa Mesa: Westside Revitalization Plan Vicinity Map

Figure 1