



PLANNING COMMISSION AGENDA REPORT

VI.5

MEETING DATE: MAY 10, 2010

ITEM NUMBER:

SUBJECT: REVIEW OF ZONING ADMINISTRATOR'S DENIAL OF TRASH ENCLOSURE WAIVER
1546 CORIANDER DRIVE

DATE: MAY 6, 2010

FOR FURTHER INFORMATION CONTACT: WILLA BOUWENS-KILLEEN, AICP
ZONING ADMINISTRATOR
714.754.4952 WBOUWENS-KILLEEN@CI.COSTA-MESA.CA.US

DESCRIPTION

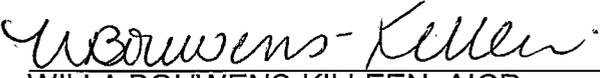
A request by Planning Commission Colin McCarthy for Planning Commission to review Zoning Administrator's denial of waiver from City trash enclosure requirements.

APPLICANT

The property owner is Joe Panarisi.

RECOMMENDATION

Uphold, reverse, or modify the Zoning Administrator's decision.



WILLA BOUWENS-KILLEEN, AICP
Zoning Administrator



KHANH NGUYEN
Acting Asst. Development Svs. Director

BACKGROUND

The property contains a fourplex constructed in 1964. The 35 properties along Coriander Drive were approved with the same fourplex design as the subject property. Plans do not show trash enclosures.

In 2005, City Council amended Title 20 – the Property Maintenance Code -- requiring the enclosure of all existing trash dumpsters throughout the City. To facilitate the provision of the enclosures, Council included wording in the Code that waived the need for a variance if the enclosure occupied required parking, landscaping and/or open space. As of the end of 2009, 315 existing trash dumpsters had been enclosed throughout the City.

In February 2010, Code Enforcement sent letters to all 18 property owners on the north side of Coriander Drive notifying them of the requirement to construct a trash enclosure on their private property and to relocate their dumpsters from the public alley into the enclosure.

Concern with the loss of on-site parking and consequent potential impacts when the entire neighborhood complies with the enclosure requirement prompted the property owner to request a waiver of the trash enclosure requirement; on April 22, 2010, the Zoning Administrator denied his request. Planning Commissioner Colin McCarthy called the item up for review on April 29, 2010.

ANALYSIS

When the fourplexes were constructed, each building contained four units: one-three bedroom unit and three-two bedroom units; eight parking spaces per building – two spaces per unit -- were provided (five garages and three open spaces). Current Code requires 13 spaces per building. Overflow parking occurs on both sides of Coriander Drive. The fourplexes are individually owned, with approximately 31 property owners for the 35 properties.

Although provided parking is nonconforming, staff determined that all required parking is not being used by the tenants for parking of operative vehicles. Enclosed garages are very often used for storage of a tenant's personal items rather than their operative vehicles. Code Enforcement is unable to enforce this provision; it is the property owner's responsibility to ensure that garages remain available for parking of the tenant's operative vehicles. Furthermore, it is evident that tenants are storing trailers, inoperative vehicles, and recreational vehicles in both required parking as well as the tandem parking spaces provided by some of the Coriander Drive property owners. Although it is the property owner's responsibility to ensure this does not occur, Code Enforcement can enforce removal of these items and has begun to do so.

The trash dumpsters have been – and continue to be – stored in the public alley; this is not permitted. Consequently, even if Planning Commission overturns the Zoning Administrator's denial of the waiver, the Coriander Drive property owners will still need to relocate their trash dumpsters onto their private property.

This requirement has been enforced in other areas of the City with similar parking and access configurations. For instance, in the Fillmore/Coolidge area – which contains triplexes with one

garage space and one open parking space per unit all accessed from a rear public alley -- property owners have provided trash enclosures for existing dumpsters as required by Code.

Additional Discussion

The City has approached the Apartment Association of Orange County, who will work with the City to encourage apartment property owners to require their tenants to use the garages and open parking spaces for parking of operative vehicles. Furthermore, for neighborhoods similar to Coriander Drive, Planning and Code Enforcement staffs will initiate a policy of working together to formulate potential locations for trash enclosures before beginning enforcement. This will ensure consistency in the location of the enclosures throughout the neighborhood.

Commissioner Mensinger also expressed concern with the materials that are allowed to enclose the relocated dumpsters. For your information, Attachment 5 contains handouts for the construction of trash enclosures, including materials, for both new developments and the enclosure of existing dumpsters.

ALTERNATIVES

Planning Commission may consider the following alternatives:

1. Uphold the Zoning Administrator's denial of the waiver, requiring the property owner to construct a trash enclosure; or
2. Reverse the Zoning Administrator's denial of the waiver. The property owner would still be required to relocate the dumpster onto private property but it would not have to be screened; or
3. Modify the Zoning Administrator's decision.

FISCAL REVIEW

Fiscal review is not required for this item.

LEGAL REVIEW

Legal review is not required for this item.

ENVIRONMENTAL REVIEW

No environmental review is required for this item.

CONCLUSION

In a continuing effort to improve the appearance of the city, Council adopted a Code provision that requires the screening of all existing trash dumpsters throughout the City. Parking impacts resulting from the potential loss of an open parking space can be offset if all the property owners in the neighborhood ensured that all garage and open parking spaces are used for the parking of operable vehicles. Trash dumpsters are not permitted in the public alley; consequently,

regardless of Planning Commission's decision, the property owners will have to relocate the trash dumpsters onto their private property.

Attachment 1 – Review request

Attachment 2 – Zoning Administrator's denial of waiver/Owner's request for waiver

Attachment 3 – Site plan

Attachment 4 – Airphoto of property

Attachment 5 – Trash enclosure standards

Attachment 6 -- Resolution

Distribution: Development Services Director
Acting Asst. Development Svs. Director
Deputy City Attorney
City Engineer
Fire Protection Analyst
Staff (4)
File (2)

Joe Panarisi
2850 Chios Road
Costa Mesa, CA 92626

File: 0510101Review1546Coriander	Date: 050410	Time: 8:30 a.m.
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Attachment 1



City of Costa Mesa

Appeal of Planning Department Decision (Rehearing)
 Appeal of Planning Department Decision (Right to be Heard)

APPLICATION FOR APPEAL, REHEARING, OR REVIEW

2850 ^{Joe Parrisi} Chios Road, Costa Mesa, CA

REQUEST FOR: REHEARING APPEAL REVIEW

Review of zoning Administrator decision regarding
trash enclosure at 1546 Coriander Drive, Costa
Mesa
Zoning Adm

Inconsistent direction on existing enforcement
of code, complaints by owners on
Coriander

4129110

Colin Morley

I, the undersigned, hereby request a rehearing or appeal of the decision of the Planning Department, as stated above, and I hereby certify that I am the owner of the property involved.

Signature of applicant must be written below this line.

DATE: _____

Signature of City Planner must be written below this line.

Attachment 2

CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200



DEVELOPMENT SERVICES DEPARTMENT

April 22, 2010

Mr. Joe Panarisi
2850 Chios Road
Costa Mesa, CA 92626

RE: REQUESTED WAIVER FROM TRASH ENCLOSURE REQUIREMENT
1546 CORIANDER DRIVE, COSTA MESA

Dear Mr. Panarisi:

I have discussed this matter with both the Development Services Director and Assistant Development Services Director. Based on City Council direction, as well as a review of the layout of your property – comparing them with properties both on Coriander Drive and other similar properties in the City that have already provided the required enclosures -- it has been determined that there is no basis to waive the requirement for the trash enclosure.

As stipulated by the City's Municipal Code, this decision may be appealed to the Planning Commission. The Municipal Code requires the appeal must be received by either the Planning Division or the City Clerk's office no later than 7 days from the date of this decision. Consequently, the appeal needs to be filed on the City's form and with the \$690.00 filing fee no later than 5 p.m. on April 29, 2010. The form is available at either the Planning Counter (second floor of City Hall) or the City Clerk's office (first floor of City Hall). City Hall is located at 77 Fair Drive, Costa Mesa. Please be aware that the item will appear before Planning Commission only if appealed or called up for review -- the latter by either a Planning Commissioner or City Council member – with no guarantee that it can be scheduled for May 10, 2010 Commission meeting.

Please let me know if you have any questions; I can be reached at either 714.754.5153 or wbkilleen@ci.costa-mesa.ca.us

Sincerely,

WILLA BOUWENS-KILLEEN, AICP
Zoning Administrator

cc: Ron Johnson, Code Enforcement Officer

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April 13, 2010

Willa Bouwens-Killeen, ALCP
Zoning Administrator
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

Good Afternoon Willa,

As per your e-mail notice I am submitting this letter requesting a Waiver of trash enclosures on my property at 1546 Coriander Dr, citing the Costa Mesa Municipal Code section 20-7-j. Some of the reasons are as follows;

- Parking spaces are already at a premium. Enclosures will occupy at least 1-2 parking spaces on either side of the building. There are 18 buildings on Coriander Dr.
- Trash enclosure locations in certain areas would present a health hazard to tenant front doors. The smell and the noise is an environmental hazard.
- Adding trash enclosures intensifies parking and emotions in the alley way because tenants are subject to traffic citations. There are "No Parking" signs posted in the alley.
- Street parking at peak hours, already overloaded, will have no openings for arriving tenants who work late. If they leave for a last minute errand, good luck on the return!
- There is a good possibility rodents, flies and other insects could be a menace if trash containers are placed too close to the buildings. The risk is these "invaders" would seek warm and comfort and gain entrance to apartment doors.
- From the negative attitude of my tenants to this Municipal Code implementation, and for their peace of mind, I agree as well to take a stand for them and ask for this Waiver.

Please advise on the Waiver decision and if declined I would like to be on the Agenda for the next Planning Commission meeting of May 10.

Sincerely,

Joe Panarisi
2850 Chios Rd.
Costa Mesa, 92626
panclan@ca.rr.com

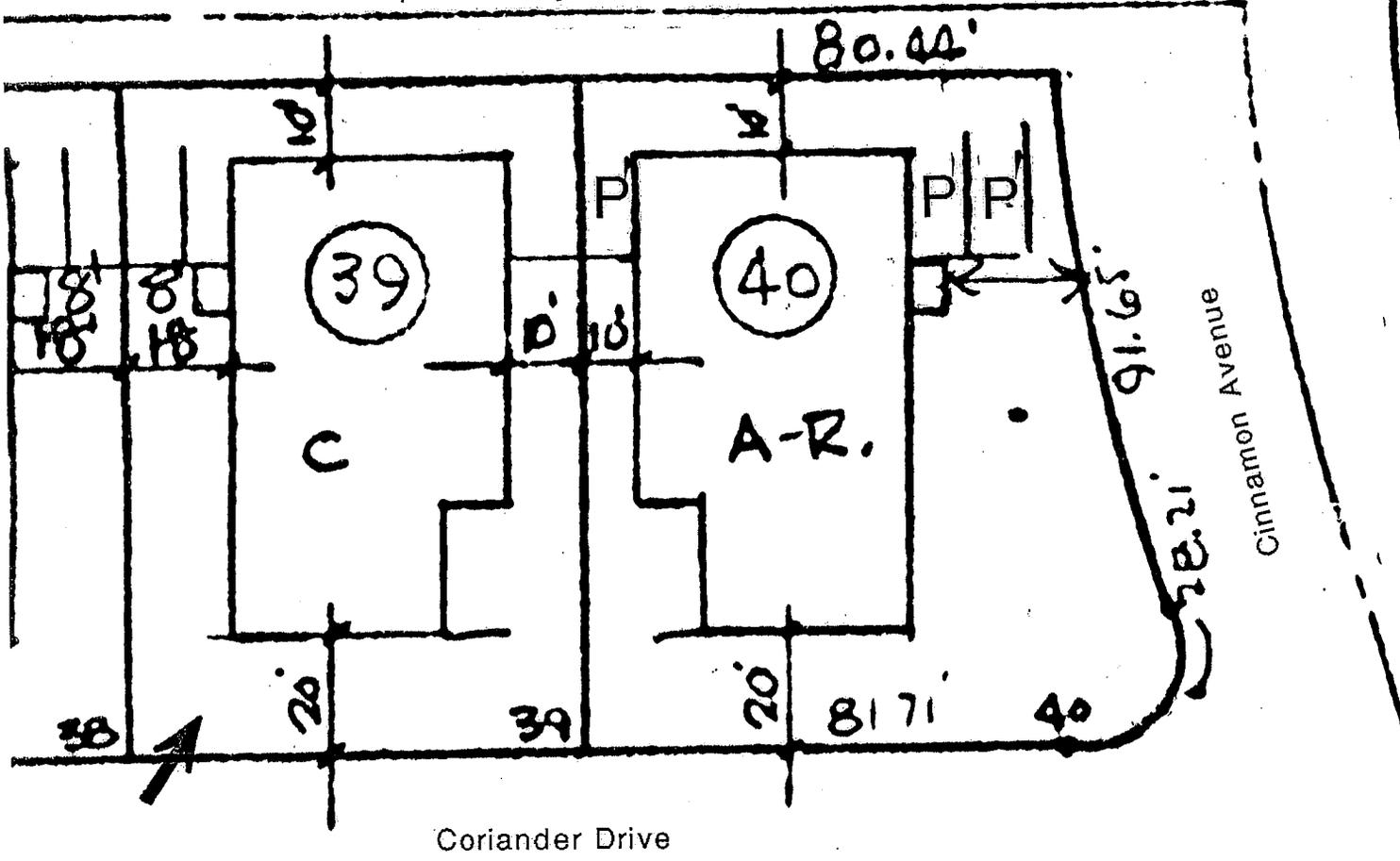
Attachment 3

SITE PLAN

THIS IS ALL IN...
TO KEEP...
WORK MUST...
60 DAYS...
AT LEAST...
THE...
SH...
A...

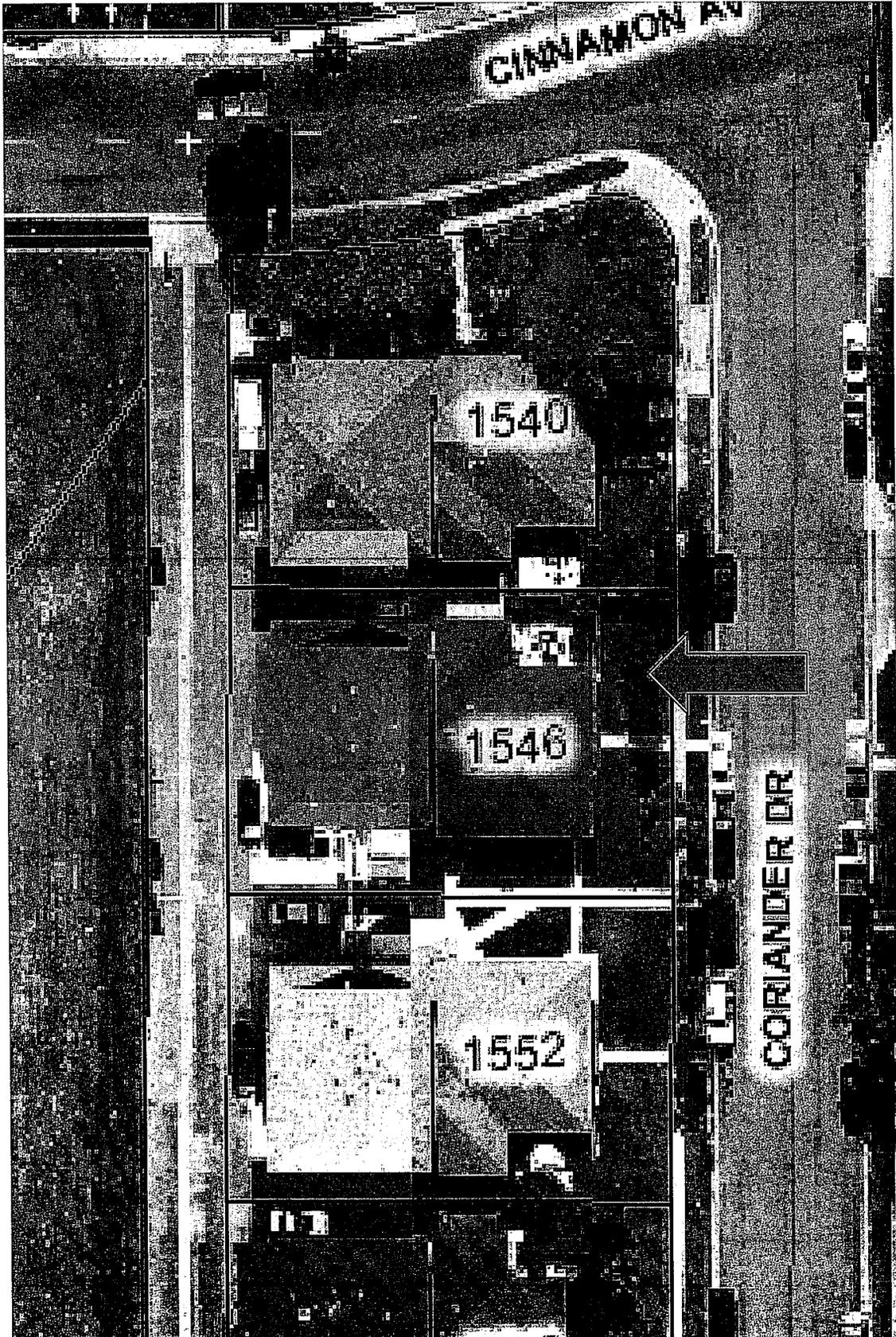
Cemetery

public alley



74...
8
23107

Attachment 4



Airphoto of property

Attachment 5



NEW REQUIREMENT TO SCREEN TRASH BINS/DUMPSTERS

In October 2005, the Costa Mesa City Council adopted a new citywide requirement for screening trash bins and dumpsters from public view (specifically from a public street or alley). This Council action reflects the City's ongoing efforts to improve and upgrade the community's overall appearance, which benefits businesses and residents alike. Therefore, this requirement is included in the City's Property Maintenance regulations, and it is applicable to existing residences and businesses, as well as to new construction.

Costa Mesa Code Enforcement Officers are responsible for ensuring that all trash bins/dumpsters are adequately screened from public view, and the Officers will work with property owners to bring their properties into compliance.

The backside of this handout includes acceptable types of screening materials. These screening materials are readily available at local home improvement centers (such as Home Depot). Please note these materials are to be only used for screening trash dumpsters/bins in existing developments. New construction projects will be required to construct a trash enclosure pursuant to City standards. A partial list of local contractors is also provided below.

If a property owner fails to screen a trash bin/dumpster from public view, the City may commence abatement procedures as outlined in Costa Mesa Municipal Code Sections 20-12 through 20-14.

Please check with the Planning Division regarding an acceptable location for the trash dumpster/bin and screen at (714) 754-5245, Monday through Friday, 8 a.m. to 5 p.m.

Local Contractors (Partial List):

The CITY OF COSTA MESA does not endorse any contractor; however the City has provided for your convenience a list of phone numbers of some of the local building supply warehouses that may have a list of recommended contractors. Use your discretion when hiring a contractor. The CITY OF COSTA MESA does not guarantee their work.

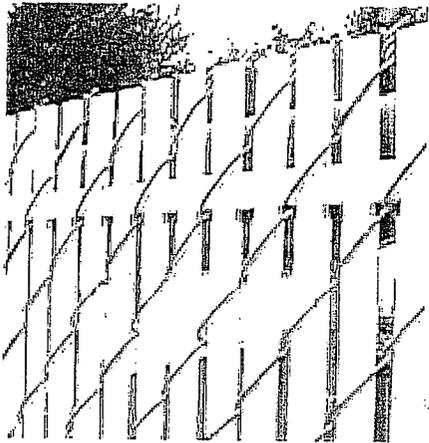
Home Depot - (800) 793-3768

Ganahl Lumber - (714) 556-1500

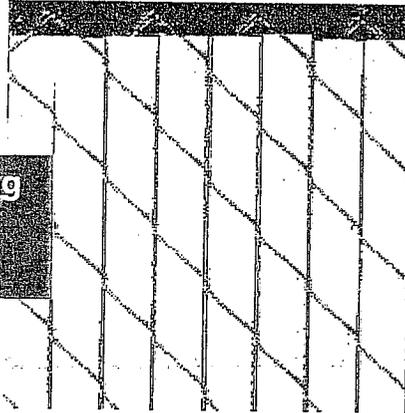
Crown Ace Hardware - (714) 546-7080

Larry's Building Materials - (714) 545-0448

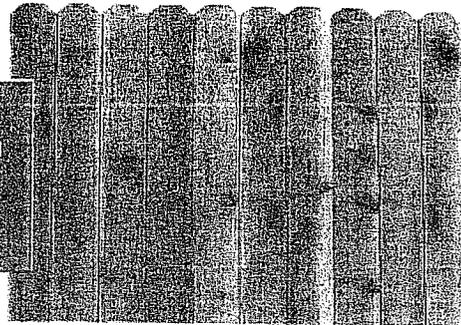
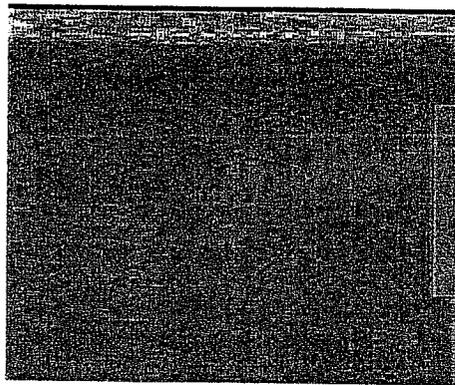
ACCEPTABLE SCREENING MATERIALS¹:



**Chain Link Fencing
with vinyl slats**



**Chain Link Fencing
with Privacy Screen
or Solid Wooden
Fencing**



1. Note: These materials are only to be used for screening trash dumpsters/bins in existing developments. Any new development project will be required to construct a trash enclosure pursuant to City standards.



DEVELOPMENT SERVICES DEPARTMENT
77 FAIR DRIVE, SECOND FLOOR
COSTA MESA, CA 92628
(714) 754-5245
www.ci.costa-mesa.ca.us

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TRASH ENCLOSURE STANDARDS

(October 2005)

In an effort to improve the appearance of the City, Costa Mesa's City Council adopted an ordinance in September 2005 requiring the screening of all trash bins or dumpsters in the City from public view. The following development standards address how the bins and dumpsters can be shielded from public view. All trash enclosure/screening plans require Planning Division approval. A building permit may or may not be required. Please contact the Planning Division for any questions regarding these standards.

Trash Enclosures for New Developments

- Trash enclosure shall be constructed of block or other type of concrete materials (such as woodcrete).
- The enclosure walls shall be high enough to completely screen the dumpster and to discourage illegal dumping of large items over the wall.
- Gates shall be the same height as the enclosure wall, opaque, with metal the preferred material, painted or powder coated to match the enclosure. Chain link with plastic slats in a color matching the enclosure may be substituted if the gates are not readily visible.
- Gates shall be lockable with access provided to employees and residents at all times.
- It is recommended that a 6" by 6" curb be provided inside the trash enclosure to separate dumpsters from the walls.
- Enclosures shall be placed outside of required street setback areas and will be counted against required open space.
- Enclosures shall be large enough or trash pick-up frequent enough to ensure trash does not overflow the bin.

Trash Enclosures for Existing Developments

- Trash dumpsters shall be screened from public view through block or other type of concrete material or plant materials.
- Gates shall be the same height as the enclosure screen, opaque, with metal the preferred material, painted or powder coated to match the enclosure. Chain link with plastic slats in a color matching the enclosure may be substituted if the gates are not readily visible from off-site. If unable to provide gates, the entry shall be oriented away from off- and on-site views.
- If gates are provided, they shall be lockable with access provided to employees and residents at all times.
- Enclosures may be placed in required parking, open space, or landscape areas (with the exception of street setback areas).
- Enclosures shall be large enough or trash pick-up frequent enough to ensure trash does not overflow the bin.

City of Costa Mesa Planning Division
77 Fair Drive, Costa Mesa, CA 92626
Phone: 714.754.5245

Email: PlanningCommission@ci.costamesa.ca.us
Hours: 8 a.m. to 5 p.m., Monday through Friday

Attachment 6

RESOLUTION NO. PC-10-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA UPHOLDING THE ZONING ADMINISTRATOR'S ACTION

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, the property owner, Joe Panarisi, filed a request to waive the requirement for a trash enclosure, with respect to the real property located at 1546 Coriander Drive, in the R3 zone; and

WHEREAS, the Zoning Administrator denied the waiver on April 22, 2010; and

WHEREAS, Planning Commissioner Colin McCarthy requested a review of the decision on April 29, 2010; and

WHEREAS, Planning Commission heard the item on May 10, 2010, with all persons provided an opportunity to speak for and against the proposed project.

BE IT RESOLVED that, based on the evidence in the record and the findings that adequate parking exists to accommodate the required trash enclosure; that provision of the enclosure will improve the appearance of the alley and neighborhood; and that enclosures have been provided on similar properties throughout the City; the Planning Commission **UPHOLDS** the Zoning Administrator's denial of the waiver with respect to the property described above.

PASSED AND ADOPTED this 10th day of May 2010.

James Righeimer, Chair
Costa Mesa Planning Commission

RESOLUTION NO. PC-10-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA REVERSING THE ZONING
ADMINISTRATOR'S ACTION**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, the property owner, Joe Panarisi, filed a request to waive the requirement for a trash enclosure, with respect to the real property located at 1546 Coriander Drive, in the R3 zone; and

WHEREAS, the Zoning Administrator denied the waiver on April 22, 2010; and

WHEREAS, Planning Commissioner Colin McCarthy requested a review of the decision on April 29, 2010; and

WHEREAS, Planning Commission heard the item on May 10, 2010, with all persons provided an opportunity to speak for and against the proposed project.

BE IT RESOLVED that, based on the evidence in the record and the finding that adequate parking does not exist to accommodate the required trash enclosure, the Planning Commission **REVERSES** the Zoning Administrator's denial of the waiver with respect to the property described above.

PASSED AND ADOPTED this 10th day of May 2010.

James Righeimer, Chair
Costa Mesa Planning Commission

RESOLUTION NO. PC-10-

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF COSTA MESA MODIFYING THE ZONING
ADMINISTRATOR'S ACTION**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
RESOLVES AS FOLLOWS:

WHEREAS, the property owner, Joe Panarisi, filed a request to waive the requirement for a trash enclosure, with respect to the real property located at 1546 Coriander Drive, in the R3 zone; and

WHEREAS, the Zoning Administrator denied the waiver on April 22, 2010; and

WHEREAS, Planning Commissioner Colin McCarthy requested a review of the decision on April 29, 2010; and

WHEREAS, Planning Commission heard the item on May 10, 2010, with all persons provided an opportunity to speak for and against the proposed project.

BE IT RESOLVED that, based on the evidence in the record, and the findings that _____, the Planning Commission **MODIFIES** the Zoning Administrator's denial of the waiver with respect to the property described above.

PASSED AND ADOPTED this 10th day of May, 2010.

James Righeimer, Chair
Costa Mesa Planning Commission

