

Agenda Report

TO: CITY COUNCIL

DATE: NOVEMBER 2, 1998

FROM: CITY MANAGER

SUBJECT: CODE AMENDMENTS TO TITLE 17 (ZONING) OF THE PASADENA MUNICIPAL CODE REGARDING REGULATIONS FOR WASTE MANAGEMENT PLANS IN THE OLD PASADENA AREA.

CITY MANAGER'S RECOMMENDATION: It is recommended that after a public hearing the City Council:

1. Acknowledge the Categorical Exemption pursuant to the guidelines of the California Environmental Quality Act (CEQA §15308);
2. Adopt a finding of consistency with the General Plan;
3. Approve the proposed amendments to Title 17 of the Pasadena Municipal Code to create new regulations for waste management plans for buildings located within the adopted Old Pasadena Streetscapes and Alley Walkways Plan.

EXECUTIVE SUMMARY:

The approval of this zoning code amendment will result in property owners in the Old Pasadena area having to submit a trash management plan whenever there is a tenant improvement or other substantial rehabilitation of a building. The purpose of this requirement is to enhance the appearance of the recently paved alleys as pedestrian walkways by preventing unattractive trash bins from being stored in the alley right-of-way unless there are no other alternatives. The amendment allows greater flexibility in the zoning code requirement for trash bins by allowing trash bins or trash compactors to be shared rather than requiring each property to have its own trash bin or compactor.

BACKGROUND:

In 1995, the City adopted the Old Pasadena Streetscapes and Alley Walkways Plan which set forth goals and objectives intended to create a pedestrian-oriented network of streetscapes and alley walkways. The Plan sets specific policy considerations and addresses the necessary infrastructure improvements to accommodate existing and future development needs of the area and includes a variety of objectives such as preserving and reinforcing the District's historic character and making the area accessible to those with mobility impairments.

One public policy consideration in the Plan was to consider "...severely restricting the use of alley walkways for dumpsters, allowing them only if no other options exist, and to create a City permitting or licensing process with defined rules and regulations for dumpsters to be placed on the public right-of-way." Trash dumpsters are a more recent phenomenon in Old Pasadena. There are buildings in Old Pasadena which occupy the entire site and have no available area to provide trash enclosures or other outdoor containers which might be needed (i.e., grease pits for restaurants). Historically these businesses have stored trash bins along the back walls of the buildings and usually the trash bins would be within the public right-of-way. The alleys served not only as an area for the trash but also as a loading and unloading area. However, the Municipal Code prohibits placing objects in the public right-of-way and it is the intent of this amendment to encourage the use of shared trash enclosures, dumpsters and trash compactors without the need for obstructing the public right-of-way and at the same time enhancing the appearance of the alleys. The Planning Commission reviewed this code amendment on September 23rd, and unanimously recommended approval. A letter from the Planning Commission's detailing as to why it is recommending approval of this amendment is contained in Exhibit 1.

ANALYSIS:

Currently, the Zoning Code contains regulations for trash enclosures that require new construction projects (this includes additions) to provide an enclosed areas for refuse storage. A number of buildings in the area have trash enclosures. The refuse storage area must be located within 150 feet of the use being served and off-site refuse storage areas are not permitted. Additionally, refuse storage areas are not required for changes in use where no expansion of floor area occurs. Thus, existing buildings that have inadequate trash enclosure areas are not required to upgrade existing conditions when new businesses occupy the building. In some cases a change in use can create an increased demand for refuse storage (i.e., restaurant or other food uses) and this results in additional trash bins being placed on the site. Often these additional trash bins are required by the Health Department in order to minimize flies and odors. In some cases there are trash bins being stored on private property where they are visible to the public right-of-way and the City does not require an upgrade on these properties for a change in use.

This code amendment is intended to improve the City's ability to regulate the placement of trash bins in the Old Pasadena area by requiring business owners to find ways to meet their refuse disposal needs without placing trash bins in the alleys

This amendment will require a waste management plan that would specify how trash is to be disposed, and where the nearest trash enclosure is to be provided for the business. Trash disposal will be allowed to be located off-site as long as the trash location is within 200 feet of the use served. The longest alleys in Old Pasadena are up to 400 feet long so the 200-foot distance limitation would allow a centrally located trash enclosure to serve businesses at the ends of these alleys.

A waste management plan will be required whenever there are tenant improvements, and whenever a code compliance certificate is sought for a change in use. These thresholds would trigger the submittal of a waste management plan to be considered by the Zoning Administrator

and Public Works and Transportation Department for those businesses that are within the boundaries of the Plan, which includes all of the CD-1 (Old Pasadena) zone, and portions of the CD-9 (Arroyo Parkway), CD-10 (Central Park), CD-11 (West Downtown) and CD-15 (Memorial Park) zoning districts. The current code requirement for a trash enclosure for an addition will still remain as part of the Zoning Code.

The information in the waste management plan will include specifications for on-site locations of trash receptacles, location of trash compactors, or the location of shared trash receptacles, trash compactors or other off-site refuse storage areas which have been approved to provide the necessary means for adequate disposal of refuse. Businesses that propose to have a shared trash bin in an off-site location will have to secure a lease agreement with the respective property owner. Such a lease agreement shall be in place as long as the use occupies the building. While the current code does not permit trash facilities to be off-site, under this plan, the code will allow the trash facility to be off-site and to be shared. This is to encourage the consolidation of trash facilities and minimize their number within the alleys.

In the case where a business owner has no opportunity to provide a trash enclosure and where there are no shared facilities within 200 feet of the site, the City's Department of Public Works and Transportation can consider issuance of a license agreement for placement of a trash bin in the public right-of-way. However, this licensing agreement would only be used when there are no other feasible alternatives to providing adequate refuse facilities for a business.

Staff recommends that the waste management plan regulations include provisions to require existing nonconforming properties that have no trash enclosure but have a trash bin at the rear of the alley to provide a refuse storage area when there is adequate space on the property. This too would be triggered by a change in use or by a building permit or tenant improvement.

Staff concludes that a standardized requirement for a waste management plan will assist the City in its efforts to improve the quality and appearance of the Central District zones where streets and alleyways are becoming part of an overall pedestrian walkway system.


GENERAL PLAN CONSISTENCY: The proposed code amendment will implement objectives and policies of the General Plan by creating new regulations which require reviews for adequate waste management for any new business in the CD-1, CD-9, CD-10, CD-11, and CD-15 zoning districts. These changes would promote future development that promotes an Enhanced Environment (Policy 5.7) and improves the Urban Design of the CD zones (Policy 21.1). This code amendment implements the adopted Old Pasadena Streetway and Alleyway Plan which strongly supports Historic Preservation (Objective 6), promotes better Circulation (Objective 20) and was designed through effective Public Participation (Objective 26).

ENVIRONMENTAL ANALYSIS: This code amendment was found to be categorically exempt from environmental review pursuant to Section 15308 of the guidelines to the California Environmental Quality Act. This exemption is applicable to projects involving "actions by regulatory agencies for protection of the environment" as proposed under this code amendment which provides additional regulations which are intended to improve the environment.

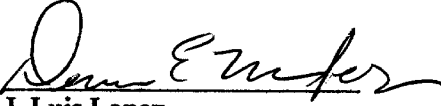
WORKLOAD IMPACT: The proposed amendment will have a minor impact on workload. Staff will have to notify the various property owners and work with the various property owners within Old Pasadena to assist them in complying with the above requirements.

FISCAL IMPACT: The proposed amendments will have no impact on the General Fund.


Respectfully Submitted,


for Cynthia J. Kurtz
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Approved by:


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