

CONSIDERATION OF A MORATORIUM ON ENFORCEMENT OF THE REFUSE ENCLOSURE ORDINANCE

November 19, 2024



Note: This PowerPoint presentation is intended solely as a visual aid to an oral staff presentation of an agenda report topic. In the event of any differences between the presentation and the agenda report, the information in the agenda report prevails.

BACKGROUND

- Item Requested by City Council on September 3, 2024
- “Refuse” means: Disposable materials, both recyclable & non-recyclable
 - Landfill trash
 - Recycling (glass, paper, metal and select plastics)
 - Organics (food, wood, soiled paper).



CURRENT ORDINANCE – ADOPTED IN 1967

“All residential and commercial structures constructed after February 2, 1967 shall be required to provide an enclosure for the storage of trash and rubbish receptacles and containers.

All residential and commercial structures constructed prior to February 2, 1967 shall have one (1) calendar year from the date of adoption of this chapter to provide refuse container enclosures in accordance with the provisions stated herein. Where such refuse or rubbish container enclosures have been constructed, all containers shall be placed therein.”



SOLID WASTE LAW EVOLUTION

- **California Law & Associated Mandates**

- Solid Waste Diversion (1989)
- Commercial Recycling (2012)
- Organic Waste Recycling (2014 and 2016)
 - **SB 1383**
- Prohibition on Using Transformation in Recycling (2022)



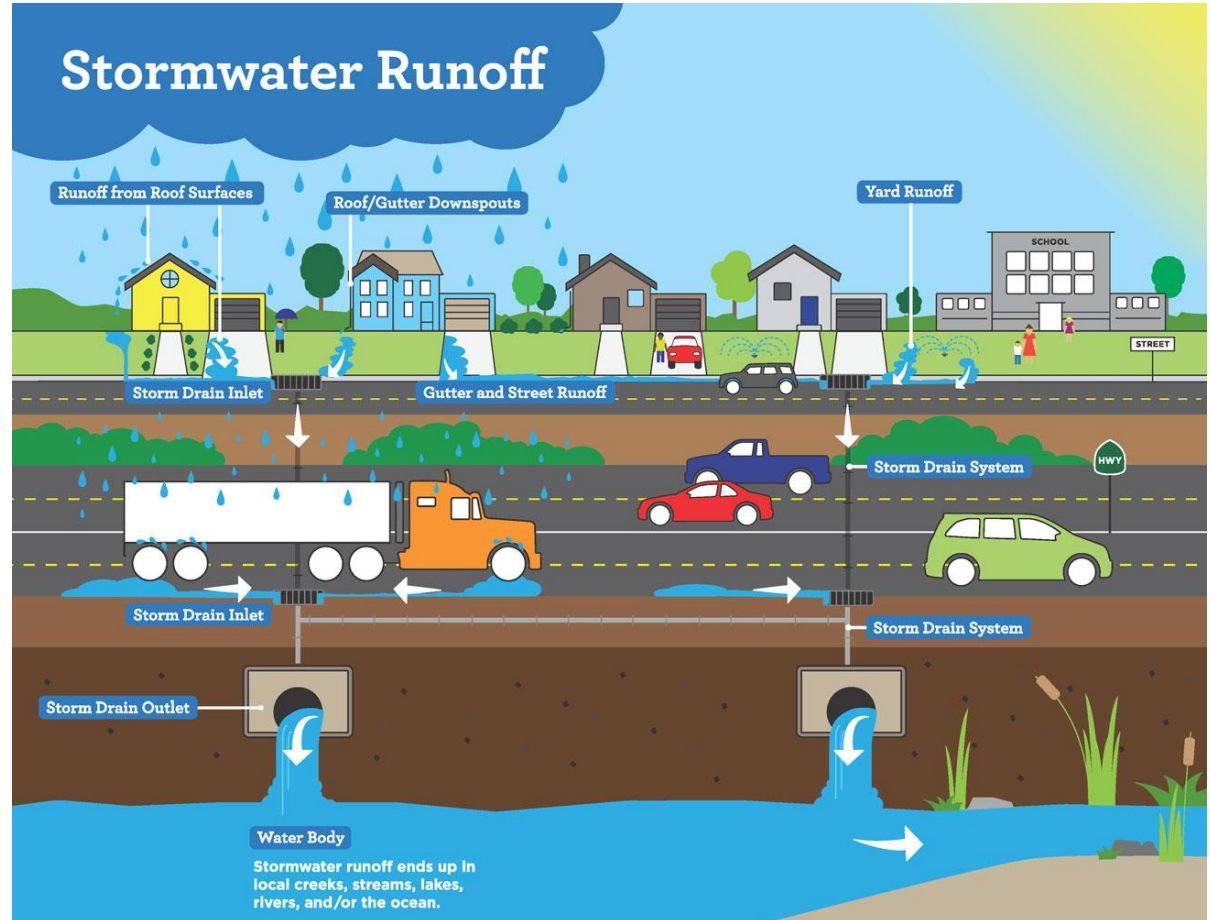
PUBLIC HEALTH AND SAFETY

- Main Purpose of Enclosures
 - Preserve and Protect Public Health and Safety
- Materials Not Properly Stored Attract Rodent/Vermin:
 - Rats/Mice
 - Fleas
 - Raccoons
 - Pigeons
 - Possums
 - Mosquitoes
 - Cockroaches
- These Pest Can Attract Other Wildlife (Including Coyotes)



WATER QUALITY IMPACTS

- Clean Water Act
- National Pollutant Discharge Elimination System (NPDES)
- Regional Municipal Separate Storm Sewer Systems (MS4) Permit



MS4 PERMIT

- Permit Requires:
 - Effective Source Controls
 - Best Management Practices (BMPs)
- Prevent trash and non-stormwater discharges to the municipal storm drain system, such as refuse enclosures.



TRASH COLLECTION CHANGES IN MB

- Early 2000's Change with Semi-Automated Collections
 - From Stackable Cans to Wheeled Carts
 - Many Prior Refuse Enclosures No Longer Suitable
- Throughout 2010's
 - Introduction—and then Mandate—of Organics Recycling
 - Green Bin at Every Property
 - Exacerbated Space Constraints
 - CalRecycle Understands Issue & City Commitment to Resolve Incrementally Over Time



REFUSE ENCLOSURE COMPLIANCE

- **Preparation to Implement SB 1383 in 2018**
 - Spatial Constraints of Commercial Properties
 - Resident Complaints in Downtown and North MB
 - Public Health and Safety Issues re: Trash and Cleanliness
 - Commercial Containers in Public View
- **Options Considered by Staff:**
 - Pursue enclosure enforcement immediately
 - Pursue enclosure enforcement incrementally



INCREMENTAL ENFORCEMENT APPROACH

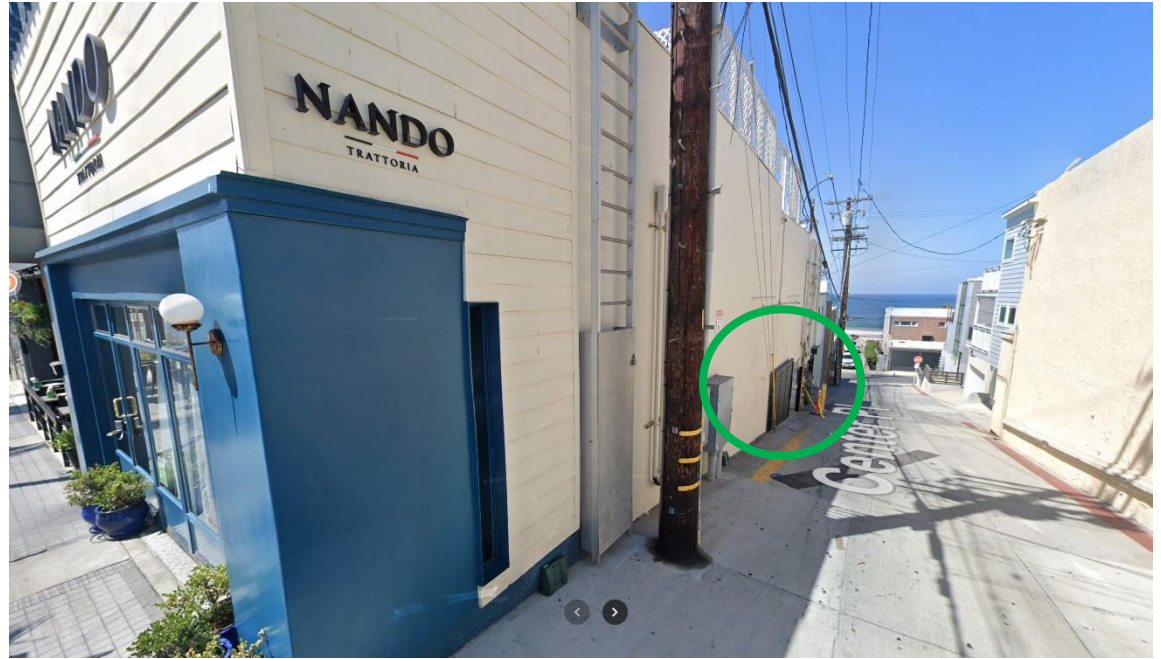
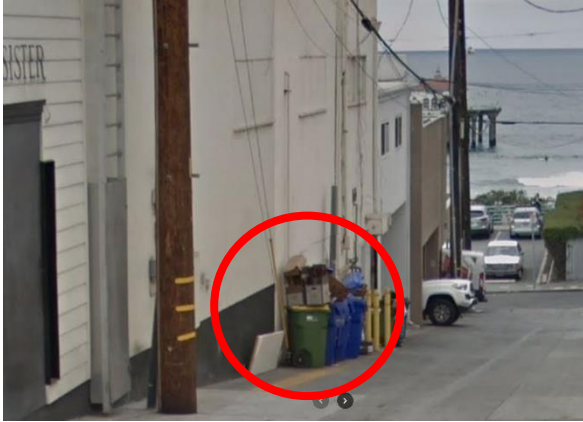
- As Building Permit Applications Filed
- This Action Demonstrates
 - Desire to Alter their Properties
 - Financial Ability to Complete a Construction Project
- Support of Business Community Secured



PROJECT EXAMPLES – MV MALL



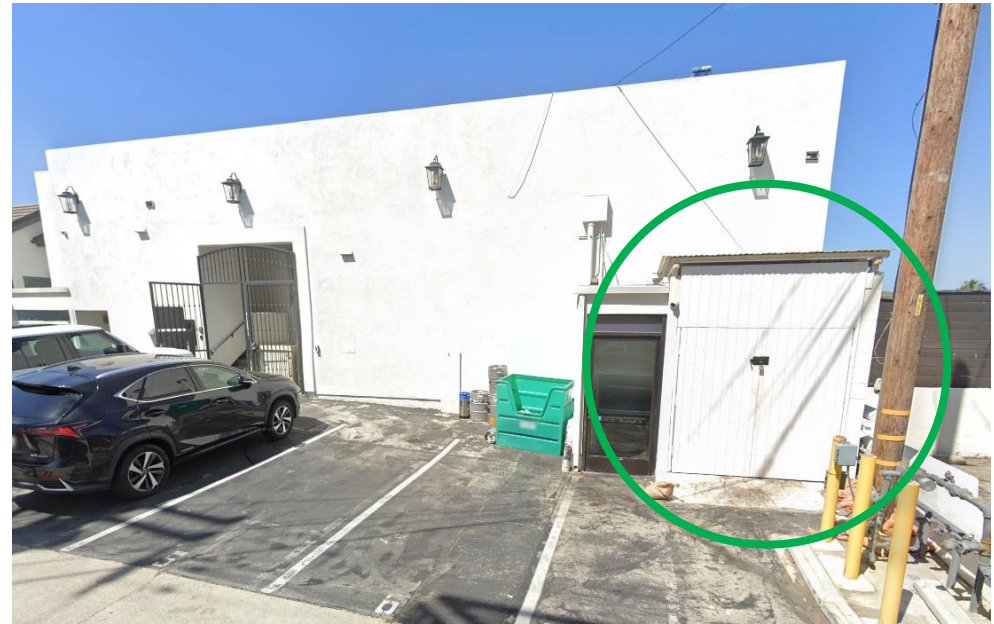
PROJECT EXAMPLES – 100 BLOCK OF CENTER PLACE



PROJECT EXAMPLES – 100 BLOCK OF 9TH PLACE



PROJECT EXAMPLES – 1112 MANHATTAN AVE (REAR)



OUTDOOR DINING TASK FORCE FEEDBACK

- **Concerns Expressed Regarding Exacerbation of Existing Trash Issues with Outdoor Dining**

- Increased Occupancy = Additional Refuse

- **Related Proposals**

- Additional areas within their property to accommodate an adequately sized trash enclosure and service levels.
- Correct practices that add to the trash issue such as placing refuse containers in the right-of-way.



STAFF RECOMMENDATION

- Moratorium on Ordinance Enforcement Not Recommended
- Ensures the City has a clear path to:
 - Manage waste streams properly
 - Eventually achieve full compliance with state regulations
- CEQA Review Likely Necessary to Implement Moratorium
 - Likely that an Initial Study Would be Required
- However, Staff Recognizes Challenges Exist for Businesses



POTENTIAL ORDINANCE REVISION

- Provide Objective Baseline Thresholds for Enclosure Sizing
 - Food Establishments Differ from Other Uses
 - Size of the Property
- Thresholds Could:
 - Set Minimum Square Footage for Each Container Type
 - Provide Clear Standards to for Considering Renovations



SAMPLE THRESHOLD MATRIX

FOOD ESTABLISHMENTS				
Floor Area (SF)	Recycling	Landfill	Organics	Enclosure Area (SF)
Up to 5,000	32	32	24	88
More Than 5,000	32	32	24	88 plus every additional 1,000 sq.ft requires an additional 34 sq.ft (12 sf landfill, 14 sf recyclables and 8 sf organic waste)

NON-FOOD ESTABLISHMENTS				
Floor Area (SF)	Recycling	Landfill	Organics	Enclosure Area (SF)
Up to 1,000	14	14	8	36
1,001 - 5,000	28	28	12	68
5,001 - 15,000	32	32	12	76
More Than 15,000	74	74	12	160 sf. plus every additional 10,000 sq.ft requires an additional 76 sq.ft (32 sf landfill, 32 sf recyclables and 12 sf organic waste)



IMPROVED OUTCOMES FOR BUSINESSES

- Clarity When Contemplating Improvements
- Allows Businesses to Address Refuse Enclosure Issues
 - At the outset of their design work as they develop concepts and budgets for their construction projects
 - Instead of addressing during the plan check process
 - After primary features have already been designed
 - After budgets have been solidified



