

CALIFORNIA COASTAL COMMISSION

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Th17c

LCP-6-CAR-17-0022-2 (RECYCLING REQUIREMENTS)

MAY 11, 2017

EXHIBITS

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PLANNING COMMISSION RESOLUTION NO. 7199

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARLSBAD, CALIFORNIA, RECOMMENDING APPROVAL OF A ZONING ORDINANCE AMENDMENT AND A LOCAL COASTAL PROGRAM AMENDMENT TO AMEND ZONING ORDINANCE CHAPTER 21.105 (RECYCLING FACILITIES AND RECYCLING AREAS) CONSISTENT WITH STATE LAW.

CASE NAME: RECYCLING REQUIREMENTS AMENDMENT

CASE NO: ZCA 16-03/LCPA 16-02

WHEREAS, the City Planner has prepared a proposed Zoning Ordinance amendment and Local Coastal Program amendment, pursuant to Section 21.52.020 of the Carlsbad Municipal Code and as provided in Public Resources Code Section 30514 and Section 13551 of California Code of Regulations Title 14, Division 5.5, to amend Zoning Ordinance Chapter 21.105 consistent with state law; and

WHEREAS, the proposed Zoning Ordinance amendment and Local Coastal Program amendment are set forth in the draft City Council Ordinance, Exhibit "A" dated, **September 21, 2016**, and attached hereto **ZCA 16-03/LCPA 16-02 – RECYCLING REQUIREMENTS AMENDMENT**; and

WHEREAS, State Coastal Guidelines requires a six-week public review period for any amendment to the Local Coastal Program; and

WHEREAS, the Planning Commission did on, **September 21, 2016**, hold a duly noticed public hearing as prescribed by law to consider said request for a proposed Zoning Ordinance amendment and Local Coastal Program amendment; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, said Commission considered all factors relating to the Zoning Ordinance amendment and Local Coastal Program amendment.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission of the City of Carlsbad as follows:

- A) That the foregoing recitations are true and correct.
- B) At the end of the state-mandated public hearing on the proposed Zoning Ordinance Amendment, starting on August 1, 2016, and present to the City Council a s

EXHIBIT NO. 1
Resolution
LCP-6-CAR-17-0022-2 (Recycling Requirements)
California Coastal Commission

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C) That based on the evidence presented at the public hearing, the Planning Commission **RECOMMENDS APPROVAL** of ZCA 16-03/LCPA 16-02 – **RECYCLING REQUIREMENTS AMENDMENT**, based on the following findings:

Findings:

1. That the proposed Zoning Ordinance amendment is consistent with the General Plan in that **the proposed amendments assist the city in implementing General Plan Sustainability Element goals and policies related to waste reduction and recycling, and reduction of greenhouse gases; and the amendments do not conflict with any other goal, objective, or policy of the General Plan.**
2. That the proposed Zoning Ordinance amendment reflects sound principles of good planning in that it ensures development will not conflict with state recycling law.
3. That the proposed Local Coastal Program amendment meets the requirements of, and is in conformity with, the policies of Chapter 3 of the Coastal Act and all applicable policies of the Carlsbad Local Coastal Program not being amended by this amendment, in that **the amendments ensure consistency with the Carlsbad Zoning Ordinance and state recycling law, and does not conflict with any coastal zone regulations, land use designations or policies, with which development must comply.**
4. That the proposed amendment to the Carlsbad Local Coastal Program is required to bring it into consistency with **the proposed Zoning Ordinance amendment.**

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PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Carlsbad, held on, **September 21, 2016**, by the following vote, to wit:

AYES: Commissioners Black, Goyarts, L'Heureux, Segall and Siekmann

NOES: Chairperson Anderson

ABSENT: Commissioner Montgomery

ABSTAIN:



VELYN ANDERSON, Chairperson
CARLSBAD PLANNING COMMISSION

ATTEST:



DON NEU
City Planner

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, AMENDING CHAPTER 21.105 OF THE CARLSBAD MUNICIPAL CODE TO MAKE THE CITY'S REGULATION OF RECYCLING REQUIREMENTS CONSISTENT WITH STATE LAW.

CASE NAME: RECYCLING REQUIREMENTS

CASE NO.: ZCA 16-03/LCPA 16-02

The City Council of the City of Carlsbad, California, ordains as follows:

SECTION 1: That Section 21.105.010 of the Carlsbad Municipal Code is amended to read as follows:

21.105.010 Recyclable material.

"Recyclable material" means reusable material including but not limited to metals, glass, plastic, cardboard, paper, and organic waste (defined in Section 42649.8 of the Public Resources Code), which are intended for reuse, remanufacture or reconstitution for the purpose of using the altered form. In addition, "recyclable material" is material that is permitted to be recycled at a given site and facility. "Recyclable material" does not include refuse or hazardous materials. "Recyclable material" may include used motor oil collected and transported in accordance with Sections 25250.11 and 25143.2(b)(4) of the California Health and Safety Code.

SECTION 2: That Section 21.105.060 of the Carlsbad Municipal Code is amended to read as follows:

21.105.060 Recycling areas in development projects.

(a) Definitions. The following definitions are applicable to this section.

(1) "Development project" means any of the following:

(A) A project for which a building permit is required for a commercial, industrial, or institutional building, marina, or residential building having five or more living units, where solid waste is collected and loaded and any residential project where solid waste is collected and loaded in a location serving five or more living units;

(B) Any new public facility where solid waste is collected and loaded and any improvements for areas of a public facility used for collecting and loading solid waste;

(C) The definition of development project only includes subdivisions or tracts of single-family detached homes if, within such subdivisions or tracts, there is an area where solid waste is collected and loaded in a location which serves five or more living units. In such instances, recycling areas as specified in this section are only required to serve the needs of the living units which utilize the solid waste collection and loading area.

(2) "Improvement" means any activity which adds to the value of a facility, prolongs its useful life, or adapts it to new uses. For purposes of this chapter, "improvements" do not include "repairs." "Repairs" keep facilities in good operating condition, but do not materially add to the value of the facility, and do not substantially extend the life of the facility.

(3) "Floor area of a marina" shall be defined as the space dedicated to the docking or mooring of marine vessels.

(4) "Public facility" means and includes, but is not limited to, buildings, structures, marinas and outdoor recreation areas owned by a local agency.

(5) "Recyclable material" is defined in Section 21.105.010 of this chapter.

(6) "Recycling area" means space allocated for collecting and loading of recyclable materials.

(b) Applicability. Adequate, accessible and convenient areas for collecting and loading recyclable materials shall be provided for each of the following types of development:

(1) Any new development project for which an application for a building permit is submitted;

(2) Any improvements for areas of a public facility used for collecting and loading solid waste;

(3) Any existing development project for which an application for a building permit is submitted for a single alteration which is subsequently performed that adds thirty percent or more to the existing floor area of the development project;

(4) Any existing development project for which an application for a building permit is submitted for multiple alterations which are conducted within a twelve-month period which collectively add thirty percent or more to the existing floor area of the development project;

(5) Any existing development project for which multiple applications for building permits are submitted within a twelve-month period for multiple alterations which are subsequently performed that collectively add thirty percent or more to the existing floor area of the development project;

(6) Any existing development project occupied by multiple tenants, one of which submits an application for a building permit for a single alteration which is subsequently performed that adds thirty percent or more to the existing floor area of that portion of the development project which said tenant leases;

(7) Any existing development project occupied by multiple tenants, one of which submits an application for a building permit for multiple alterations which are conducted within a twelve-month period which collectively add thirty percent or more to the existing floor area of that portion of the development project which said tenant leases; and

(8) Any existing development project occupied by multiple tenants, one of which submits within a twelve-month period multiple applications for building permits for multiple alterations which are subsequently performed that collectively add thirty percent or more to the existing floor area of that portion of the development project which said tenant leases.

(c) Guidelines for All Development Projects.

(1) Recycling areas shall be designed to be architecturally compatible with nearby structures and with existing topography and vegetation.

(2) The design and construction of recycling areas shall not prevent security of any recyclable materials placed therein.

(3) The design and construction of recycling areas shall not be in conflict with any applicable federal, state or local laws relating to fire, building, access, transportation, circulation, storm water pollution prevention, or safety.

(4) Recycling areas shall not be located in any area required to be constructed or maintained as unencumbered, according to any applicable federal, state or local laws relating to fire, access, building, transportation, circulation or safety.

(5) Recycling areas or the bins or containers placed therein must provide protection against adverse environmental conditions, such as rain, which might render the collected materials unmarketable.

(6) Driveways and/or travel aisles shall, at a minimum, conform to local building-code requirements for garbage collection access and clearance. In the absence of such building-code requirements, driveways and/or travel aisles should provide unobstructed access for collection vehicles and personnel.

(7) A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the recycling areas.

(8) Developments and transportation corridors adjacent to recycling areas shall be adequately protected from any adverse impacts such as noise, odor, vectors, glare, and storm water pollutants through measures including, but not limited to, maintaining adequate separation, fencing, and landscaping.

(9) Recycling areas shall have the ability to accommodate receptacles for recyclable materials.

(10) Recycling areas shall be accessible and convenient for those who deposit as well as those who collect and load any recyclable materials placed therein.

(11) Recycling areas shall be located so they are as convenient for those persons who deposit, collect, and load the recyclable materials placed therein as are the area(s) where solid waste is deposited, collected and loaded.

(12) Whenever feasible, areas for collecting and loading recyclable materials shall be adjacent to the solid waste collection areas.

(d) Additional Guidelines for Single-Tenant Development Projects.

(1) Recycling areas shall be adequate in capacity, number and distribution to serve the development project.

(2) Dimensions of recycling areas shall accommodate receptacles sufficient to meet the recycling needs of the development project.

(3) Recycling areas shall contain an adequate number of bins or containers to allow for the collection and loading of recyclable materials generated by the development project.

(e) Additional Guidelines for Multiple-Tenant Development Projects.

(1) Recycling areas shall, at a minimum, be sufficient in capacity, number, and distribution to serve that portion of the development project leased by the tenant(s) who submitted an application or applications resulting in the need to provide recycling area(s) pursuant to subsection (b) of this section.

(2) Dimensions of recycling areas shall accommodate receptacles sufficient to meet the recycling needs of that portion of the development project leased by the tenant(s) who submitted an application or applications resulting in the need to provide recycling area(s) pursuant to subsection (b) of this section.

(3) Recycling areas shall contain an adequate number of bins or containers to allow for the collection and loading of recyclable materials generated by that portion of the development project leased by the tenant(s) who submitted an application or applications resulting in the need to provide recycling area(s) pursuant to subsection (b) of this section.

(f) Costs. Any costs associated with adding recycling space to existing development projects shall be the responsibility of the party or parties who are responsible for financing the alterations.

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the _____ day of _____, 2016, by the following vote, to wit:

AYES:

NOES:

ABSENT:

APPROVED AS TO FORM AND LEGALITY:

CELIA A. BREWER, City Attorney

MATT HALL, Mayor

BARBARA ENGLESON, City Clerk

(SEAL)

**RECYCLING REGULATIONS
ZCA 16-03/LCPA 16-02**

**PROPOSED TEXT CHANGES TO THE ZONING ORDINANCE (TITLE 21)
SHOWN IN STRIKETHROUGH/UNDERLINE FORMAT**

**AMENDMENTS TO CHAPTER 21.105.010 and 21.105.060
RECYCLABLE MATERIAL AND RECYCLING AREAS IN DEVELOPMENT PROJECTS**

Section 21.105.010

21.105.010 Recyclable material.

“Recyclable material” means reusable material including but not limited to metals, glass, plastic, ~~cardboard, and paper, and organic waste~~ (defined in Section 42649.8 of the Public Resources Code), which are intended for reuse, remanufacture or reconstitution for the purpose of using the altered form. In addition, “recyclable material” is material that is permitted to be recycled at a given site and facility. “Recyclable material” does not include refuse or hazardous materials. “Recyclable material” may include used motor oil collected and transported in accordance with Sections 25250.11 and 25143.2(b)(4) of the California Health and Safety Code.

Section 21.105.060

21.105.060 Recycling areas in development projects

(a) Definitions. The following definitions are applicable to this section.

(1) “Development project” means any of the following:

(A) A project for which a building permit is required for a commercial, industrial, or institutional building, marina, or residential building having five or more living units, where solid waste is collected and loaded and any residential project where solid waste is collected and loaded in a location serving five or more living units;

(B) Any new public facility where solid waste is collected and loaded and any improvements for areas of a public facility used for collecting and loading solid waste;

(C) The definition of development project only includes subdivisions or tracts of single-family detached homes if, within such subdivisions or tracts, there is an area where solid waste is collected and loaded in a location which serves five or more living units. In such instances, recycling areas as specified in this section are only required to serve the needs of the living units which utilize the solid waste collection and loading area.

(2) “Improvement” means any activity which adds to the value of a facility, prolongs its useful life, or adapts it to new uses. For purposes of this chapter, “improvements”

EXHIBIT NO. 2

Proposed Text Changes

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California Coastal Commission

do not include “repairs.” “Repairs” keep facilities in good operating condition, but do not materially add to the value of the facility, and do not substantially extend the life of the facility.

(3) “Floor area of a marina” shall be defined as the space dedicated to the docking or mooring of marine vessels.

(4) “Public facility” means and includes, but is not limited to, buildings, structures, marinas and outdoor recreation areas owned by a local agency.

(5) “Recyclable material” is defined in Section 21.105.010 of this chapter.

~~(56)~~ “Recycling area” means space allocated for collecting and loading of recyclable materials.

(b) Applicability. Adequate, accessible and convenient areas for collecting and loading recyclable materials shall be provided for each of the following types of development:

(1) Any new development project for which an application for a building permit is submitted ~~on or after September 1, 1994~~;

(2) Any improvements for areas of a public facility used for collecting and loading solid waste;

(3) Any existing development project for which an application for a building permit is submitted ~~on or after September 1, 1994~~, for a single alteration which is subsequently performed that adds thirty percent or more to the existing floor area of the development project;

(4) Any existing development project for which an application for a building permit is submitted ~~on or after September 1, 1994~~, for multiple alterations which are conducted within a twelve-month period which collectively add thirty percent or more to the existing floor area of the development project;

(5) Any existing development project for which multiple applications for building permits are submitted within a twelve-month period ~~beginning on or after September 1, 1994~~, for multiple alterations which are subsequently performed that collectively add thirty percent or more to the existing floor area of the development project;

(6) Any existing development project occupied by multiple tenants, one of which submits ~~on or after September 1, 1994~~, an application for a building permit for a single alteration which is subsequently performed that adds thirty percent or more to the existing floor area of that portion of the development project which said tenant leases;

(7) Any existing development project occupied by multiple tenants, one of which submits ~~on or after September 1, 1994~~, an application for a building permit for multiple alterations which are conducted within a twelve-month period which collectively add thirty percent or more to the existing floor area of that portion of the development project which said tenant leases; and

(8) Any existing development project occupied by multiple tenants, one of which submits within a twelve-month period ~~beginning on or after September 1, 1994~~, multiple applications for building permits for multiple alterations which are

subsequently performed that collectively add thirty percent or more to the existing floor area of that portion of the development project which said tenant leases.

(c) Guidelines for All Development Projects.

(1) Recycling areas shall be designed to be architecturally compatible with nearby structures and with existing topography and vegetation.

(2) The design and construction of recycling areas shall not prevent security of any recyclable materials placed therein.

(3) The design and construction of recycling areas shall not be in conflict with any applicable federal, state or local laws relating to fire, building, access, transportation, and circulation, storm water pollution prevention, or safety.

(4) Recycling areas shall not be located in any area required to be constructed or maintained as unencumbered, according to any applicable federal, state or local laws relating to fire, access, building, transportation, circulation or safety.

(5) Recycling areas or the bins or containers placed therein must provide protection against adverse environmental conditions, such as rain, which might render the collected materials unmarketable.

(6) Driveways and/or travel aisles shall, at a minimum, conform to local building-code requirements for garbage collection access and clearance. In the absence of such building-code requirements, driveways and/or travel aisles should provide unobstructed access for collection vehicles and personnel.

(7) A sign clearly identifying all recycling and solid waste collection and loading areas and the materials accepted therein shall be posted adjacent to all points of direct access to the recycling areas.

(8) Developments and transportation corridors adjacent to recycling areas shall be adequately protected from any adverse impacts such as noise, odor, vectors, ~~or glare,~~ and storm water pollutants through measures including, but not limited to, maintaining adequate separation, fencing, and landscaping.

(9) Recycling areas shall have the ability to accommodate receptacles for recyclable materials.

(10) Recycling areas shall be accessible and convenient for those who deposit as well as those who collect and load any recyclable materials placed therein.

(11) Recycling areas shall be located so they are as convenient for those persons who deposit, collect, and load the recyclable materials placed therein as are the area(s) where solid waste is deposited, collected and loaded.

(12) Whenever feasible, areas for collecting and loading recyclable materials shall be adjacent to the solid waste collection areas.

(d) Additional Guidelines for Single-Tenant Development Projects.

(1) Recycling areas shall be adequate in capacity, number and distribution to serve the development project.

(2) Dimensions of recycling areas shall accommodate receptacles sufficient to meet the recycling needs of the development project.

(3) Recycling areas shall contain an adequate number of bins or containers to allow for the collection and loading of recyclable materials generated by the development project.

(e) Additional Guidelines for Multiple-Tenant Development Projects.

(1) Recycling areas shall, at a minimum, be sufficient in capacity, number, and distribution to serve that portion of the development project leased by the tenant(s) who submitted an application or applications resulting in the need to provide recycling area(s) pursuant to subsection (b) of this section.

(2) Dimensions of recycling areas shall accommodate receptacles sufficient to meet the recycling needs of that portion of the development project leased by the tenant(s) who submitted an application or applications resulting in the need to provide recycling area(s) pursuant to subsection (b) of this section.

(3) Recycling areas shall contain an adequate number of bins or containers to allow for the collection and loading of recyclable materials generated by that portion of the development project leased by the tenant(s) who submitted an application or applications resulting in the need to provide recycling area(s) pursuant to subsection (b) of this section.

(f) Costs. Any costs associated with adding recycling space to existing development projects shall be the responsibility of the party or parties who are responsible for financing the alterations.