

AGENDA ITEM NO.

COUNCIL MEETING OF 04/15/03

REQUEST FOR COUNCIL ACTION

SUBJECT: **ORDINANCE NO. 2544 TO ESTABLISH DEVELOPMENT STANDARDS AND CONDITIONS TO PROMOTE RECYCLING**

MOTION: City Clerk will read the title of the proposed ordinance.

1. I move to waive further reading of Ordinance No. 2544.
2. I move to introduce Ordinance No. 2544.

RECOMMENDATION:

Staff recommends that the City Council waive the full reading of Ordinance No. 2544 and introduce Ordinance No. 2544.

DISCUSSION:

The essential policy consideration is whether the City shall adopt development standards that promote sustainable development as applied to recycling. The attached ordinance establishes standards and conditions of development that are intended to accomplish the following:

- ⊘ Facilitate the City's compliance with AB 939 and SB 1066 recycling requirements
- ⊘ Remove architectural barriers to recycling
- ⊘ Require recycling as a condition of development
- ⊘ Require recycling of construction and demolition debris

A detailed discussion of the background and proposed ordinance is provided below:

Regulatory compliance. AB 939 requires cities and counties to achieve 50% waste diversion by 2000. Further, California Regulation requires cities and counties to submit an annual report documenting the programs implemented and the diversion achieved. The California Integrated Waste Management Board (CIWMB) is authorized to levy fines of up to \$10,000 per day for noncompliance. The City prepared and submitted an Annual Report in December 2001 to the CIWMB in compliance with AB 939. This report documented programs implemented and the diversion achieved utilizing a formula set forth by the California regulations for calculating waste diversion. The City of Redlands recycling rate in 2000 was 45%. The average waste diversion for cities in California for 2000 was 42%.

SB 1066, enacted in 1997, provides limited relief from fines or other regulatory enforcement for cities or counties that have not achieved the 50% waste diversion rate in 2000. Under SB 1066, jurisdictions are required to request a Time Extension for meeting the 50% mandate and to submit a Plan of Correction for approval by the CIWMB. In conformance with SB 1066 requirements, the City Council approved a Request for Time Extension and adoption of a Plan of Correction on June 18, 2002. The Plan of Correction details the programs that will be implemented to close the gap between 45% waste diversion and 50%. The Plan of Correction included six new or expanded programs and three programs for supporting diversion activities. One of the programs supporting diversion activities adopted by the City Council for implementation is the development standards and conditions to promote recycling in new development.

Need for additional conditions. Redlands Municipal Code, §13.64.200, requires new

development to submit trash bin enclosure plans for approval that include adequate space and access for both refuse and recycling bins. Further, the California Public Resources Code, §42900 et. seq. requires adequate areas for collecting and loading recyclables materials. However, these requirements are frequently inadequate to guarantee the implementation of commercial recycling programs in new development because they do not address architectural barriers beyond adequate space for collection containers.

Trend analysis of the City's waste stream comparing waste generation with waste disposal over the last decade reveals the following:

- ⊘ The City's disposal of commercial waste is growing much faster than residential waste.
- ⊘ Forty percent (40%) of the waste generated in the City of Redlands is commercial while 57% of the waste disposed of at the California Street Landfill is from commercial sources.
- ⊘ In the absence of effective commercial recycling programs, the City's overall waste diversion rate will decrease.

Elements of Development Conditions to Promote Recycling. Components of the ordinance for new development include:

- ⊘ Development requirements will include a recycling plan for proposed facilities. Elements of the plan include the materials targeted for recycling, the flow of materials through the facility, identification of signage to promote recycling, and an education plan for how employees and tenants of the development will be educated and how recycling programs will be promoted.
- ⊘ Model plans will be made available to developers upon request to facilitate completion of the recycling section of the development application. Further, Solid Waste Division staff will make the model plans available in an electronic format upon request.
- ⊘ Solid Waste Division staff will be available to provide free consultation to architects and to optimize the design for recycling.
- ⊘ Conditions of development will include requirements for deconstruction and/or recycling construction and demolition debris as feasible. Demolition permits issued by Building and Safety, will first require a statement of recycling information in a format developed by City staff.

Ordinance No. 2544 has been prepared for City Council consideration.

ALTERNATIVE:

Alternatives were evaluated in the development of new and supporting programs adopted by the City in the Plan of Correction, which included implementation of a program to establish development standards that promote recycling. Failure to implement new development standards could subject the City to enforcement actions by the California Integrated Waste Management Board.

Further, State Law requires the development of requirements for recycling of construction and demolition debris. SB 1374 requires the California Integrated Waste Management Board to adopt a model ordinance for construction and demolition waste no later than March 1, 2004. The State ordinance would require enforcement by local agencies in the absence of local ordinance(s) to address the recycling of construction and demolition waste.

FISCAL IMPACT:

The fiscal impact will be positive. By investing through better planning, review and permitting to facilitate commercial development recycling, an offset will be provided to increasingly costly, marginal alternatives to otherwise increase diversion. City staff anticipate that the additional resources to implement this program are minor and can be implemented through existing development review procedures. The program can be implemented within existing operating budgets.

The fiscal impact of this policy affects users and developers in different ways. The impacts are summarized below:

Developer impacts. The cost of compliance will vary depending on the nature of the development and the scale of the project. In general, the cost of sustainable development as applied to recycling requirements under this policy should not result in significant increases in the cost of development. Considerations pertinent to this conclusion are enumerated below:

- ⊘ The resources required to comply with the City's paperwork for plan approval will be minimal and user friendly. The policy includes model plans that will be made available in electronic format upon request.
- ⊘ The cost of utilizing construction materials manufactured from recycled content is not required when the cost exceeds the competitive value of materials manufactured from virgin feedstock.
- ⊘ Any additional costs related to exterior signage are insignificant relative to overall project development costs.

User impacts. Sustainable development that includes recycling will generally result in long-term savings for the property owner or tenant that will exceed the modest operating cost associated with separating materials at the source. Further, removing architectural barriers to resource recovery efforts at the front end of development is cost effective in comparison to retrofitting or remodeling facilities.

All waste is lost profit. In most cases, architectural barriers to recycling become permanent barriers to recycling and resource recovery efforts and result in long term costs to the City and the tenant.

LEGISLATIVE AUTHORITY:

California Public Resources Code and Code of Regulations Title 14
Redlands Municipal Code Title 13

ADOPTION OF ORDINANCE NO. 2544
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- ATTACHMENTS:
- Ordinance No. 2544
 - Development Recycling Policy
 - Part I -- Site and Building Recycling Plan/Construction and Demolition Recycling Plan/Construction and Demolition Report of Materials Recycled
 - Part II -- Model Recycling Plans (Office, Restaurant, Retail Remodel and Warehouse)
 - Part III -- Design Specifications and Standard Plans for Recycling and Trash Bin Enclosures
 - Part IV B Local Recyclers Directory

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