



OFFICE OF THE CITY ATTORNEY
Long Beach, California

CH-1

CHARLES PARKIN
City Attorney

March 13, 2018

PRINCIPAL DEPUTIES

Gary J. Anderson
Charles M. Gale
Anne C. Lattime

MICHAEL J. MAIS
Assistant City Attorney

MONTE H. MACHIT
Assistant City Attorney

DEPUTIES

C. Geoffrey Allred
Richard F. Anthony
William R. Baerg
LaTasha N. Corry
Haleh R. Jenkins
Monica J. Kilaita
Nicholas J. Masero
Dawn A. McIntosh
Barbara J. McTigue
Lauren E. Misajon
Katrina R. Pickett
Howard D. Russell
Arturo D. Sanchez
Victoria A. Silcox
Linda T. Vu
Amy R. Webber
Theodore B. Zinger

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive supporting documentation into the record, conclude the public hearing, and adopt Negative Declaration 10-17;

Declare the Ordinance amending various sections of Title 21 of the Long Beach Municipal Code (Zoning), relating to Unattended Donation Boxes read, adopted as read, and laid over to the next regular meeting of the City Council for final reading; and declaring the urgency thereof and declaring this ordinance shall take effect immediately; and

Adopt a Resolution directing the Director of Development Services to submit a request to the California Coastal Commission to certify an amendment to the Certified Local Coastal Program. (Citywide)

DISCUSSION

Pursuant to the request of City Council on February 13, 2018, the ordinance related to Unattended Donation Boxes (UDBs) has been revised with changes that restrict the number of UDB's to one (1) per site, even for large development uses that may exist on multiple lots such as a shopping center or mall. In addition, the ordinance contains restrictions that would not allow UDB's to be located within 1,000 feet of one another, or located in such a way that the UDB would impact drive aisles, walkways, handicapped accessibility routes, landscaping areas, parking spaces, or the public right of way. The ordinance has also been revised to reflect that a violation of the ordinance could be abated as a public nuisance and administrative citations issued.

This matter has been presented as an urgency item for approval because the moratorium that is currently in place may expire prior to the permanent ordinance becoming effective.

SUGGESTED ACTION:

Approve recommendation.

CHARLES PARKIN, City Attorney

By 
MICHAEL J. MAIS
Assistant City Attorney

MJM:kjm
A16-03418 \00853777.doc

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF LONG BEACH AMENDING THE LONG BEACH
MUNICIPAL CODE BY AMENDING TABLE 21.32 IN
CHAPTER 21.32, AND TABLE 34-1 IN CHAPTER 21.34;
AND BY ADDING SECTIONS 21.15.3153 AND 21.51.294,
RELATED TO UNATTENDED DONATION BOXES;
DECLARING THE URGENCY THEREOF; AND DECLARING
THAT THIS ORDINANCE SHALL TAKE EFFECT
IMMEDIATELY

The City Council of the City of Long Beach ordains as follows:

Section 1. Table 32-1 of Chapter 21.32 of the Long Beach Municipal
Code is amended to read as shown on Exhibit "A."

Section 2. Table 34-1 of Chapter 21.34 of the Long Beach Municipal
Code is amended to read as shown on Exhibit "B."

Section 3. The Long Beach Municipal Code is amended by adding
Section 21.15.3153 to read as follows:

21.15.3153 "Unattended Donation Box" means any unstaffed drop-
off box, container, receptacle, or similar device that is used for soliciting
and collecting donations of clothing or other salvageable personal property.
This term does not include recycle bins for the collection of recyclable
material (such as beverage containers) governed or regulated by the
Zoning Code.

1 Section 4. The Long Beach Municipal Code is amended by adding
2 Section 21.51.294 to read as follows:

3 21.51.294 Unattended Donation Box (UDB).

4 An Unattended Donation Box (UDB) is permitted only as an
5 accessory use to an existing nonresidential activity on the same site
6 provided it meets the following standards:

7 A. Permit Required.

8 1. An UDB permit is required for an unattended donation
9 box (UDB). A permit is not required for UDBs that are enclosed within a
10 principal building or are accessory to a principal activity on a property
11 owned or leased by the box operator. However, all UDBs shall meet all
12 other requirements of Chapter 21.51.294.

13 2. The UDB permit shall require the property owner's
14 approval.

15 3. The UDB permit applicant shall be the UDB operator
16 and the permit may not be transferred, conveyed or otherwise assigned to
17 another person or entity.

18 4. The UDB permit applicant shall have an active City
19 Business License.

20 B. Location.

21 1. An UDB shall not be located on a vacant lot.

22 2. No UDB shall be located within one thousand feet
23 (1,000') from any other UDB.

24 3. A development site located on one (1) or more lot shall
25 be limited to one (1) UDB on the site.

26 4. No UDB shall be located within required areas of
27 landscaping, parking spaces, drive aisles, walkways, handicapped
28 accessibility routes, building ingress and egress, easements, trash

1 enclosures or waste disposal areas or the public right-of-way.

2 5. UDBs shall have a minimum setback of twenty (20) feet
3 from the public right-of-way and five feet (5') from any property line, or meet
4 the setback requirements of the underlying zone, whichever is greater.

5 6. The donation/collection area shall have a clear line of
6 site from the principal building located on the property or the public right-of-
7 way.

8 7. UDBs shall be located within ten feet (10') of a dusk to
9 dawn photocell-controlled light source of at least one foot (1') candle. If
10 security is determined to be an issue, a greater foot candle may be utilized,
11 provided lights are directed and shielded to prevent light and glare from
12 intruding onto adjacent sites.

13 C. Standards.

14 1. UDBs shall be constructed of durable and waterproof
15 materials.

16 2. UDBs shall be placed on a paved surface.

17 3. Maximum height is six feet (6').

18 4. Maximum floor area is twenty-five square feet (25 sq.ft)
19 (25 x 6 = 150 cubic feet).

20 5. UDBs shall have a tamper-resistant locking mechanism
21 for all collection openings.

22 D. Signage.

23 1. UDBs shall have contact information, including the
24 name, address, email and phone number of both the operator and parcel
25 owner/owner agent, posted on the box in a conspicuous location.

26 2. UDBs shall identify the type of material that may be
27 deposited and a pick-up schedule shall be posted on the box.

28 3. If applicable, the UDB shall identify the charitable

1 cause that will benefit from the donations and the Federal Tax identification
2 number of the nonprofit organization.

3 4. The property containing the UDB shall display a sign
4 not to exceed ten square feet (10 sq.ft.) with text in at least two-inch (2")
5 typeface stating that no material shall be left outside of the UDB. This sign
6 shall be placed in a visually conspicuous location within a radius of twenty
7 feet (20') from the UDB.

8 E. Maintenance.

9 1. The site shall be maintained to be free of blight,
10 including but not limited to donation/collection overflow, litter, debris and
11 dumped material.

12 2. The UDB shall be maintained, free of damage, holes,
13 rust, graffiti and be in good working order.

14 3. The UDB shall be serviced per a schedule posted on
15 the UDB. This servicing shall include the removal of donated/collected
16 material and abatement of any blight. Additional pick-ups may be required
17 if overflow or blight conditions are found to exist.

18 4. Hours of servicing UDBs shall be between 7:00 a.m.
19 and 7:00 p.m., Monday through Friday, and between 10:00 a.m. and 6:00
20 p.m. on weekends.

21 5. The UDB operator shall maintain an active email
22 address and a 24-hour telephone service with recording capability for the
23 public to register complaints. This contact information shall be posted on
24 the UDB.

25 F. Penalty for violation.

26 If an UDB is found to be in violation of Chapter 21.51.294, and the
27 operator does not remedy the violation upon notification from the City, the
28 UDB can be deemed a public nuisance in accordance with Sections

1 21.10.080 or 21.10.090 of this Code or an Administrative Citation and
2 penalty may be assessed in accordance with Chapter 9.65 of this Code.

3 Section 5. Declaration of Urgency.

4 This ordinance is an emergency ordinance within the meaning of Long
5 Beach City Charter Section 211 and it is urgently required for the long-term preservation
6 of the public peace, health and welfare of the citizens of Long Beach in order to prevent
7 the potential proliferation of Unattended Donation Boxes within the City without proper
8 review, vetting, approval or permit. Furthermore, the proliferation of Unattended
9 Donation Boxes without the appropriate permit may be at odds with recommended
10 zoning regulations that are set forth in this ordinance.

11 Section 6. This ordinance is an emergency ordinance duly adopted by
12 the City Council in accordance with Long Beach City Charter Section 211 by a vote of at
13 least five (5) of its members and shall take effect immediately. The City Clerk shall certify
14 to a separate roll call and vote on the question of the emergency of this ordinance and to
15 its passage by the vote of five (5) members of the City Council of the City of Long Beach,
16 and shall cause the same to be posted in three (3) conspicuous places in the City of Long
17 Beach.

18 Section 7. This ordinance shall also be adopted by the City Council as a
19 regular ordinance, to the end that in the event of any defect or invalidity in connection
20 with the adoption of this ordinance as an emergency ordinance, the same shall,
21 nevertheless, be and become effective on the thirty-first day after it is approved by the
22 Mayor.

23 Section 8. The City Clerk shall certify to the passage of this ordinance by
24 the City Council of the City of Long Beach and shall cause the same to be posted in three
25 conspicuous places in the City of Long Beach.

26 //

27 //

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I hereby certify that on a separate roll call and vote which was taken by the City Council of the City of Long Beach upon the question of the emergency of this ordinance at its meeting of _____, 2018, the ordinance was declared to be an emergency by the following vote:

Ayes:	Councilmembers:	_____

Noes:	Councilmembers:	_____

Absent:	Councilmembers:	_____

I further certify that thereafter, at the same meeting on _____, 2018, upon a roll call and vote on adoption of the ordinance, it was adopted by the City Council of the City of Long Beach by the following vote:

Ayes:	Councilmembers:	_____

Noes:	Councilmembers:	_____

Absent:	Councilmembers:	_____

//
//

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Lona Beach, CA 90802-4664

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I further certify that the foregoing ordinance was thereafter adopted on final reading by the City Council of the City of Long Beach at its meeting of _____, 2018, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

Clerk

Approved: _____
(Date)

Mayor

**Table 32-1
Uses In All Other Commercial Zoning Districts**

	Neighborhood			Community				Regional	Other	
	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
Unattended Donation Box	A	A	A	A	A	A	A	A	A	Subject to accessory use standards (see Section 21.51.294). Unattended Donation Box shall be permitted in all Planned Development (PD) Districts and Specific Plan (SP) Districts allowing commercial uses, subject to Section 21.51.294.

**Table 34-1
Uses in the
Institutional District**

	Use	District I
1.	Arboretum, botanical gardens or nurseries	Y
2.	Cafeterias and restaurants	A
3	Caretaker's residence	AP
4.	Carnival, fiesta, or similar exhibition or celebration	T
5.	Cemeteries (Crematorium as accessory)	C
6.	Churches	Y
7.	Colleges, universities and vocational training centers	Y
8.	Commercial uses (as principal use)	N
9.	Construction trailer	T
10.	Convention and exhibition centers	Y
11.	Country clubs (with golf course)	Y
12.	Cultural centers	Y
13.	Daycare/preschool	Y
14.	Fire stations	Y
15.	Government offices	Y
16.	Hall rental	C
17.	Handicapped and senior citizen housing	C
18.	Historical landmarks, memorials and monuments	Y

19.	Hospitals, medical centers, medical office complexes, convalescent hospitals	Y
20.	Interim storage of vehicles and service yard (2 years)	C
21.	Libraries	Y
22.	Manufacturing	N
23.	Marinas	Y
24.	Off-premises signs	N
25.	Outdoor sales events (see Section 21.52.256)	C
26.	Museums	Y
27.	Parking (commercial)	C
28.	Parking (courtesy)	A
29.	Pistol or rifle range	C
30.	Police station	Y
31.	Police training academy	C
32.	Recreational facility	A
33.	Residential - single-family	Y
34.	Residential - multiple-family	N
35.	Sale of alcoholic beverage	C
36.	Schools (public or private, excluding vocational schools)	Y
37.	Schools (vocational)	N

**Table 34-1
Uses in the
Institutional District
(Continued)**

	Use	District I
38.	Social service office of nonprofit organization	Y
39.	Special group residence (communal, board and care, etc.)	C
40.	Stadium	C
41.	Trailer used for office or nightwatchman's quarters	T
42.	Unattended Donation Box	A
43.	Water tanks	Y
44.	Wireless Telecommunications Facilities (see Chapter 21.56)	C

Abbreviations: Y = Permitted.

N = Not permitted

C = Conditional use permit required. Refer to Chapter 21.52.

A = Permitted as an accessory use. Special conditions may apply. Refer to Chapter 21.51.

T = Permitted as a temporary use subject to the requirements of Chapter 21.53 of this Title.

AP = Permitted with an administrative use permit.

1 RESOLUTION NO.

2
3 A RESOLUTION OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH AUTHORIZING THE DIRECTOR OF
5 DEVELOPMENT SERVICES TO SUBMIT A LOCAL
6 COASTAL PROGRAM AMENDMENT TO AMEND THE
7 CITY'S ZONING REGULATIONS RELATING TO
8 UNATTENDED DONATION BOXES (UDBs) TO THE
9 CALIFORNIA COASTAL COMMISSION FOR
10 CERTIFICATION

11
12 WHEREAS, on _____, 2018, the City Council of the City of
13 Long Beach amended certain provisions of Title 21 of the Long Beach Municipal Code
14 regarding Unattended Donation Boxes (UDBs); and

15 WHEREAS, it is the desire of the City Council to submit the above
16 referenced amendments to the Long Beach Municipal Code to the California Coastal
17 Commission for its review and approval as a Local Coastal Plan implementing ordinance
18 amendment; and

19 WHEREAS, the City Council gave full consideration to all facts and the
20 proposals respecting the amendments to the Long Beach Municipal Code at a properly
21 noticed and advertised public meeting; and

22 WHEREAS, the City Council approved the proposed amendments to the
23 Long Beach Municipal Code by adopting amendments to Title 21. The proposed
24 amendments are to be carried out in a manner fully consistent with the Coastal Act and
25 become effective in the Coastal Zone immediately upon Coastal Commission
26 certification; and

27 WHEREAS, the City Council hereby finds that the proposed amendments
28 are consistent with the City's certified Local Coastal Program and will not adversely affect

1 the character, livability or appropriate development in the City of Long Beach and that the
2 amendments are consistent with the goals, objectives and provisions of the General Plan;

3 WHEREAS, the Negative Declaration (ND10-17) was adopted and
4 approved by the City Council of the City of Long Beach on February 13, 2018, which
5 environmental document concluded that the adoption of the subject zoning regulations
6 would not have significant effects on the environment.

7 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
8 follows:

9 Section 1. The amendments to Title 21 of the Long Beach Municipal
10 Code adopted on _____, 2018, by Ordinance No. ORD-18-_____, a
11 copy of which is attached to and incorporated in this resolution, will be submitted to the
12 California Coastal Commission for its earliest review as to that part of the ordinance that
13 directly affects land use matters in that portion of the California Coastal Zone within the
14 City of Long Beach.

15 Section 2. The Director of Development Services of the City of Long
16 Beach is hereby authorized to and shall submit a certified copy of this resolution, together
17 with appropriate supporting materials, to the California Coastal Commission with a
18 request for its earliest action, as an amendment to the Local Coastal Program that will
19 take effect automatically upon Commission approval pursuant to the Public Resources
20 Code or as an amendment that will require formal City Council adoption after Coastal
21 Commission approval.

22 Section 3. This resolution shall take effect immediately upon its adoption
23 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

24 //

25 //

26

27

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I hereby certify that the foregoing resolution was adopted by the City Council of the
City of Long Beach at its meeting of _____, 2018, by the
following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Lona Beach, CA 90802-4664