



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

January 4, 2018

CHAIR AND PLANNING COMMISSIONERS

City of Long Beach
California

RECOMMENDATION:

Recommend that the City Council adopt Negative Declaration (ND) 10-17, and approve a Zoning Code Amendment (ZCA17-013) and submittal of a Local Coastal Program Amendment (LCPA17-005) to revise the Long Beach Municipal Code Chapter 21.15 and Sections 21.32, 21.34 and 21.51.294, related to defining and permitting Unattended Donation Boxes (UDBs). (Citywide)

APPLICANT: City of Long Beach
333 West Ocean Boulevard
Long Beach, CA 90802
(Application No. 1708-75)

DISCUSSION

On March 7, 2017, the Long Beach City Council adopted a minute order that initiated a moratorium relating to the establishment, installation, placement, construction, expansion, or issuance of permits for the use of unattended donation/recycling collection boxes or bins in or on any private or public lot in the City. On April 4, 2017, City Council declared an ordinance which established a one year moratorium period pursuant to the provisions of Chapter 21.50 of the Municipal Code, "Interim Prohibition of Uses." The Development Services Department and the Planning Commission were directed to study potential amendments to the Municipal Code relating to non-permanent unattended donation boxes in the City of Long Beach.

Unattended donation boxes (UDBs) are receptacles that typically accept donations of textiles, clothing, shoes, books or other salvageable personal property to be used by the operator for distribution, resale, or recycling. These receptacles are typically brightly colored and stand up to seven feet high. Generally, UDBs are placed outside at grocery stores, gas stations, schools, commercial parking lots, and various other types of businesses. UDB operators include both non-profit organizations that operate locally, as well as non-local organizations that may resell donations for a profit. Currently, UDBs are not specifically addressed in the Long Beach Zoning Code, and are therefore not a permitted use under the City's zoning code structure.

Unmonitored UDBs can become a public nuisance as they can create visual blight, attract trash, debris, and graffiti in their vicinity. Placement of UDBs in parking spaces, drive aisles, pedestrian walkways, landscaping, or setback areas can impact circulation, public safety, and aesthetic standards. Overflowing receptacles also contribute to scavenging and visual blight. Code Enforcement staff in the Development Services Department has reported such nuisance related conditions when unpermitted UDBs have been placed in the City of Long Beach in the recent past. The intent of the proposed Zoning Code Amendment is to recognize UDBs as a permitted accessory use, and to establish development standards to regulate their use in a manner that minimizes potential impacts.

Under the proposed ordinance, a ministerial UDB permit would be required to operate a UDB. Planning staff would review permit applications and plans for compliance with the proposed UDB Accessory Use development standards. Ministerial applications are decided upon based on established regulations, with no discretion and do not require a public hearing. The proposed ordinance was crafted in consideration of First Amendment rights in accordance with the Sixth Circuit of the Federal Court of Appeals findings that donation bins are entitled to First Amendment protection. The use of a ministerial process meets this intent because the regulations provide clarity and certainty as to the time, place, and manner in which UDBs can be permitted.

The following section describes the proposed Zoning Code changes, which are contained in the Draft Zoning Code Amendment (Exhibit A).

Definition

"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.

Permitted Zoning Districts

Staff recommends that UDBs be allowed as an accessory use to an existing permitted primary commercial or institutional use. This would allow UDBs to be permitted in all commercial zoning districts, all Planned Development (PD) districts, and Specific Plan (SP) areas that allow commercial uses, and in Institutional zoning districts. UDBs would not be allowed on vacant lots, regardless of the underlying zoning.

Accessory Use Standards

New development standards will be added to Chapter 21.51 – Accessory Uses, specifically addressing Unattended Donation Boxes (UDBs). These development standards best guide the appropriate location, placement, operation, and maintenance of donation receptacles to reduce potential public nuisance repercussions from unmonitored UDBs.

Distance Separation

In order to avoid a proliferation of UDBs, only one UDB shall be permitted within 1,000 feet

of any existing UDB. A second UDB for the same parcel could be approved if, after 90 days of operation with a daily pick-up schedule, the UDB was experiencing a consistent overflow of donated items. A UDB permit would require both the property owner and bin operator to acknowledge and accept the guidelines for the establishment and operation of a UDB. No permit would be required if the UDB is located within an enclosed building, or if it is accessory to a principal activity on the site that is owned or operated by the collection box operator, such as the administrative office of a non-profit organization. However, the development standards are applicable for any UDB.

Staff recommends the following requirements:

Location

The proper placement of a UDB on a site is a critical aspect of reducing potential negative spillover impacts. UDBs shall maintain the setback of the underlying zone, with at least a minimum setback of 20 feet from the public right-of-way and 5 feet from any property line. In addition, to avoid interference with other requirements or uses on site, a UDB cannot be located within required areas of landscaping, parking spaces, drive aisles, walkways, handicapped accessibility routes, building ingress and egress, easements, trash enclosures, or waste disposal areas. Visibility is a critical component for the safe operation of the UDB, so adequate lighting shall be provided with the use of a dusk to dawn photocell-controlled light source for the collection area, as well as having a clear line of site from a building on site or the public right-of-way.

Receptacle

Containers used for the collection of donations shall be constructed of durable material and be kept in good operating condition to avoid visual blight. For safety and security purposes, a UDB shall have a maximum height of 6 feet with a floor area of 25 square feet with a tamper-resistant locking mechanism for all collection openings to discourage scavenging.

Signage

It is important that a UDB have essential facts posted on the box in a conspicuous location for both informational and emergency purposes. This information shall include contact information for both the operator and property owner, the type of material that may be deposited, and a pick-up schedule. Both nonprofit and for-profit organizations may have a UDB, if applicable a statement shall be included describing the nature of the donation (e.g., charitable cause), and a Federal Tax identification number if the donation is tax deductible. In order to discourage illegal dumping, signage adjacent to the UDB shall state "No material shall be left outside of the UDB."

Maintenance

To encourage minimal environmental impacts, the site shall be maintained to be free of blight. Consistent maintenance of the UDB container shall be required, including adequate pick-up service per the schedule posted on the box with additional pick-ups required if overflow or blight conditions are found to exist. To minimize noise impacts to adjacent properties, hours of servicing UDBs shall be between 7:00 a.m. and 7:00 p.m., Monday through Friday, and between 10:00 a.m. and 6:00 p.m. on weekends. The UDB operator shall also be required to maintain an active email address and a 24-hour telephone service with recording capability for the public to register

Violations

The Municipal Code does not set forth required findings for approval of a Zoning Code Amendment. However, this recommendation is consistent with the General Plan, specifically upholding the Land Use Element's emphasis on maintaining and improving the quality of life and the Public Safety Element's emphasis on creating safer physical environments. Staff recommends that the Planning Commission recommend that the City Council approve Zoning Code Amendment No. 1708-75 to create provisions for Unattended Donation Boxes (UDBs).

The required public hearing notice was provided in accordance with the Municipal Code. A public hearing notice was published in the Long Beach Press-Telegram, public hearing notices were mailed to the California Coastal Commission and all City libraries, and three public hearing notices were posted in public places within the City. No comments have been received as of the preparation of this report.

Pursuant to the California Environmental Quality Act (CEQA) and the State CEQA Guidelines, Negative Declaration 10-17 has been prepared for the project and finds that the project would not have any potential significant adverse environmental impacts. The Negative Declaration was circulated for a 30-day public review period between November 14, 2017 and December 13, 2017. No public comments were received during the review period.

Camille J.

AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT

Attachments: Exhibit A – Draft Zoning Code Amendment
Exhibit B – Negative Declaration 10-17