



## DEPARTMENT OF CITY PLANNING RECOMMENDATION REPORT

### CITY PLANNING COMMISSION

**DATE:** December 21, 2017  
**TIME:** after 8:30 a.m.\*  
**PLACE:** Van Nuys Civic Center  
14410 Sylvan Street  
Second Floor  
Los Angeles, CA 91401

**CASE NO:** CPC-2017-3951-CA  
**COUNCIL FILE:** 14-0611  
**CEQA:** CPC-2017-3952-CE  
**LOCATION:** Citywide  
**COUNCIL DISTRICT:** All  
**PLAN AREAS:** All

**PUBLIC HEARING HELD ON:** November 2, 2017

**SUMMARY:** An ordinance amending Sections 12.03, 12.21, 12.26, 98.0402, and Article 4.4 of the Los Angeles Municipal Code (LAMC) to provide operational, aesthetic, and maintenance regulations for Collection Bins.

### RECOMMENDED ACTIONS:

1. **Consider** based on the whole of the administrative record, that the proposed ordinance is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines, Section 15303 (Class 3), 15308 (Class 8), and 15311 (Class 11).
2. **Approve and recommend that the City Council adopt** the proposed ordinance;
3. **Adopt** the staff report as the Commission report on the subject; and
4. **Adopt** the Findings as recommended by staff.

VINCENT P. BERTONI, AICP  
Director of Planning

  
\_\_\_\_\_  
KEVIN KELLER, AICP, Executive Officer

  
\_\_\_\_\_  
THOMAS ROTHMANN, Principal City Planner

  
\_\_\_\_\_  
PHYLLIS NATHANSON, Senior City Planner  
(213) 978-1474

  
\_\_\_\_\_  
Patrick Whalen, Planning Assistant  
(213) 978-1370

**ADVICE TO PUBLIC:** \*The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communication may be mailed to the Commission Secretariat, 200 North Spring Street, Room 532, Los Angeles, CA 90012 (Phone No. 213/978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent a week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to these programs, services, and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request no later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at 213/978-1300.

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## Table of Contents

Summary.....	4
Background.....	4
Discussion.....	5
Conclusion .....	6

### Exhibits

A. Proposed Ordinance.....	A-1
B. Notice of Exemption (CPC-2017-3952-CE).....	B-1
C. Land Use and Environmental Findings.....	C-1
D. Motion (CF 14-0611) .....	D-1

## **Summary**

Collection bins are receptacles used for collecting salvageable personal property, such as clothing, shoes, books, or housewares. Items that are collected are typically resold either for profit or to raise funds for charitable causes. In recent years, collection bins have proliferated throughout the City of Los Angeles. In the absence of regulation, bins have become sources of nuisance and blight in communities, eliciting complaints from residents and business owners.

Collection bins are often not regularly maintained or monitored, resulting in the overflow of donations, unauthorized access of donations, illegal dumping of trash, and the accumulation of hazardous materials. The lack of regular maintenance and upkeep can lead to further problems, such as the attraction of pests and vermin, and thus pose a danger to public health and safety. Additionally, bins are sometimes placed in inappropriate locations, such as within required parking spaces or setbacks, or in locations that block sight-lines of street signs and traffic signals. The obstruction of signs, signals, and points of ingress and egress creates unsafe conditions for vehicular and pedestrian circulation. Finally, collection bins often lack information about the operator/owner of the bin, and how the donations are intended to be used, resulting in confusion from those wishing to donate items.

The proposed Code amendment would define collection bins in Section 12.03 of the LAMC. It would also establish regulations related to collection bin permitting, locations they are allowed to be placed, and the design and information that the bins will be required to display.

## **Background**

There are currently no regulations for collection bins in the City of Los Angeles. The lack of regulation has resulted in many problems, resulting in constituents from around the City voicing concern to their respective Council District representatives about improperly placed, and unmaintained collection bins.

On May 9, 2014, City Council introduced a motion (CF 14-0611) requesting the City Attorney, in concert with the Department of Building and Safety, to prepare an ordinance on unattended collection bins. Specifically, the motion requested that the following provisions be included in the ordinance: a requirement for each bin to obtain a permit; mandate that bin operators obtain written permission to place the collection bin from the owner of the property on which the bin is located; a requirement that a visible phone number for the bin operator be displayed on the outside of the bin; and a requirement for bins to adhere to a regular maintenance schedule.

The City Attorney's office prepared a draft of the proposed ordinance in August of 2017. Following consultation with the Department of Building and Safety, the Department of City

Planning made revisions, and in November of 2017, released a draft of the ordinance to the public. The proposed ordinance (Exhibit A) would amend Section 12.21 A of the Los Angeles Municipal Code (LAMC) by adding a new Subdivision 23 to regulate unattended collection bins for clothing, shoes, and household items. The ordinance also amends Sections 12.03, 12.26 F, 98.0402, and Article 4.4 of the LAMC to include the regulation of collection bins.

## **Discussion**

In November 2017, the Department of City Planning released a draft of the ordinance and held a public hearing. Following the public hearing, the Department made further revisions to the November draft ordinance and prepared the proposed ordinance (Exhibit A) now being recommended for adoption.

The key provisions of the ordinance are as follows:

### **Permitting:**

- A building permit is required to be obtained from the Department of Building and Safety prior to placing or operating any collection bin.

### **Placement and Location:**

- No more than one collection bin is allowed to be placed on a property.
- Collection bins can only be placed in commercial zones, and only on properties with at least one operating business.
- Collection bins must be at least 100 feet from any A- or R- zoned property, and not within 20 feet of any public right of way, or within ten feet of any property line.
- Bins cannot be placed on any required landscaped area, diminish any required setback or parking spaces, impede access to trash enclosures, or interfere with the functioning of ventilation, exhaust, or fire extinguishing systems.

### **Operator Application:**

- In order to obtain a building permit for a collection bin, operators must provide the following items and information to the Department of Building and Safety:
  - Contact information for the operator of the bin.
  - Proof that the operator is either a for-profit entity with a valid Business Tax Registration Certificate, or a legitimate 501(c)(3) non-profit organization with proof of Business Tax Registration exemption.
  - A signed acknowledgement of responsibility from the property owner and collection bin operator.
  - A site plan and elevations of the proposed bin and its relationship to surrounding buildings.

### **Structure, Material, and Dimensions of Collection Bins:**

- Collection bins are to be made of durable, non-combustible, waterproof materials with an opening that is tamper resistant and locked.
- Bins are not to exceed 82 inches in height, 50 inches in depth, and 60 inches in width.
- All bins must be illuminated between sunset and sunrise.
- The front of each collection bin must display the following information:
  - Property owner's name and bin operator's name and contact information, along with the address of the property in which the bin is located.
  - Instructions for how to register a complaint regarding the collection bin.
  - Notice of the types of donations accepted at the bin and a warning against leaving any items other than the accepted types of donations inside or outside the bin.
  - A statement indicating whether the collection bin is owned and operated by a non-profit or for-profit organization.

### **Maintenance:**

- The areas surrounding collection bins must be maintained free of litter, debris, collected materials, posted bills, and graffiti.
- Collection bins are subject to annual inspections and inspection fees.

With these proposed regulations, this LAMC amendment aims to correct the problems associated with inappropriate placement and inadequate maintenance of collection bins. The Code amendment also seeks to increase operational transparency, so that individuals know who they are donating to, and how proceeds from donations are intended to be used. With these regulations and a permitting system in place, it is anticipated that nuisance, aesthetic, and safety related complaints involving collection bins will be reduced.

### **Conclusion**

Establishing operational, aesthetic, and maintenance regulations for collection bins will improve the livability for residents throughout the City. Requiring permits for collection bins ensures that operators will be vetted and held responsible for issues that arise with their bins. Establishing regulations for collection bins helps to reduce the preponderance of blight and nuisance issues among bins, and helps to provide full information for users of the bins. The proposed ordinance (Exhibit A) seeks to introduce a regulatory framework for collection bins to address the concerns that were raised by residents and business owners in the City of Los Angeles. Thus, the regulations proposed for collection bins in this Code amendment are needed to promote responsible operation and attentive oversight of collection bins in the City of Los Angeles.

## **Exhibits**

- A. Proposed Ordinance
- B. Notice of Exemption
- C. Land Use and Environmental Findings
- D. Motion (CF 14-0611)

**EXHIBIT A: PROPOSED ORDINANCE**

ORDINANCE NO. \_\_\_\_\_

An ordinance amending Sections 12.03, 12.21, 12.26, and Article 4.4, and Section 98.0402 of the Los Angeles Municipal Code (LAMC) to establish operational, aesthetic, and maintenance regulations for Collection Bins.

**THE PEOPLE OF THE CITY OF LOS ANGELES  
DO ORDAIN AS FOLLOWS:**

**Section 1.** Section 12.03 of the Los Angeles Municipal Code is amended to add the following definition in alphabetical order.

**COLLECTION BIN.** Any box, canister, receptacle, or other container that can be opened and closed, and is used for collecting salvageable personal property, including but not limited to clothing, shoes, books and household items for periodic off-site processing and/or redistribution. Recyclable materials, not intended for re-use, including but not limited to newspapers, plastic, glass, aluminum, electronics, toxic or hazardous materials, and solid waste, shall not be placed in Collection Bins.

**Sec. 2.** A new Subdivision 23 is added to Subsection A of Section 12.21 of the Los Angeles Municipal Code to read as follows:

**23. Regulation of Collection Bins**

**(a) Purpose.** The purpose of this Section is to establish operation, aesthetic, and maintenance standards to ensure the placement of Collection Bins does not negatively impact public health, safety, or welfare.

**(b) Permit Required for Collection Bin.** It shall be unlawful to place, operate, maintain or allow a Collection Bin to remain on any property unless a building permit for the Collection Bin is first obtained from the Department of Building and Safety. Each Collection Bin shall require a separate building permit.

**(c) Location of Permitted Collection Bins**

**(1)** Collection Bins shall not be located within 20 feet of any public right of way or within ten feet of any property line.

**(2)** Collection Bins shall only be located on properties that contain at least one operating business.

**(3)** Collection Bins shall only be located in commercial zones.

(4) No more than one Collection Bin shall be placed on any property.

(5) Collection Bins shall not be located within 100 feet of any A- or R- zoned property.

(6) Collection Bins shall not be located on any required landscaped area.

(7) A Collection Bin shall not reduce the number or size of, or impede access to, any required parking spaces on the property on which the Collection Bin is located.

(8) Collection Bins shall not impede access to, or be located within, a trash enclosure area.

(9) Collection Bins shall not impair the functioning of exhaust, ventilation or fire extinguishing systems.

(10) Each Collection Bin must be illuminated between sunset and sunrise by a light source providing at least one foot candle of light.

**(d) Collection Bin Permit Requirements and Specifications.** When applying for a Collection Bin permit in accordance with 91.106.3 et seq, the following additional information must be submitted to the Department of Building and Safety:

(1) The Collection Bin operator's contact information including its name, address, email, website (if available) and telephone number.

(2) The Collection Bin operator shall affirm under penalty of perjury on the plans submitted with the application for a building permit:

(i) That the operator holds a valid Business Tax Registration Certificate or proof of exemption issued by the City of Los Angeles.

(ii) If the operator holds itself out as a non-profit organization, that it meets the definition of non-profit organization in Section 501(c)(3) of the United States Internal Revenue Code or Section 150(c)(3) of the California Welfare and Institutions Code.

(iii) If the operator holds itself out as a for-profit organization, that it holds a valid Certificate of Good Standing issued by the California Secretary of State.

(3) That the owner understands that they are liable for violations of this subdivision and that this understanding was recorded on a signed acknowledgement of responsibility from the property owner and the operator.

(4) A site plan containing:

(i) Boundaries of the property on which the Collection Bin will be located.

(ii) Location of all buildings on the property.

(iii) Proposed Collection Bin location.

(iv) Distance from the proposed Collection Bin to the property lines and to the nearest buildings on the property.

(v) Locations and dimensions of all existing and proposed driveways, landscaped areas, and parking spaces on the property.

(5) Elevations showing the height, width, depth and general appearance of the Collection Bin, and the materials of which the Collection Bin is fabricated.

(6) The signatures of the operator, and the property owner or a legally authorized representative thereof if the operator and property owner are different persons or entities, attesting under the penalty of perjury that the information contained in the application is true, correct and complete.

(7) Any other reasonable information regarding time, place and manner of the Collection Bin operation, location and/or maintenance that the General Manager of the Department of Building and Safety requires to evaluate the proposed Collection Bin consistent with the requirements of this subdivision.

**(e) Structure, Materials, Dimensions and Identification.**

(1) The front of each Collection Bin shall display the following information in clearly printed lettering no less than two-inches high:

(i) Property owner's name and the name, address and telephone number of the operator.

(ii) Address of the property.

(iii) Instructions to call 311 to register a complaint regarding the Collection Bin with the Department of Building and Safety.

(iv) Notice of the types of donations accepted in the Collection Bin (e.g., clothing, books, shoes, household items books).

(v) A warning against leaving any items other than the accepted types of donations inside the Collection Bin, and a warning against leaving donations, trash, or any other items outside of the Collection Bin.

(vii) The pick-up schedule for the Collection Bin.

(viii) A statement indicating whether the Collection Bin is owned and operated by a non-profit or for-profit organization.

(2) No Collection Bin shall exceed dimensions of 82-inches in height, 50-inches in depth, and 60-inches in width.

(3) In order to prevent unauthorized access to the Collection Bin and theft of donations, a tamper-resistant locking mechanism shall be attached to the opening of the Collection Bin.

(4) The Collection Bin must be fabricated of durable, noncombustible and waterproof materials.

(5) Notwithstanding any other provisions of this Code to the contrary, the Collection Bin must be located upon ground that is paved with Portland cement at least three inches thick. The cement must extend over the entire area and extend not less than 24 inches beyond the face of the Collection Bin where the collection opening is located. The Collection Bin must be anchored to the ground in a manner approved by the Department of Building and Safety.

(f) **Maintenance.** The area surrounding the Collection Bin shall be maintained free of litter, debris, dumped materials, posted bills, and graffiti.

(g) **Annual Inspections.** The Department of Building and Safety shall make annual inspections of permitted Collection Bins pursuant to Section 12.26 F. of this Code.

**Sec. 3.** The heading and Subdivisions 2, 3, 4 and 5 of Subsection F of Section 12.26 of the Los Angeles Municipal Code are amended to read as follows:

**F. Auto Dismantling Yards, Junk Yards, Scrap Metal or Recycling Materials Processing Yards, Recycling Collection and/or Buyback Centers, Recycling Materials Sorting Facilities, Cargo Container Storage Yards, and Collection Bins.**

2. **Applicability.** The provisions of this subsection shall apply to every recycling center or yard operating pursuant to a valid certificate of occupancy and to every Collection Bin operating pursuant to a valid building permit. In addition, these provisions shall be applicable to every recycling center or yard operating with nonconforming status pursuant to Section 12.23 of this Code, and as to such recycling centers or yards, any revocation proceedings authorized by these provisions shall be deemed to be proceedings to revoke and void any rights otherwise granted by Section 12.23 of this Code.

3. **Annual Inspections.** The Department shall make an inspection of each recycling center, ~~or yard,~~ or Collection Bin at least once a year to verify compliance with all applicable provisions of this Code. An annual inspection fee as specified in Section 98.0402(e) of the Code shall be paid by each business operator or property owner to the Department. The business operator and the property owner of every site under the jurisdiction of this section shall be notified of all fees, fines, penalties, costs, or other assessments resulting from enforcement of this section and are jointly and severally responsible to ensure that code compliance is maintained, at all times, and that payment of all fees, fines, penalties, costs, or other assessments due for each qualifying business as specified by this section, is made to the Department. If all fees, fines, penalties, costs or other assessments due pursuant to this section are not paid, a lien may be placed upon the property as provided for in Section 98.0480(g) of the Code and Los Angeles Administrative Code Section 7.35.1 *et seq.* In addition, failure to pay all fees, fines, penalties, costs or other assessments is sufficient cause to institute a certificate of occupancy revocation hearing. An inspection may also be made whenever a complaint is received by the Department concerning a violation of this Code or as needed to verify continued compliance with applicable Code requirements. Accessory storage-only yards, where no business is conducted, which are nearby but not contiguous with a main yard may be approved and inspected with an additional fee of one half of the annual inspection fee for each yard.

4. **Order to Comply.** If a recycling center, ~~or yard,~~ or Collection Bin that is inspected is found to be in violation of any provision of this Code, the Superintendent shall send an Order to Comply ("Order") to the owner of the property and the operator of the recycling center, ~~yard~~ or Collection Bin. The Order shall clearly state the following:

(a) The violation must be corrected by a compliance date specified in the Order, which date shall be no more than 30 days from the date the Order is mailed;

(b) The compliance date as specified in the Order may be extended for an additional period not to exceed 45 days if the owner or operator of the recycling center, yard, or [Collection Bin](#) presents satisfactory evidence to the Superintendent that unusual difficulties prevent substantial compliance without an extension;

(c) Failure to correct the violation on or before the compliance date or any authorized extension will lead to commencement of certificate of occupancy revocation proceedings, [or in the case of Collection Bin, building permit revocation proceedings](#). Such proceedings will terminate with a revocation hearing, which hearing may only be avoided if the violation is corrected and a fine paid according to the fine schedule in Subdivision 14 of this subsection.

5. **Re-inspection.** The Superintendent shall re-inspect a recycling center, ~~or~~ yard, or [Collection Bin](#) for which an Order was issued pursuant to this subsection subsequent to the compliance date or any authorized extension thereof.

**Sec. 4.** The definition of Sign in Section 14.4.2 of the Los Angeles Municipal Code is amended to read:

**Sign.** Any whole or part of a display board, wall, screen, or object used to announce, declare, demonstrate, display, or otherwise present a message and attract attention to the public, [except for information required to be displayed on Collection Bins](#).

**Sec. 5.** Subsections (e) and (f) of Section 98.0402 of the Los Angeles Municipal Code are amended to read as follows:

(e) **Annual Inspection Fee.** Whenever the Department makes annual inspections pursuant to Sections 12.26 F.3., 12.26 I.5. and 13.03 of the Los Angeles Municipal Code (or any other provision of this Code) the Department shall collect a fee from the property owner or business operator for inspection of each “recycling center” and “yard” business as defined in Section 12.26 F.1., each “automotive repair garage” and “used vehicle sales area” business as defined in Section 12.26 I.1., each “surface mining operation” as defined in Section 13.03 B. [and each “Collection Bin” as defined in Section 12.03](#), the annual inspection fees shall be as follows:

1. For each recycling center, yard, automotive repair garage, used vehicle sales area [or Collection Bin](#) .....\$457.00

2. For each surface mining operation.....\$265.00

(f) The Department shall collect an amount levied by penalty fine from every property owner or business operator of a recycling center, yard, automotive repair garage, ~~or~~ used vehicle sales area, [or Collection Bin](#), as described in Subsection (e) above, for the following violations of the Los Angeles Municipal Code:

1. **Repeat Violation.** Pursuant to Sections 12.26 F.15. and 12.26 I.17. of the Los Angeles Municipal Code, a penalty fine of \$200.00 shall be levied when cited in a subsequent notice to comply for the same violation.

2. **Notice of Revocation or Failure to Pay Repeat Violation Fee.** In addition to any revocation, pursuant to Section 12.26 F.14. or 12.26 I.16. of the Los Angeles Municipal Code, a penalty fine in the amount of \$750.00 shall be levied for each violation specified in a notice of intent to revoke or as a result of failure to pay a repeat violation fee.

**Sec. 6. Severability.** If any section, subsection, sentence, clause or phrase is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted each and every section, subsection, sentence, clause and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

**Sec. 7.** The City Clerk shall certify that...

**EXHIBIT B: Notice of Exemption (CPC-2017-3952-CE)**

COUNTY CLERK'S USE

CITY CLERK'S USE

**CITY OF LOS ANGELES**  
 OFFICE OF THE CITY CLERK  
 200 NORTH SPRING STREET, ROOM 360  
 LOS ANGELES, CALIFORNIA 90012  
**CALIFORNIA ENVIRONMENTAL QUALITY ACT**  
**NOTICE OF EXEMPTION**  
 (California Environmental Quality Act Section 15062)

Filing of this form is optional. If filed, the form shall be filed with the County Clerk, 12400 E. Imperial Highway, Norwalk, CA 90650, pursuant to Public Resources Code Section 21152 (b). Pursuant to Public Resources Code Section 21167 (d), the filing of this notice starts a 35-day statute of limitations on court challenges to the approval of the project. Failure to file this notice with the County Clerk results in the statute of limitations being extended to 180 days.

<b>LEAD CITY AGENCY</b> City of Los Angeles Department of City Planning	<b>COUNCIL DISTRICT</b> All
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<b>PROJECT TITLE</b> Ordinance to regulate Collection Bins	<b>LOG REFERENCE</b> ENV CPC-2017-3952-CE
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**PROJECT LOCATION**  
Available space on private commercial lots which contain a building with an operating business

**DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT:**  
 City residents, businesses, and visitors will benefit because this ordinance will include a permit system and will regulate Collection Bins for collection of clothing, shoes, books, and household items only. Bins must be properly located with permission from lot owner, comply with zoning laws, be maintained in proper working order, designed to be waterproof, tamper-proof, and free from trash overflow that creates blight and attracts vermin. Non-compliant bins will be subject to orders to comply, possible penalties, and removal.

**NAME OF PERSON OR AGENCY CARRYING OUT PROJECT, IF OTHER THAN LEAD CITY AGENCY:**  
 City of Los Angeles

<b>CONTACT PERSON</b> Patrick Whalen	<b>AREA CODE</b> 213	<b>TELEPHONE NUMBER</b> 978-1370	<b>EXT.</b>
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**EXEMPT STATUS: (Check One)**

	STATE CEQA GUIDELINES	CITY CEQA GUIDELINES
9 MINISTERIAL	Sec. 15268	Art. II, Sec. 2b
9 DECLARED EMERGENCY	Sec. 15269	Art. II, Sec. 2a (1)
9 EMERGENCY PROJECT	Sec. 15269 (b) & (c)	Art. II, Sec. 2a (2) & (3)
Y CATEGORICAL EXEMPTION	Sec. 15300 <i>et seq.</i>	Art. III, Sec. 1
Class 3 Category: New construction and limited numbers of new, small facilities or structures, Sec. 15303 Class 8 Category: To protect the environment and aesthetics by eliminating blight, Sec. 15303 Class 11 Category: For accessory structures, Sec. 15311		
9 OTHER	(See Public Resources Code Sec. 21080 (b) and set forth state and City guideline provision.	

**JUSTIFICATION FOR PROJECT EXEMPTION:** After a review of the whole of the administrative record, we find none of the exceptions in CEQA Guidelines Sec. 15300.2 apply. Please see Attachment Page for the exemptions.

**IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT ISSUED BY THE CITY PLANNING DEPARTMENT STATING THAT THE DEPARTMENT HAS FOUND THE PROJECT TO BE EXEMPT.**

<b>SIGNATURE</b> <i>Patrick Whalen</i>	<b>TITLE</b> Planning Assistant	<b>DATE</b> 11/15/2017
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<b>FEE:</b>	<b>RECEIPT NO.</b>	<b>REC'D. BY</b>	<b>DATE</b>
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DISTRIBUTION: (1) County Clerk, (2) City Clerk, (3) Agency Record  
 Rev. 11-1-03 Rev. 1-31-06 Word

IF FILED BY THE APPLICANT:

Ω \_\_\_\_\_  
 NAME (PRINTED)

Ω \_\_\_\_\_  
 SIGNATURE

Ω \_\_\_\_\_  
 DATE

**EXHIBIT C: Land Use and Environmental Findings**

## LAND USE FINDINGS

In accordance with Charter Section 556, the proposed ordinance (Appendix A) is in substantial conformance with the purposes, intent, and provisions of the General Plan in that it supports the General Plan Framework's Livable Neighborhoods subsection (under the Urban Form and Neighborhood Design Section), which provides that "all neighborhoods in the City deserve to have well designed buildings and a safe, secure, and attractive public realm". The proposed ordinance also supports Goal 5A of the Citywide General Plan Framework by helping to further shape "a livable city for existing and future residents and one that is attractive to future investment"; and it is in line with objective 5.5, to "enhance the liveability of all neighborhoods by upgrading the quality of development and improving the quality of the public realm". The ordinance substantially advances a legitimate public interest in that it requires the operators to place their collection bins in safe, appropriate locations, and maintain the bins and the spaces around them so that they are free of graffiti, posted bills, and trash. Therefore, this ordinance helps to protect the integrity and improve the aesthetics of neighborhoods across the City of Los Angeles.

The proposed ordinance also supports Policy Topic 2.9 of the "Plan for a Healthy Los Angeles", an element of the Citywide General Plan which provides that the City "proactively work with residents and public, private, and nonprofit partners to develop, execute, and maintain civic stewardship over community beautification efforts to promote neighborhoods that are clean, healthy, and safe."

In accordance with the Charter Section 558 (b)(2), the proposed ordinance will be in conformance with public necessity, convenience, general welfare, and good zoning practice because the ordinance creates regulations in the Zoning Code pertaining to collection bins. Given that these regulations are necessary to improve the health, safety, and aesthetics of neighborhoods, the Code amendment provides for the general welfare of the community, and implements good zoning practice.

## ENVIRONMENTAL FINDINGS

In accordance with the California Environmental Quality Act (CEQA), this proposed project is exempt pursuant to General Exemption Article 19, Sections:

- **15303, exemption for new construction and location of limited numbers of new, small facilities or structures (Class 3).** This ordinance allows for only one bin per commercial lot that has an operating business. The ordinance will impose limitations on the number and size of the bins.
- **15308, exemption to protect the environment (Class 8).** This ordinance will protect the environment by protecting aesthetics and eliminating blight created by unregulated bins. For example, the ordinance requires a permit system and regulates collection bins for the collection of clothes, shoes, books, and household

items only. Recyclables, such as newspapers, glass, plastics, and metals; toxic materials; and trash and waste are prohibited. Bins must be properly located so as to not violate zoning laws, be maintained in proper working order, and designed so that they are waterproof, tamper proof, and free from trash overflow that creates blight and attracts vermin. Owners of non-compliant bins will be subject to orders to comply, possible penalties and removal of bins. This ordinance will prevent collection bins from storing hazardous and toxic materials and attracting vermin and other pests, and will better the environments they are in.

- **15311, exemption for accessory structures (Class 11).** Collection bins are small receptacles, accessory to main uses on commercial lots. The bin's maximum dimensions may not exceed 82 inches in height, 60 inches in width, and 50 inches in depth. This ordinance will require written permission from lot owners to place bins on commercial lots with a building that contains an operating business. The bins must be properly located so as to not violate zoning laws. Bins must be placed on ground that is paved with Portland cement at least three inches thick. The bins must remain in proper working order and made of waterproof and non-combustible materials. Owners of non-compliant bins will be subject to orders to comply, possible penalties, and removal of the bins.

**EXHIBIT D: Motion (CF 14-0611)**

14-0611

MAY 09 2014

MOTION

PUBLIC SAFETY

The City of Los Angeles is home to an unprecedented number of unattended collection boxes. These boxes are primarily used by charitable and for profit companies to encourage the collection of clothing and shoes for recycling purposes.

California state law requires that the owners of unattended collection boxes to indicate if they are for-profit or non-profit and display the name, address, telephone number and Web address of the collection box's owner. If the organization is charitable, state law further requires that they disclose who will benefit from the donations.

California state law defines a nuisance as anything that is injurious to health, indecent or offensive to the senses, obstructs free use of property, or unlawfully obstructs free passage. State law further allows charter cities to establish nuisance abatement guidelines including but not limited to the collection of fees.

Many unattended collection boxes in the City Los Angeles have become a nuisance, they are placed in the public right of way, property setbacks and parking lots, at times without the owner's consent. Left unmanaged, they attract illegal dumping, graffiti and have become an additional source of blight in many areas of the city.

By amending Los Angeles Municipal Code to establish basic permitting and operating requirements the city can reduce the amount of blight in the community.

Requirements should include:

- The operators prove they are either a legitimate non-profit or business and be in good standing with the State;
- That unattended box placement should be permitted and the appropriate department should establish a fee for the placement of the bins;
- The owner/operator should have express written permission of the property owner to leave a box;
- The boxes must be maintained and at no times should be the organizations contact information be obstructed;
- The City should establish sufficient penalties/fines and other enforcement capabilities to address troublesome owner/operators, and
- The owner/operator be required to provide the City periodic reports of the amount of clothing and other materials collected within the City.

I THEREFORE MOVE that the City Attorney prepare and present an ordinance to regulate unattended collection boxes as defined in this motion.

PRESENTED BY

*Curren D. Price, Jr.*

CURREN D. PRICE, Jr.  
Councilmember, 9<sup>th</sup> District

SECONDED BY:

*Joe Bruner*

*[Signature]*  
MAY 9 2014

ORIGINAL

MOTION

I MOVE that the matter of the PUBLIC SAFETY COMMITTEE REPORT relative to regulating unattended charitable donation collection boxes, Item 8 on today's Council Agenda (CF 14-0611) BE AMENDED to:

1. INSTRUCT the Department of Building and Safety to assist the City Attorney with the drafting of the requested ordinance.
2. INSTRUCT the Department of General Services to report on the feasibility of allowing the Bureau of Street Services - Investigation and Enforcement Division the use of vacant city buildings and/or property for the temporary storage of confiscated donation collection boxes, illegally placed in the public right-of-way, for the 90-day period required by State law.

PRESENTED BY: *Curren Price*  
CURREN PRICE  
Councilmember, 9th District

SECONDED BY: *M. Engfer*

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