



# SAN FERNANDO

## PLANNING AND PRESERVATION COMMISSION

### REGULAR MEETING NOTICE AND AGENDA

JANUARY 5, 2016 – 6:30 P.M.

COUNCIL CHAMBERS  
117 MACNEIL STREET  
SAN FERNANDO, CA 91340

#### **CALL TO ORDER/ROLL CALL**

Chair Theale E. Haupt  
Vice-Chair Alvin Durham, Jr.  
Commissioner Kevin Beaulieu  
Commissioner David Bernal  
Commissioner Yvonne G. Mejia

#### **PLEDGE OF ALLEGIANCE**

Chairperson Theale E. Haupt

#### **APPROVAL OF AGENDA**

January 5, 2016.

#### **PUBLIC STATEMENTS – WRITTEN/ORAL**

There will be a three (3) minute limitation per each member of the audience who wishes to make comments relating to City Business. Anyone wishing to speak, please fill out a form located at the Council Chambers entrance and submit it to the Commission Chair. When addressing the Planning and Preservation Commission please speak into the microphone and voluntarily state your name and address.

#### **CONSENT CALENDAR**

Items on the Consent Calendar are considered routine and may be disposed of by a single motion to adopt staff recommendation. If the Planning and Preservation Commission wishes to discuss any item, it should first be removed from the Consent Calendar.

## PLANNING AND PRESERVATION COMMISSION

Regular Meeting Notice and Agenda – JANUARY 5, 2016

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- 1) REQUEST TO APPROVE THE MINUTES OF THE DECEMBER 8, 2015, PLANNING AND PRESERVATION STUDY SESSION.

### NEW BUSINESS

- 2) SUBJECT: CONSIDERATION OF PROPOSED ZONE TEXT AMENDMENT 2015-01 AND DRAFT CITY ORDINANCE REGULATING UNATTENDED COLLECTION BOXES

APPLICANT: CITY OF SAN FERNANDO, 117 MACNEIL STREET, SAN FERNANDO, CA 91340

PROPOSAL: A PROPOSED ZONE TEXT AMENDMENT 2015-01 WHICH SEEKS TO ESTABLISH NEW REGULATIONS WITHIN THE CITY'S ZONING ORDINANCE REGARDING UNATTENDED COLLECTION BOXES.

RECOMMENDATION: STAFF RECOMMENDS THAT SUBSEQUENT TO CITY PLANNING STAFF'S PRESENTATION AND CONSIDERATION OF ANY PUBLIC COMMENTS, THE PLANNING AND PRESERVATION COMMISSION ADOPT PLANNING AND PRESERVATION COMMISSION RESOLUTION 2016-001 RECOMMENDING TO THE CITY COUNCIL ADOPTION OF PROPOSED ORDINANCE THAT WOULD AMEND DIVISION 5 (TEMPORARY STRUCTURES) OF CHAPTER 106 (ZONING) OF THE SAN FERNANDO CITY CODE IN ORDER TO ESTABLISH REGULATIONS FOR UNATTENDED COLLECTION BOXES AND MAKE THE ASSOCIATED ENVIRONMENTAL DETERMINATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT.

*If, in the future, you wish to challenge the items listed above in Court, you may be limited to raising only those issues you or someone else raised at the Public Hearing described in this notice or in written correspondence delivered to the City Planning and Preservation Commission at, or prior to, the Public Hearing. Decisions of Planning and Preservation Commission may be appealed to the City Council within 10 days following the final action.*

### CONTINUED BUSINESS

None

# PLANNING AND PRESERVATION COMMISSION

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## STAFF COMMUNICATION

NONE

## COMMISSIONER COMMENTS

NONE

## ADJOURNMENT

**FEBRUARY 2, 2016**

*I hereby certify under penalty of perjury under the laws of the State of California that the foregoing agenda was posted on the City Hall bulletin board not less than 72 hours prior to the meeting.*

*Fred Ramirez*

*Signed and Posted: DECEMBER 30, 2015*

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*Agendas and complete Agenda Packets (including staff reports and exhibits related to each item) are posted on the City's Internet Web site ([www.sfcity.org](http://www.sfcity.org)). These are also available for public reviewing prior to a meeting at the Community Development Department Public Counter. Any public writings distributed by the Planning and Preservation Commission to at least a majority of the Commissioners regarding any item on this regular meeting agenda will also be made available at the Community Development Department Public Counter located at 117 Macneil Street, San Fernando, CA, 91340 during normal business hours. In addition, the City may also post such documents on the City's Web Site at [www.sfcity.org](http://www.sfcity.org). In accordance with the Americans with Disabilities Act of 1990, if you require a disability-related modification/accommodation to attend or participate in this meeting, including auxiliary aids or services please call the Community Development Department at (818) 898-1227 at least 48 hours prior to the meeting.*

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**CITY OF SAN FERNANDO  
PLANNING AND PRESERVATION COMMISSION**

**MINUTES OF THE  
DECEMBER 8, 2015, STUDY SESSION  
CITY HALL COUNCIL CHAMBERS**

THE FOLLOWING MINUTES ARE A SUMMARY OF ACTION TAKEN BY THE PLANNING AND PRESERVATION COMMISSION. AUDIO OF THE ACTUAL MEETING ARE AVAILABLE FOR LISTENING AT:

<http://ci.san-fernando.ca.us/commissionandboardmeeting/#ppc>

**CALL TO ORDER**

The meeting was call to order by Chairperson Theale Haupt at 6:31 p.m.

**ROLL CALL**

The following persons were recorded as present:

**PRESENT**

Chairperson Theale Haupt, Commissioners David Bernal and Kevin Beaulieu

**ABSENT**

Vice-chairperson Alvin and Commissioner Yvonne Mejia

**PLEDGE OF ALLEGIANCE**

Led by Chairperson T. Haupt

**APPROVAL OF AGENDA**

Commissioner D. Bernal moved to approve the agenda of December 8, 2015. Seconded by Commissioner K. Beaulieu the motion carried with the following vote:

<b>AYES:</b>	D. Bernal, K. Beaulieu, and T. Haupt
<b>NOES:</b>	None
<b>ABSENT:</b>	A. Durham and Y. Mejia
<b>ABSTAIN:</b>	None

**CONSENT CALENDAR**

T. Haupt moved to approve the minutes of the November 3, 2015 Planning and Preservation Commission meeting. Seconded by Commissioner D. Bernal, the motion carried with the following vote:

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**AYES:** T. Haupt, D. Bernal, and K. Beaulieu  
**NOES:** None  
**ABSENT:** A. Durham and Y. Mejia  
**ABSTAIN:** None

### NEW BUSINESS

1. **SUBJECT:** STUDY SESSION REGARDING A PROPOSED ZONE TEXT AMENDMENT REGULATING UNATTENDED COLLECTION BOXES  
  
**APPLICANT:** CITY OF SAN FERNANDO, 117 N. MACNEIL STREET, SAN FERNANDO, CA 91340  
  
**PROPOSAL:** THE CITY OF SAN FERNANDO WILL CONDUCT A STUDY SESSION REGARDING A PROPOSED ZONE TEXT AMENDMENT ESTABLISHING REGULATIONS FOR UNATTENDED COLLECTION BOXES. A ZONE TEXT AMENDMENT WILL BE BROUGHT BACK TO THE PLANNING AND PRESERVATION COMMISSION AT A LATER DATE FOR RECOMMENDATION TO THE CITY COUNCIL FOR APPROVAL.  
  
**RECOMMENDATION:** STAFF RECOMMENDS THAT SUBSEQUENT TO CITY PLANNING STAFF'S PRESENTATION AND CONSIDERATION OF ANY PUBLIC COMMENTS, THE PLANNING AND PRESERVATION COMMISSION PROVIDE CITY PLANNING STAFF WITH FEEDBACK ON THE PROPOSED CHANGES REGARDING REGULATIONS FOR UNATTENDED COLLECTION BOXES AS A FIRST STEP IN PREPARING A ZONE TEXT AMENDMENT FOR SUBSEQUENT CONSIDERATION BY THE PLANNING AND PRESERVATION COMMISSION AND THE CITY COUNCIL.

### STAFF PRESENTATION

Community Development Director Fred Ramirez gave the staff presentation requesting public comments and feedback from the Planning and Preservation Commission in order to prepare a report establishing regulations for unattended collection boxes.

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### PUBLIC COMMENTS

None

### COMMISSION COMMENTS

K. Beaulieu asked if all of the collection boxes were from non-profit organizations and if any the boxes were on City property.

F. Ramirez indicated that staff was not aware of the non-profit status and that some of the boxes were at the property lines and sometime the donations spill over into the public right of way, but none of the boxes were on City property.

D. Bernal asked if staff can include language to preclude these collection boxes from the Transit Oriented Development Overlay Zone and/or the SP4 zone within the City.

T. Haupt asked staff to require that the property owners give written permission to install these collection boxes. Additionally, he stated that each box should have a serial number or an identifying number and limit the number of boxes to one per parcel.

D. Bernal asked that the regulation should also include language indicating how often the boxes are emptied.

F. Ramirez noted that box identification numbers and the frequency of box cleanups would be included as part of the application process.

T. Haupt stated that the city should require that we have the current contact information for each collection company.

### STAFF COMMUNICATIONS

F. Ramirez provided the commission with a brief update of the following item:

- Moratorium on medical/dental clinics;
- Proposed moratorium on Multi-family housing units; and
- 650 Glenoaks Boulevard.

### COMMISSION COMMENTS

K. Beaulieu asked staff to provide an explanation of the artificial landscaping in the Brand Boulevard median.

T. Haupt asked if the City can send a thank you letter to WSS regarding the development and re-opening of their store. He asked if staff can visit the dental supply location on First Street and ask if they can install wall packs to avoid the overspill of lights to the surrounding residential properties.

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K. Beaulieu stated that the Charter School on Fourth Street also should be asked to minimize the overflow of lights onto the neighboring properties.

T. Haupt inquired about the recently held Transportation and Safety Commission meeting that was to be held regarding the possible city-wide parking permits.

F. Ramirez noted that he would follow-up with the Public Works Director and Commission Liaison Chris Marcarello about any potential outcome from the Transportation and Safety Commission discussion on this matter and provide the commission with an update at a later date.

### ADJOURNMENT

Commissioner K. Beaulieu moved to adjourn to January 5, 2016. Second by Chairperson T. Haupt, the motion carried with the following vote:

AYES:	K. Beaulieu, T. Haupt, and D. Bernal
NOES:	None
ABSENT:	A. Durham and Y. Mejia
ABSTAIN:	None

7:29 P.M.

Fred Ramirez

Planning Commission Secretary





**MEETING DATE:** JANUARY 5, 2016

**PUBLIC HEARING:**

1. CHAIRPERSON TO OPEN THE ITEM AND REQUEST STAFF REPORT
2. STAFF PRESENTS REPORT
3. COMMISSION QUESTIONS ON STAFF REPORT
4. OPEN THE PUBLIC HEARING
5. CLOSE THE PUBLIC HEARING
6. PLANNING AND PRESERVATION COMMISSION DISCUSSION
7. RECOMMENDED ACTION:
  - a) To Approve:

“I move to adopt Planning and Preservation Commission Resolution 2016-001 recommending to the City Council adoption of proposed ordinance that would amend division 5 (temporary structures) of chapter 106 (zoning) of the San Fernando City Code in order to establish regulations for unattended collection boxes and make the associated environmental determination under the California Environmental Quality Act (CEQA)...” (Roll Call Vote)
  - b) To Deny:

“I move to deny adoption of Planning and Preservation Commission Resolution 2016-001, based on the following...” (Roll Call Vote)
  - c) To Continue:

“I move to continue consideration of Planning and Preservation Commission Resolution 2016-001 to a *specific date*...” (Roll Call Vote)

**ITEM 2:**

**ZONE TEXT AMENDMENT 2015-01**





## AGENDA REPORT

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**To:** Planning and Preservation Commission Chairperson Haupt and Commissioners

**From:** Fred Ramirez, Community Development Director

**Date:** January 5, 2016

**Subject:** Consideration of Proposed Zone Text Amendment 2015-01 and Draft City Ordinance Regulating Unattended Collection Boxes

### **RECOMMENDATION:**

It is recommended that subsequent to staff's presentation that the Planning and Preservation Commission:

- 1) Conduct a public hearing;
- 2) Close the public hearing; and
- 3) Subsequent to the conclusion of commission discussion, adopt the attached Planning and Preservation Commission Resolution 2016-001 (Attachment No. 1) recommending to the City Council adoption of proposed Ordinance (Attachment 2) that would amend Division 5 (Temporary Uses and Structures) of Chapter 106 (Zoning) of the San Fernando City Code in order to establish regulations for unattended collection boxes and make the associated environmental determination under the California Environmental Quality Act.

### **EXECUTIVE SUMMARY:**

On December 8, 2015, the Planning and Preservation Commission held a study session regarding a proposed Zone Text Amendment 2015-01, which seeks to establish new regulations within the City's Zoning Ordinance regarding unattended collection boxes. At the study session, the commission provided staff with feedback on the proposed regulations, which include amongst other things: 1) requiring the property owner's notarized signature authorizing the submittal of an application for a new collection box on their parcel of land; 2) identification of a contact person and associated contact information at the time of application submittal; and 3) limiting of collection boxes to one per subject parcel of land. The commission's requested revisions have been included as tracked revisions to the initially proposed draft Ordinance and are included herein as Attachment 3 to this report.

### **BACKGROUND:**

1. City Planning Staff has seen an increase over the last year in the number of unattended collection boxes within the City's commercial corridors. In addition, the City currently does not have development standards that regulate these unattended collection boxes. Furthermore it is City Staff's concern that without City regulations the proliferation of these type of collection boxes will have an adverse impact on the character of the commercial

corridors and become a public nuisance as unattended collection boxes have been found in required setbacks, adjacent to the public right-of-way, and/or overflowing with “donations” that in some instances spillover into sidewalks and result in visual impact on the commercial corridors.

2. On November 25, 2015, a notice of the study session before the Planning and Preservation Commission on the proposed zone text amendment regulation of unattended collection boxes was mailed out to all seven (7) property owners that currently have unattended collection boxes on commercial zoned properties. In addition, the same study session notice was also sent out on November 25, 2015 to the five (5) collection/donation box vendors that currently operate within the City.
3. On December 8, 2015, the Planning and Preservation Commission conducted a study session on the Zone Text Amendment 2015-01, which seeks to establish new regulations within the City’s Zoning Ordinance regarding unattended collection boxes. Subsequent to discussion, commission comments were submitted to City Planning Staff for incorporation into the final draft Ordinance to be brought back to the commission at a later date.

#### **ANALYSIS:**

City Planning and Code Enforcement Staff have seen an increase in the number of unattended collection/donation boxes within the City’s commercial corridors including collection/donation boxes along North Maclay Avenue, San Fernando Road, and Truman Street.

Properties that currently have unattended collection/donation boxes are as follows:

- 527 North Maclay Avenue (Donation Box Vendor: Community for Change)
- 665 North Maclay Avenue (Donation Box Vendor: Planet Aide)
- 776 North Maclay Avenue (Donation Box Vendor: Atlas Global/Epic Thrift, Dare America, Eco Life)
- 951 North Maclay Avenue (Donation Box Vendor: Eco Life)
- 1230 San Fernando Road (Donation Box Vendor: Eco Life)
- 707 Truman Street (Donation Box Vendor: Planet Aide)
- 901 Truman Street (Donation Box Vendor: Dare America)

*(See Attachment No. 4: Unattended Collection Box Field Survey (12-8-15).)*

The proliferation of these unattended collection boxes along the identified commercial corridors have also resulted in zone code violations as these collection boxes have been targets of graffiti and in some instances donated items have spilled over into the setbacks, parking areas, the adjacent City sidewalk areas. Currently, there are no City codes regulating the placement and maintenance of these types of ancillary uses on commercial property. Without any applicable development standards, the City is finding it difficult to track the number of donation boxes, provide uniform zoning regulations identifying the proper location for said

collection/donation boxes, and hold collection/donation box vendors accountable for ongoing maintenance of these structures and obtaining a city permit that authorize their placement and operation within the City.

Proposed Regulations.

The proposed zone text amendment seeks to allow unattended donation boxes as temporary accessory uses to the principal permitted uses with the approval of a site plan review by the Community Development Director. The ordinance includes the following components:

- Definition of Collection Box;
- Prohibition on Installation without City Review/Permit;
- Application Requirements (including new language regarding property owner's notarized signature, and limiting collection boxes to one per subject parcel of land; *Note: additional requirements regarding city-issued identification numbers and frequency of box cleanup would be included as part of forthcoming application*);
- Initial 24-Month Term for the Permitted Temporary Use;
- Identification of Zones where Temporary Use is Allowed and Exceptions Thereto;
- Location Standards;
- Conditions of Approval;
- Maintenance Requirements; and
- Size Limitations.

Zone Text Amendment Required Findings.

Pursuant to City Code Section 106-19 Subsections (c)(1) and (c)(2), City Planning Staff has determined and seeks the Planning and Preservation's concurrence that the proposed zoning text amendment is consistent with the following findings of fact as discussed below:

- **The proposed zone text amendment is consistent with the objectives, policies, general land uses and programs of the City's General Plan.**

The proposed amendment regulates collection boxes as accessory uses, and therefore does not restrict or otherwise affect the principal uses contemplated by the City of San Fernando General Plan.

Establishment of zone text language that regulates the review, placement and ongoing operation of unattended collection boxes within the City of San Fernando will help to ensure compatibility with commercial land uses within the City's commercial corridors and is consistent with the City of San Fernando General Plan Land Use Element Goals, which seek to "retain the small town character of San Fernando", promote the economic viability of commercial areas", and "maintain an identity that is distinct from surrounding communities" while also meeting the City General Plan Land Use Element Objective that

seeks to attract new commercial activities, particularly in the downtown area". (Source: City General Plan Land Use Element Goals and Objectives; Page IV-6.)

- **The adoption of the proposed zone text amendment would not be detrimental to the public interest, health, safety, convenience or welfare.**

The proposed amendment authorizes no change to the environment and thus will add nothing potentially detrimental to the public interest, health, safety, convenience or welfare. Moreover, the city finds that the amendment will protect property values and prevent blight and nuisances caused by the presence of unregulated containers used to collect donations of clothing and other salvageable items, and therefore will enhance and support the public interest, health, safety, convenience and welfare.

#### Environmental Review.

This project has been reviewed for compliance with CEQA. In accordance with the provisions of the CEQA Guidelines, the City of San Fernando as the "Lead Agency" has determined that adoption and implementation of this ordinance is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15304 (minor temporary use of land having negligible or no permanent effects on the environment) and Section 15311 (placement of minor structures accessory to existing commercial, industrial, or institutional facilities). If the Planning and Preservation Commission concurs with City Planning Staff's assessment and recommends City Council adoption of the draft Ordinance as presented, then no further environmental assessment is necessary.

#### **CONCLUSION:**

It is staff's assessment that a zone text amendment is warranted in order to establish a specific set of regulations for unattended collection/donation boxes throughout the City's commercial corridors that preserves community character and protects the public health, safety and general welfare by allowing for the placement and maintenance of collection boxes in an orderly manner while still providing for the public donation of items.

Therefore, it is staff's recommendation that the Planning and Preservation Commission adopt Resolution 2016-001 (Attachment 1), recommending adoption of Zone Text Amendment 2015-01 pursuant to the proposed draft Ordinance (Attachment 2) to the City Council establishing regulations for unattended collection boxes.

**ATTACHMENTS:**

1. Planning and Preservation Commission Resolution 2016-001
2. Draft Ordinance (Clean Version)
3. Draft Ordinance (Tracked Changes Version)
4. December 8, 2015 Planning and Preservation Commission Staff Report





**RESOLUTION NO. 2016-001**

**RESOLUTION OF THE PLANNING AND PRESERVATION COMMISSION  
RECOMMENDING TO THE CITY COUNCIL APPROVAL OF ZONE TEXT  
AMENDMENT 2015-01 AND ASSOCIATED ENVIRONMENTAL  
ASSESSMENT FOR THE PROPOSED AMENDMENTS TO THE ZONING  
CODE ESTABLISHING REGULATIONS FOR UNATTENDED  
COLLECTION BOXES AND MAKING RELATED FINDINGS THEREWITH**

WHEREAS, the State Welfare and Institutions Code section 148 et seq. sets forth certain regulations pertaining to Unattended Collection Boxes and the Acquisition and Disposition of Salvageable Personal Property for Charitable Purposes; and

WHEREAS, State Welfare and Institutions Code section 152 authorizes cities to declare any collection box that exists in violation of the law to be a public nuisance subject to abatement; and

WHEREAS, State Welfare and Institutions Code section 153 affirms the power of a city “to impose additional requirements upon the solicitation and sale of salvageable personal property within its jurisdiction”; and

WHEREAS, the Planning and Preservation Commission finds that it serves the health, safety, and welfare of the community to maintain a clean and attractive city and protect property values by controlling the presence of containers used to collect charitable donations of clothing and other salvageable items; and

WHEREAS, the Planning and Preservation Commission finds that a proliferation of such collection boxes without rules and standards harms the community, including potentially creating blight and nuisances; and

WHEREAS, the Planning and Preservation Commission desires to address the presence of collection boxes in a manner consistent with State law, and to regulate their use as temporary in nature, with appropriate time limitations; and

WHEREAS, on January 5, 2016, the Planning and Preservation Commission held a properly noticed public hearing at which it received a report from city planning staff as well as oral and written testimony from the public, and deliberated on the item; and

WHEREAS, the City Council public hearing was noticed in accordance with the requirements set forth in Government Code sections 65090 and 65091; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) and the City of San Fernando’s CEQA Guidelines, the City of San Fernando as the Lead Agency overseeing the environmental review for the proposed Zone Text Amendment 2015-01 has determined that adoption

and implementation of this ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15304 (minor temporary use of land having negligible or no permanent effects on the environment) and is categorically exempt under Section 15311 (placement of minor structures accessory to existing commercial, industrial, or institutional facilities) and based on said environmental assessment has determined that the adoption the proposed zone text amendment would not have any potential significant adverse environmental impact; and

WHEREAS, on January 8, 2013, the Planning and Preservation Commission held a properly noticed public hearing at which it received a report from City staff as well as oral and written testimony from the public, and deliberated the proposed zone text amendment and associated environmental assessment (“the Project”).

WHEREAS, the Planning and Preservation Commission’s findings and recommendations for approval to the City Council of the proposed zone text amendment and associated environmental assessment were memorialized in writing in the form of Planning and Preservation Commission Resolution 2016-01 on January 5, 2016;

**NOW, THEREFORE, BE IT RESOLVED that the Planning and Preservation Commission finds as follows:**

SECTION 1: The Planning Commission finds that all of the facts set forth in this Resolution are true and correct.

SECTION 2: On January 5, 2016, the Planning and Preservation Commission held a duly noticed public hearing to consider the proposed zone text amendment, environmental assessment, and the findings and recommendations made by the Planning and Preservation Commission. Evidence, both written and oral, was presented at said hearing.

A. The public hearing afforded opportunities for public testimony and comments on the Project.

B. Notice of the hearing was given pursuant to San Fernando Municipal Code Section 106-72 and in compliance with Government Code Sections 65090 and 65091, a notice of public hearing for the proposed zone text amendments was advertised in the Los Angeles Daily News (a local paper of general circulation), a minimum of ten (10) days prior to the scheduled public hearing before the Planning and Preservation Commission.

SECTION 3: Based upon substantial evidence presented to the Planning and Preservation Commission on January 5, 2016, including public testimony, written materials and written and oral staff reports, with regard to the zone text amendment, the Planning and Preservation Commission concurred with the city planning staff’s determination that adoption and implementation of this ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15304 (minor temporary use of land having negligible or no permanent effects on the environment) and is categorically exempt under Section 15311 (placement of minor structures

accessory to existing commercial, industrial, or institutional facilities) and subsequently, recommended that the City Council adopt findings to that effect on January 5, 2016.

SECTION 4: The Planning and Preservation Commission has determined that the proposed zoning text amendment is consistent with the following findings of fact as discussed below:

**a) The proposed zone text amendment is consistent with the objectives, policies, general land uses and programs of the City's General Plan.**

The proposed amendment regulates collection boxes as accessory uses, and therefore does not restrict or otherwise affect the principal uses contemplated by the City of San Fernando General Plan.

Establishment of zone text language that regulates the review, placement and ongoing operation of unattended collection boxes within the City of San Fernando will help to ensure compatibility with commercial land uses within the City's commercial corridors and is consistent with the City of San Fernando General Plan Land Use Element Goals, which seek to "retain the small town character of San Fernando", promote the economic viability of commercial areas", and "maintain an identity that is distinct from surrounding communities" while also meeting the City General Plan Land Use Element Objective that seeks to attract new commercial activities, particularly in the downtown area". (Source: City General Plan Land Use Element Goals and Objectives; Page IV-6.)

**b) The adoption of the proposed zone text amendment would not be detrimental to the public interest, health, safety, convenience or welfare.**

The proposed amendment authorizes no change to the environment and thus will add nothing potentially detrimental to the public interest, health, safety, convenience or welfare. Moreover, the city finds that the amendment will protect property values and prevent blight and nuisances caused by the presence of unregulated containers used to collect donations of clothing and other salvageable items, and therefore will enhance and support the public interest, health, safety, convenience and welfare.

BE IT FURTHER RESOLVED that based upon the foregoing, the Planning and Preservation Commission hereby recommends approval of Zone Text Amendment 2015-01 and recommends adoption of the environmental determination that the Project will not have any potential adverse

environmental impact to the City Council.

PASSED, APPROVED AND ADOPTED this 5th day of January 2016.

Theale E. Haupt

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CHAIRPERSON

ATTEST:

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FRED RAMIREZ, SECRETARY TO THE  
PLANNING AND PRESERVATION COMMISSION

STATE OF CALIFORNIA       )  
COUNTY OF LOS ANGELES   ) ss  
CITY OF SAN FERNANDO     )

I, FRED RAMIREZ, Secretary to the Planning and Preservation Commission of the City of San Fernando, do hereby certify that the foregoing Resolution was duly adopted by the Planning and Preservation Commission and signed by the Chairperson of said Planning and Preservation Commission at a meeting held on the 5th day of January 2016; and that the same was passed by the following vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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FRED RAMIREZ, SECRETARY TO THE  
PLANNING AND PRESERVATION COMMISSION

**AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF SAN FERNANDO, CALIFORNIA AMENDING  
DIVISION 5 (TEMPORARY USES AND STRUCTURES)  
OF CHAPTER 106 (ZONING) OF THE SAN FERNANDO  
CITY CODE TO REGULATE UNATTENDED  
COLLECTION BOXES**

WHEREAS, the City Council finds that it serves the health, safety, and welfare of the community to maintain a clean and attractive city and protect property values by controlling the presence of containers used to collect charitable donations of clothing and other salvageable items; and

WHEREAS, the City Council finds that a proliferation of such collection boxes without rules and standards harms the community, including potentially creating blight and nuisances; and

WHEREAS, the State Welfare and Institutions Code section 148 et seq. sets forth certain regulations pertaining to Unattended Collection Boxes and the Acquisition and Disposition of Salvageable Personal Property for Charitable Purposes; and

WHEREAS, State Welfare and Institutions Code section 152 authorizes cities to declare any collection box that exists in violation of the law to be a public nuisance subject to abatement; and

WHEREAS, State Welfare and Institutions Code section 153 affirms the power of a city “to impose additional requirements upon the solicitation and sale of salvageable personal property within its jurisdiction”; and

WHEREAS, the City Council desires to address the presence of collection boxes in a manner consistent with State law, and to regulate their use as temporary in nature, with appropriate time limitations; and

WHEREAS, on January 5, 2016, the Planning and Preservation Commission held a properly noticed public hearing at which it received a report from city planning staff as well as oral and written testimony from the public, and deliberated on the item; and

WHEREAS, the City Council public hearing was noticed in accordance with the requirements set forth in Government Code sections 65090 and 65091.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN FERNANDO DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** The foregoing recitals are true and correct and made a part of this Ordinance.

**SECTION 2.** The City Council hereby finds as follows:

**a) The proposed zone text amendment is consistent with the objectives, policies, general land uses and programs of the city's general plan.**

The proposed amendment regulates collection boxes as accessory uses, and therefore does not restrict or otherwise affect the principal uses contemplated by the City of San Fernando General Plan.

Establishment of zone text language that regulates the review, placement and ongoing operation of unattended collection boxes within the City of San Fernando will help to ensure compatibility with commercial land uses within the City's commercial corridors and is consistent with the City of San Fernando General Plan Land Use Element Goals, which seek to "retain the small town character of San Fernando", promote the economic viability of commercial areas", and "maintain an identity that is distinct from surrounding communities" while also meeting the City General Plan Land Use Element Objective that seeks to attract new commercial activities, particularly in the downtown area". (Source: City General Plan Land Use Element Goals and Objectives; Page IV-6.)

**b) The adoption of the proposed zone text amendment would not be detrimental to the public interest, health, safety, convenience or welfare.**

The proposed amendment authorizes no change to the environment and thus will add nothing potentially detrimental to the public interest, health, safety, convenience or welfare. Moreover, the city finds that the amendment will protect property values and prevent blight and nuisances caused by the presence of unregulated containers used to collect donations of clothing and other salvageable items, and therefore will enhance and support the public interest, health, safety, convenience and welfare.

**SECTION 3.** Division 5 (Temporary Uses and Structures) of Article VI (General Regulations) of Chapter 106 (Zoning) of the San Fernando City Code is hereby amended to add the following:

**Sec. 106-1113. – Temporary use of unattended collection boxes.**

A collection box is permitted as a temporary accessory to a principal permitted use with approval of site plan review by the community development director pursuant to division 3 of article II of this chapter and subject to the following:

- (a) *Definition.* For the purpose of this section, “collection box” means an unattended canister, receptacle, or similar device, used for soliciting and collecting donations of salvageable goods and movable property, but not money or evidences of debt. This term does not include a recyclables container regulated by Chapter 70 of this code.
- (b) *Prohibition.* No person, individual, firm, corporation, partnership, association, club, society, or other entity shall engage in any of the following without a permit in accordance with this section: (i) place, install, or maintain on any real property a collection box held out to the public for donations; (ii) extract any item from a collection box; or (iii) allow, aid, abet, or suffer any such action.
- (c) *Application.*
  - (1) Any requirement to show particular information on the site plan may be waived pursuant to section 106-113 as the director deems appropriate.
  - (2) The application shall include: (i) the signed and notarized written consent to the application by the owner of the subject parcel of land; (ii) contact information for the person responsible for the ongoing maintenance of the collection box; and (iii) other information deemed appropriate by the director.
  - (3) A permit may be issued only to a nonprofit entity that is eligible to solicit donations of salvageable personal property pursuant to Welfare and Institutions Code section 148.3.
- (d) *Duration.*
  - (1) Written approval of a collection box under this section shall be considered a temporary permit and shall be valid for a period not longer than 24 months as set forth in the permit, unless otherwise provided by this section. The permit shall terminate earlier than the expiration stated therein if: (1) the permit is revoked on the grounds of non-compliance with the permit or other law; or (2) the collection box is abandoned for 30 days after the mailing date of the City’s written notification to the permit holder of the abandonment.
  - (2) The permit holder and the owner, tenant, and person or entity in control of the parcel of land on which the collection box is placed shall be jointly and severally liable for costs incurred in removing an unpermitted or abandoned collection box. The director may require a cash bond or other guarantee of removal of the temporary use upon expiration of the permit.
- (e) *Zones.* Collection boxes are prohibited in the city’s residential zones, except on properties with any of the following land uses approved by conditional use permit:

churches, temples or other places of religious worship or similar places of assembly, schools, nursery schools, hospitals, sanitariums, large community care facilities, museums, and libraries. This division shall prevail over the restriction against temporary structures at places of religious worship. The director may issue a temporary permit pursuant to this section for a period longer than 24 months if the applicant demonstrates that the collection box is customarily incidental to the principal use in accordance with the City Zoning Ordinance.

- (f) *Location.* No collection box shall be placed:
  - (1) Within 500 feet of another collection box or a salvage and recycling business, or within 30 feet of the property line of any adjacent residentially zoned parcel. The director shall have discretion to waive or modify these distance restrictions if justified by the following: (i) the collection box is customarily incidental to the principal use; (ii) it will cause no significant adverse effect on adjacent property; and (iii) the public necessity, convenience, general welfare or good zoning practice.
  - (2) Within a yard setback.
  - (3) Within a required off-street parking space.
- (g) *Conditions of approval.* Approvals shall be limited to one collection box per property. The director may impose conditions on a collection box permit to ensure compatibility with surrounding uses and to preserve the public health, safety, and welfare, including, without limitation, aesthetics and periodic review of compliance with this section.
- (h) *Maintenance.* The collection box shall have a firmly closing lid. The permit holder and the parcel owner shall be responsible to:
  - (1) Maintain the premises in a clean, sanitary condition at all times, free from discarded items, garbage, and other waste.
  - (2) Regularly empty contents to ensure the collection box does not exceed its capacity.
  - (3) Remove any graffiti or material placed outside of the collection box within 24 hours.
- (i) *Size.* The collection box shall not exceed six cubic yards in volume or six feet in height.

**Sec. 106-1114—106-1240. – Reserved.**

**SECTION 4.** Adoption and implementation of this ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15304 (minor temporary use of land having negligible or no permanent effects on the



environment) and categorically exempt under Section 15311 (placement of minor structures accessory to existing commercial, industrial, or institutional facilities).

**SECTION 5.** Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

**SECTION 6.** Effective Date. In accordance with Government Code section 36937, this ordinance shall take effect and be in force 30 days after passage and adoption.

**SECTION 7.** Certification. The City Clerk is hereby authorized and directed to certify to the passage of this Ordinance by the City Council and shall cause it to be published or posted as required by law.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of San Fernando a regular meeting held on \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
Joel Fajardo, Mayor

**ATTEST:**

\_\_\_\_\_  
Elena G. Chávez, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Rick R. Olivarez, City Attorney



**AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF SAN FERNANDO, CALIFORNIA AMENDING  
DIVISION 5 (TEMPORARY USES AND STRUCTURES)  
OF CHAPTER 106 (ZONING) OF THE SAN FERNANDO  
CITY CODE TO REGULATE UNATTENDED  
COLLECTION BOXES**

WHEREAS, the City Council finds that it serves the health, safety, and welfare of the community to maintain a clean and attractive city and protect property values by controlling the presence of containers used to collect charitable donations of clothing and other salvageable items; and

WHEREAS, the City Council finds that a proliferation of such collection boxes without rules and standards harms the community, including potentially creating blight and nuisances; and

WHEREAS, the State Welfare and Institutions Code section 148 et seq. sets forth certain regulations pertaining to Unattended Collection Boxes and the Acquisition and Disposition of Salvageable Personal Property for Charitable Purposes; and

WHEREAS, State Welfare and Institutions Code section 152 authorizes cities to declare any collection box that exists in violation of the law to be a public nuisance subject to abatement; and

WHEREAS, State Welfare and Institutions Code section 153 affirms the power of a city “to impose additional requirements upon the solicitation and sale of salvageable personal property within its jurisdiction”; and

WHEREAS, the City Council desires to address the presence of collection boxes in a manner consistent with State law, and to regulate their use as temporary in nature, with appropriate time limitations; and

WHEREAS, on January 5, 2016, the Planning and Preservation Commission held a properly noticed public hearing at which it received a report from city planning staff as well as oral and written testimony from the public, and deliberated on the item; and

WHEREAS, the City Council public hearing was noticed in accordance with the requirements set forth in Government Code sections 65090 and 65091.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN FERNANDO DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** The foregoing recitals are true and correct and made a part of this Ordinance.

**SECTION 2.** The City Council hereby finds as follows:

**a) The proposed zone text amendment is consistent with the objectives, policies, general land uses and programs of the city’s general plan.**

The proposed amendment regulates collection boxes as accessory uses, and therefore does not restrict or otherwise affect the principal uses contemplated by the City of San Fernando General Plan.

Establishment of zone text language that regulates the review, placement and ongoing operation of unattended collection boxes within the City of San Fernando will help to ensure compatibility with commercial land uses within the City’s commercial corridors and is consistent with the City of San Fernando General Plan Land Use Element Goals, which seek to “retain the small town character of San Fernando”, promote the economic viability of commercial areas”, and “maintain an identity that is distinct from surrounding communities” while also meeting the City General Plan Land Use Element Objective that seeks to attract new commercial activities, particularly in the downtown area”. (Source: City General Plan Land Use Element Goals and Objectives; Page IV-6.)

**b) The adoption of the proposed zone text amendment would not be detrimental to the public interest, health, safety, convenience or welfare.**

The proposed amendment authorizes no change to the environment and thus will add nothing potentially detrimental to the public interest, health, safety, convenience or welfare. Moreover, the city finds that the amendment will protect property values and prevent blight and nuisances caused by the presence of unregulated containers used to collect donations of clothing and other salvageable items, and therefore will enhance and support the public interest, health, safety, convenience and welfare.

**SECTION 3.** Division 5 (Temporary Uses and Structures) of Article VI (General Regulations) of Chapter 106 (Zoning) of the San Fernando City Code is hereby amended to add the following:

**Sec. 106-1113. – Temporary use of unattended collection boxes.**

A collection box is permitted as a temporary accessory to a principal permitted use with approval of site plan review by the community development director pursuant to division 3 of article II of this chapter and subject to the following:

- (a) *Definition.* For the purpose of this section, “collection box” means an unattended canister, receptacle, or similar device, used for soliciting and collecting donations of salvageable goods and movable property, but not money or evidences of debt. This term does not include a recyclables container regulated by Chapter 70 of this code.
- (b) *Prohibition.* No person, individual, firm, corporation, partnership, association, club, society, or other ~~legal~~ entity shall engage in any of the following without a permit in accordance with this section: (i) place, install, or maintain on any real property a collection box held out to the public for donations; (ii) extract any item from a collection box; or (iii) allow, aid, abet, or suffer any such action.
- (c) *Application.*
- (1) Any requirement to show particular information on the site plan may be waived pursuant to section 106-113 as the director deems appropriate.
  - (2) The application shall include: (i) a the signed and notarized written consent to the application by letter that indicates the consent of the owner of the subject parcel of land; (ii) contact information for the person responsible for the ongoing maintenance of the collection box; and (iii) other information deemed appropriate by the director.
  - (3) A permit may be issued only to a nonprofit entity that is eligible to solicit donations of salvageable personal property pursuant to Welfare and Institutions Code section 148.3.
- (d) *Duration.*
- (1) Written approval of a collection box under this section shall be considered a temporary permit and shall be valid for a period not longer than 24 months as set forth in the permit, unless otherwise provided by this section. The permit shall terminate earlier than the expiration stated therein if: (1) the permit is revoked on the grounds of non-compliance with the permit or other law; or (2) the collection box is abandoned for 30 days after the mailing date of the City’s written notification to the permit holder of the abandonment.
  - (2) The permit holder and the owner, tenant, and person or ~~legal~~ entity in control of the parcel of land on which the collection box is placed shall be jointly and severally liable for costs incurred in removing an unpermitted or abandoned collection box. The director may require a cash bond or other guarantee of removal of the temporary use upon expiration of the permit.
- (e) *Zones.* Collection boxes are prohibited in the city’s residential zones, except on properties with any of the following land uses approved by conditional use permit:

churches, temples or other places of religious worship or similar places of assembly, schools, nursery schools, hospitals, sanitariums, large community care facilities, museums, and libraries. This division shall prevail over the restriction against temporary structures at places of religious worship. The director may issue a temporary permit pursuant to this section for a period longer than 24 months if the applicant demonstrates that the collection box is customarily incidental to the principal use in accordance with the City Zoning Ordinance.

(f) *Location.* No collection box shall be placed:

- (1) Within 500 feet of another collection box or a salvage and recycling business, or within 30 feet of the property line of any adjacent residentially zoned parcel. The director shall have discretion to waive or modify these distance restrictions if justified by the following: (i) the collection box is customarily incidental to the principal use; (ii) it will cause no significant adverse effect on adjacent property; and (iii) the public necessity, convenience, general welfare or good zoning practice.
- (2) Within a yard setback.
- (3) Within a required off-street parking space.

(g) *Conditions of approval.* Approvals shall be limited to one collection box per property. The director may impose conditions on a collection box permit to ensure compatibility with surrounding uses and to preserve the public health, safety, and welfare, including, without limitation, aesthetics and periodic review of compliance with this section.

(h) *Maintenance.* The collection box shall have a firmly closing lid. The permit holder and the parcel owner shall be responsible to:

- (1) Maintain the premises in a clean, sanitary condition at all times, free from discarded items, garbage, and other waste.
- (2) Regularly empty contents to ensure the collection box does not exceed its capacity.
- (3) Remove any graffiti or material placed outside of the collection box within 24 hours.

(i) *Size.* The collection box shall not exceed six cubic yards in volume or six feet in height.

**Sec. 106-1114—106-1240. – Reserved.**

**SECTION 4.** Adoption and implementation of this ordinance is exempt from the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15304 (minor temporary use of land having negligible or no permanent effects on the environment) and categorically exempt under Section 15311 (placement of minor structures accessory to existing commercial, industrial, or institutional facilities).

**SECTION 5.** Severability. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause or phrase not declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

**SECTION 6.** Effective Date. In accordance with Government Code section 36937, this ordinance shall take effect and be in force 30 days after passage and adoption.

**SECTION 7.** Certification. The City Clerk is hereby authorized and directed to certify to the passage of this Ordinance by the City Council and shall cause it to be published or posted as required by law.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of San Fernando a regular meeting held on \_\_\_\_\_ day of \_\_\_\_\_, ~~2015~~2016.

\_\_\_\_\_  
Joel Fajardo, Mayor

**ATTEST:**

\_\_\_\_\_  
Elena G. Chávez, City Clerk

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Rick R. Olivarez, City Attorney







## AGENDA REPORT

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**To:** Planning and Preservation Commission Chairperson Haupt and Commissioners

**From:** Fred Ramirez, Community Development Director

**Date:** December 8, 2015

**Subject:** Study Session Regarding Proposed Zone Text Amendment Regulating Unattended Collection Boxes

### RECOMMENDATION:

It is recommended that subsequent to City Planning Staff's presentation and consideration of any public comments, the Planning and Preservation Commission provide City Planning Staff with feedback on the proposed Zone Text Amendment 2015-01 (Attachment No. 1), establishing regulations for unattended collection boxes as a first step in preparing a zone text amendment for subsequent consideration by the Planning and Preservation Commission and the City Council.

### EXECUTIVE SUMMARY:

The Planning and Preservation Commission is being asked to provide City Planning Staff with feedback on the proposed zone text amendment establishing regulations for unattended donation boxes. The draft zone text amendment language being considered by the commission will be brought back to the Planning and Preservation Commission at a later date as part of a public noticed hearing in order to consider final zone text language to be recommended to the City Council for approval. The meeting is also intended to solicit valuable community input from interested members of the public so as to better inform the City's zone text amendment efforts.

### BACKGROUND:

1. City Planning Staff has seen an increase over the last year in the number of unattended collection boxes within the City's commercial corridors. In addition, the City currently does not have development standards that regulate these unattended collection boxes. Furthermore it is City Staff's concern that without City regulations the proliferation of these type of collection boxes will have an adverse impact on the character of the commercial corridors and become a public nuisance as unattended boxes have been found in required setbacks, adjacent to the public right-of-way, and/or overflowing with "donations" that in some instances spillover into sidewalks and result in visual impact on the commercial corridors.
2. On November 25, 2015, a notice of the study session before the Planning and Preservation Commission on the proposed zone text amendment regulation unattended collection boxes

was mailed out to all seven (7) property owners that currently have unattended collection boxes on commercial zoned properties. In addition, the same study session notice was also sent out on November 25, 2015 to the five (5) collection/donation box vendors that currently operate within the City.

## **ANALYSIS:**

City Planning and Code Enforcement Staff have seen an increase in the number of unattended collection/donation boxes within the City's commercial corridors including collection/donation boxes along North Maclay Avenue, San Fernando Road, and Truman Street.

Properties that currently have unattended collection/donation boxes are as follows:

- 527 North Maclay Avenue (Donation Box Vendor: Community for Change)
- 665 North Maclay Avenue (Donation Box Vendor: Planet Aide)
- 776 North Maclay Avenue (Donation Box Vendor: Atlas Global/Epic Thrift, Dare America, Eco Life)
- 951 North Maclay Avenue (Donation Box Vendor: Eco Life)
- 1230 San Fernando Road (Donation Box Vendor: Eco Life)
- 707 Truman Street (Donation Box Vendor: Planet Aide)
- 901 Truman Street (Donation Box Vendor: Dare America)

*(See Attachment No. 2: Unattended Collection Box Field Survey (12-8-15).)*

The proliferation of these unattended collection boxes along the identified commercial corridors have also resulted in zone code violations as these boxes have been targets of graffiti and in some instances donated items have spilled over into the setbacks, parking areas, the adjacent City sidewalk areas. Currently, there are no City codes regulating the placement and maintenance of these types of ancillary uses on commercial property. Without any applicable development standards, the City is finding it difficult to track the number of donation boxes, provide uniform zoning regulations identifying the proper location for said collection/donation boxes, and hold collection/donation box vendors accountable for ongoing maintenance of these structures and obtaining a city permit that authorize there placement and operation within the City.

### Proposed Regulations.

The proposed zone text amendment seeks to allow unattended donation boxes as temporary accessory uses to the principal permitted uses with the approval of a site plan review by the Community Development Director. The ordinance includes the following components:

- Definition of Collection Box;
- Prohibition on Installation without City Review/Permit;
- Application Requirements;
- Initial 24-Month Term for the Permitted Temporary Use;

- Identification of Zones where Temporary Use is Allowed and Exceptions Thereto;
- Location Standards;
- Conditions of Approval;
- Maintenance Requirements; and
- Size Limitations.

#### Reason for Seeking Commission Input Now

As with any zone text amendment, the input of the commission is critical in providing City Planning Staff, the City Attorney, and eventually the City Council with feedback on the proposed zone text amendment. Feedback at this time will ensure proposed zoning regulations are consistent with the City's General Plan, protect public health, safety, and welfare and in this case facilitate the orderly placement and maintenance of unattended collection boxes within the City's commercial corridors. As previously noted, any future zone text amendment would be considered for review and recommendation by the Planning and Preservation Commission at a noticed public hearing before the commission prior to being submitted for City Council review and approval as part of a future ordinance.

#### **CONCLUSION:**

It is staff's assessment that a zone text amendment is warranted in order to establish a specific set of regulations for unattended collection/donation boxes throughout the City's commercial corridors.

Based on commission input, City Planning Staff and the City Attorney will incorporate public and commission input from this study session into a future staff report and updated version of the proposed ordinance (Zone Text Amendment 2015-01; Attachment No. 1) that would be presented to the Planning and Preservation Commission at a future meeting.

#### **ATTACHMENTS:**

1. Draft Ordinance
2. Unattended Collection Box Field Survey (12-8-15)

**AN ORDINANCE OF THE CITY COUNCIL OF THE  
CITY OF SAN FERNANDO, CALIFORNIA AMENDING  
DIVISION 5 (TEMPORARY USES AND STRUCTURES)  
OF CHAPTER 106 (ZONING) OF THE SAN FERNANDO  
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COLLECTION BOXES**

WHEREAS, the City Council finds that it serves the health, safety, and welfare of the community to maintain a clean and attractive city and protect property values by controlling the presence of containers used to collect charitable donations of clothing and other salvageable items; and

WHEREAS, the City Council finds that a proliferation of such collection boxes without rules and standards harms the community, including potentially creating blight and nuisances; and

WHEREAS, the State Welfare and Institutions Code section 148 et seq. sets forth certain regulations pertaining to Unattended Collection Boxes and the Acquisition and Disposition of Salvageable Personal Property for Charitable Purposes; and

WHEREAS, State Welfare and Institutions Code section 152 authorizes cities to declare any collection box that exists in violation of the law to be a public nuisance subject to abatement; and

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WHEREAS, the City Council desires to address the presence of collection boxes in a manner consistent with State law, and to regulate their use as temporary in nature, with appropriate time limitations; and

WHEREAS, on \_\_\_\_\_, 2015, the Planning and Preservation Commission held a properly noticed public hearing at which it received a report from city planning staff as well as oral and written testimony from the public, and deliberated on the item; and

WHEREAS, the City Council public hearing was noticed in accordance with the requirements set forth in Government Code sections 65090 and 65091.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN FERNANDO  
DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** The foregoing recitals are true and correct and made a part of this Ordinance.

**SECTION 2.** The City Council hereby finds as follows:

**a) The proposed zone text amendment is consistent with the objectives, policies, general land uses and programs of the city’s general plan.**

The proposed amendment regulates collection boxes as accessory uses, and therefore does not restrict or otherwise affect the principal uses contemplated by the City of San Fernando General Plan.

Establishment of zone text language that regulates the review, placement and ongoing operation of unattended collection boxes within the City of San Fernando will help to ensure compatibility with commercial land uses within the City’s commercial corridors and is consistent with the City of San Fernando General Plan Land Use Element Goals, which seek to “retain the small town character of San Fernando”, promote the economic viability of commercial areas”, and “maintain an identity that is distinct from surrounding communities” while also meeting the City General Plan Land Use Element Objective that seeks to attract new commercial activities, particularly in the downtown area”. (Source: City General Plan Land Use Element Goals and Objectives; Page IV-6.)

**b) The adoption of the proposed zone text amendment would not be detrimental to the public interest, health, safety, convenience or welfare.**

The proposed amendment authorizes no change to the environment and thus will add nothing potentially detrimental to the public interest, health, safety, convenience or welfare. Moreover, the city finds that the amendment will protect property values and prevent blight and nuisances caused by the presence of unregulated containers used to collect donations of clothing and other salvageable items, and therefore will enhance and support the public interest, health, safety, convenience and welfare.

**SECTION 3.** Division 5 (Temporary Uses and Structures) of Article VI (General Regulations) of Chapter 106 (Zoning) of the San Fernando City Code is hereby amended to add the following:

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- (a) *Definition.* For the purpose of this section, “collection box” means an unattended canister, receptacle, or similar device, used for soliciting and collecting donations of salvageable goods and movable property, but not money or evidences of debt. This term does not include a recyclables container regulated by Chapter 70 of this code.

- (b) *Prohibition.* No person or other legal entity shall engage in any of the following without a permit in accordance with this section: (i) place, install, or maintain on any real property a collection box held out to the public for donations; (ii) extract any item from a collection box; or (iii) allow, aid, abet, or suffer any such action.
- (c) *Application.*
- (1) Any requirement to show particular information on the site plan may be waived pursuant to section 106-113 as the director deems appropriate.
  - (2) The application shall include a notarized letter that indicates the consent of the owner of the subject parcel of land.
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- (d) *Duration.*
- (1) Written approval of a collection box under this section shall be considered a temporary permit and shall be valid for a period not longer than 24 months as set forth in the permit, unless otherwise provided by this section. The permit shall terminate earlier than the expiration stated therein if: (1) the permit is revoked on the grounds of non-compliance with the permit or other law; or (2) the collection box is abandoned for 30 days after the mailing date of the City's written notification to the permit holder of the abandonment.
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  - (3) Within a required off-street parking space.
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**Sec. 106-1114—106-1240. – Reserved.**

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declared invalid or unconstitutional without regard to whether any portion of the Ordinance would be subsequently declared invalid or unconstitutional.

**SECTION 6.** Effective Date. In accordance with Government Code section 36937, this ordinance shall take effect and be in force 30 days after passage and adoption.

**SECTION 7.** Certification. The City Clerk is hereby authorized and directed to certify to the passage of this Ordinance by the City Council and shall cause it to be published or posted as required by law.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of San Fernando a regular meeting held on \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Joel Fajardo, Mayor

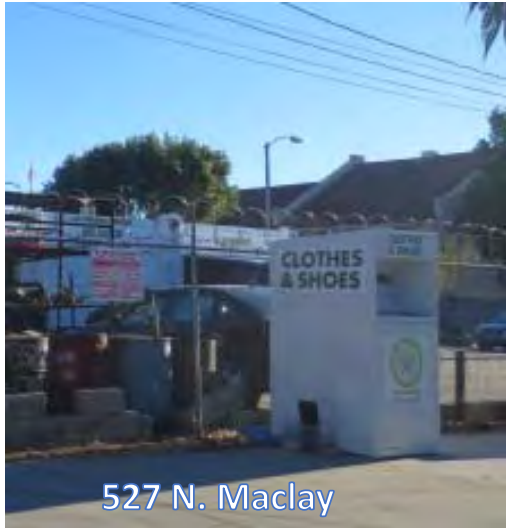
**ATTEST:**

\_\_\_\_\_  
Elena G. Chávez, City Clerk

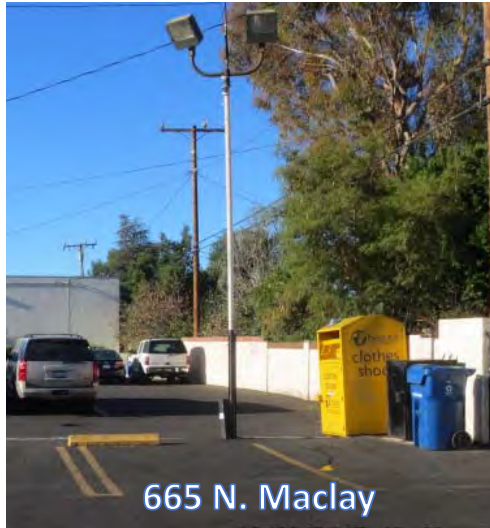
**APPROVED AS TO FORM:**

\_\_\_\_\_  
Rick R. Olivarez, City Attorney





527 N. Maclay



665 N. Maclay



776 N. Maclay



951 N. Maclay



1230 San Fernando Rd



707 Truman



901 Truman

**ATTACHMENT No. 2:**  
**UNATTENDED**  
**COLLECTION BOX**  
**FIELD SURVEY**  
  
**(As of 12/2/2015)**