

HAYWARD CITY COUNCIL

RESOLUTION NO 15-

Introduced by Council Member \_\_\_\_\_

RESOLUTION ADOPTING FINDINGS SUPPORTING  
AMENDMENTS TO THE CITY OF HAYWARD MUNICIPAL CODE  
ESTABLISHING REGULATIONS FOR UNATTENDED  
COLLECTION BOXES AND AMENDING REGULATIONS RELATED  
TO RECYCLING COLLECTION FACILITIES

WHEREAS, at the direction of the City Council, staff prepared amendments to the City’s Municipal Code to establish regulations related to the placement, maintenance and enforcement of regulations related to Unattended Collection Boxes in conjunction with minor updates to recycling collection facility regulations to implement the proposed regulatory framework (the “Project”); and

WHEREAS, the proposed project is exempt from the California Environmental Quality Act (CEQA) under Section 15061(b)(3), as an activity that is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The proposed project includes municipal code text amendments to regulate the placement of and to establish standards for small, unattended donation boxes on previously developed sites. Thus, it can be seen with certainty that the proposed project would not have a significant effect on the environment; and

WHEREAS, the Planning Commission considered the Project at a public hearing held on February 19, 2015, and where the motion passed (5-0-2), that the City Council approve the proposed text amendments (Application No. 2015-00056), including the establishment of regulations governing Unattended Collection Boxes and minor amendments to Recycling Collection Facilities (Section 10-1.2735 *et seq.* of the Hayward Municipal Code), inclusion of the definition of Unattended Collection Boxes in the Zoning Ordinance (Section 10-1.3510 *et seq.* of the Hayward Municipal Code) and reference to the new Unattended Collection Box regulations within the Sanitation and Health chapter (Section 5-7.00 *et seq.*); and

WHEREAS, notice of the hearing was published in the manner required by law and the hearing was duly held by the City Council on September 22, 2015.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby finds and determines as follows:

CALIFORNIA ENVIRONMENTAL QUALITY ACT

- A. The proposed project is exempt from CEQA under Section 15061(b)(3), as an activity that is covered by the general rule that CEQA in that the proposed zoning text amendments would not have the potential for causing a significant effect on the environment.

AMENDMENTS TO THE MUNICIPAL CODE RELATED TO UNATTENDED COLLECTION BOXES AND RECYCLING COLLECTION FACILITIES (REFERRED TO AS THE “TEXT AMENDMENTS”)

- A. Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward.**

The placement of Unattended Collection Boxes in a variety of conveniently accessible commercial locations throughout the City would support City goals to increase recycling efforts while avoiding oversaturation and documented nuisance activities related to unattended collection boxes such as dumping, scavenging and unsightliness. The proposed text amendments will promote the public health, safety, convenience, and general welfare of the residents of Hayward by establishing regulations and standards for Unattended Collection Boxes such that the facilities will be permitted subject to specific standards and measures at evenly distributed, publicly accessible and highly visible locations throughout the City; will be required to be maintained in a manner so as not to constitute a public nuisance; and, will be subject to enforcement provisions for facilities found to be in violation of the regulations. Other amendments to the recycling regulations would reduce potential noise impacts related to recycling collection facilities on residential uses thereby benefitting the health and safety of Hayward residents.

- B. The proposed change is in conformance with all applicable, officially adopted policies and plans.**

Recognizing that Unattended Collection Boxes are targets for public nuisances such as graffiti, litter, scavenging and unwanted dumping, their unregulated presence degrades the image and perceived safety of the City. Regulation of these facilities is consistent with the intent of HMC Chapter 5, Article 7, Community Preservation and Improvement, as well as City of Hayward General Plan Land Use Goal 4, related to improvement of commercial corridors. The proposed regulations would allow Unattended Collection Boxes, which offer a convenient location for recycling of salvageable goods, throughout the City along major commercial corridors, subject to specific performance standards. The standards will ensure that the Unattended Collection Boxes blend in with surrounding primary uses without compromising safety or reducing required parking and landscaped areas. Further, the proposed text amendments will ensure that the City has a mechanism to enforce the proposed regulations as a public nuisance if the facilities are not maintained.

- C. Streets and public facilities existing or proposed are adequate to serve all uses permitted when the property is reclassified.**

No properties are proposed to be reclassified. Rather, the proposed text amendments would facilitate the limited placement of Unattended Collection Boxes in conjunction with allowable primary uses, subject to specific performance standards.

**D. All uses permitted when property is reclassified will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing regulations.**

No properties are proposed to be reclassified. The proposed text amendments would facilitate the placement of Unattended Collection Boxes in conjunction with allowable primary uses in commercial zoning districts and along commercial corridors, subject to specific performance standards. The proposed regulations will result in a beneficial effect in that they will ensure that the Unattended Collection Boxes blend in with surrounding primary uses without compromising safety or reducing required parking and landscaped areas. Further, the proposed text amendments will ensure that the City has a mechanism to enforce the proposed regulations as a public nuisance if the facilities are not maintained.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward, based on the foregoing findings, hereby adopts the findings in support of Text Amendment Application No. 2015-00056, subject to the adoption of the companion ordinances.

IN COUNCIL, HAYWARD, CALIFORNIA \_\_\_\_\_, 2015

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: \_\_\_\_\_

City Clerk of the City of Hayward

APPROVED AS TO FORM:

\_\_\_\_\_

City Attorney of the City of Hayward