

**PLANNING DEPARTMENT TRANSMITTAL
TO THE CITY CLERK'S OFFICE**

CITY PLANNING CASE:	ENVIRONMENTAL DOCUMENT:	COUNCIL DISTRICT:
CPC-2017-3951-CA	CPC-2017-3952-CE	ALL
PROJECT ADDRESS:		
CITYWIDE		
APPLICANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
CITY OF LOS ANGELES		
<input type="checkbox"/> New/Changed		
APPLICANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
N/A		
APPELLANT	TELEPHONE NUMBER:	EMAIL ADDRESS:
N/A		
APPELLANT'S REPRESENTATIVE	TELEPHONE NUMBER:	EMAIL ADDRESS:
N/A		
PLANNER CONTACT INFORMATION:	TELEPHONE NUMBER:	EMAIL ADDRESS:
Patrick Whalen Phyllis Nathanson	(213) 978-1370 (213) 978-1474	patrick.whalen@lacity.org phyllis.nathanson@lacity.org
ENTITLEMENTS FOR CITY COUNCIL CONSIDERATION		
Adoption of the Proposed Ordinance.		

FINAL ENTITLEMENTS NOT ADVANCING:

N/A

ITEMS APPEALED:

N/A

ATTACHMENTS:

REVISED:

ENVIRONMENTAL CLEARANCE:

REVISED:

- Letter of Determination
- Findings of Fact
- Staff Recommendation Report
- Conditions of Approval
- Ordinance
- Zone Change Map
- GPA Resolution
- Land Use Map
- Exhibit A - Site Plan
- Mailing List
- Land Use
- Other _____

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- Categorical Exemption
- Negative Declaration
- Mitigated Negative Declaration
- Environmental Impact Report
- Mitigation Monitoring Program
- Other _____

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NOTES / INSTRUCTION(S):

N/A

FISCAL IMPACT STATEMENT:

- Yes No

*If determination states administrative costs are recovered through fees, indicate "Yes".

PLANNING COMMISSION:

- | | |
|--|--|
| <input checked="" type="checkbox"/> City Planning Commission (CPC) | <input type="checkbox"/> North Valley Area Planning Commission |
| <input type="checkbox"/> Cultural Heritage Commission (CHC) | <input type="checkbox"/> South LA Area Planning Commission |
| <input type="checkbox"/> Central Area Planning Commission | <input type="checkbox"/> South Valley Area Planning Commission |
| <input type="checkbox"/> East LA Area Planning Commission | <input type="checkbox"/> West LA Area Planning Commission |
| <input type="checkbox"/> Harbor Area Planning Commission | |

PLANNING COMMISSION HEARING DATE:	COMMISSION VOTE:
December 21, 2017	7 - 0
LAST DAY TO APPEAL:	APPEALED:
N/A	N/A
TRANSMITTED BY:	TRANSMITTAL DATE:
James K. Williams	January 22, 2018



LOS ANGELES CITY PLANNING COMMISSION

200 North Spring Street, Room 532, Los Angeles, California, 90012-4801, (213) 978-1300

www.planning.lacity.org

LETTER OF DETERMINATION

MAILING DATE: JAN 17 2018

Case No.: CPC-2017-3951-CA
CEQA: CPC-2017-3952-CE
Plan Areas: All

Council Districts: All

Project Site: Citywide

Applicant: City of Los Angeles

At its meeting of **December 21, 2017**, the Los Angeles City Planning Commission took the actions below in conjunction with the approval of the following:

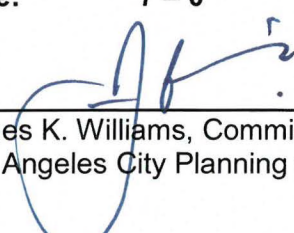
An ordinance amending Sections 12.03, 12.21 and 12.26 of the Los Angeles Municipal Code (LAMC) to regulate Collection Bins.

1. **Determined** based on the whole of the administrative record, that the Project is exempt from CEQA pursuant to CEQA Guidelines, Section 15303 (Class 3), 15308 (Class 8 and 11), and there is no substantial evidence demonstrating that an exception to a categorical exemption pursuant to CEQA Guidelines;
2. **Approved** and **recommended** that the City Council **adopt** the proposed ordinance, subject to review by the City Attorney as to form and legality;
3. **Adopted** the staff report as the Commission report on the subject; and
4. **Adopted** the attached Findings.

The vote proceeded as follows:

Moved: Khorsand
Seconded: Mitchell
Ayes: Ambroz, Choe, Millman, Padilla-Campos, Perlman
Absent: Mack, Dake Wilson

Vote: 7 - 0



James K. Williams, Commission Executive Assistant II
Los Angeles City Planning Commission

Effective Date/Appeals: *The decision of the Los Angeles City Planning Commission is final and not appealable.*

If you seek judicial review of any decision of the City pursuant to California Code of Civil Procedure Section 1094.5, the petition for writ of mandate pursuant to that section must be filed no later than the 90th day following the date on which the City's decision became final pursuant to California Code of

Civil Procedure Section 1094.6. There may be other time limits which also affect your ability to seek judicial review.

Attachments: Ordinance, Findings

c: Phyllis Nathanson, Senior City Planner
Patrick Whalen, City Planning Assistant

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.

(iv) 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.

(3) 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.

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

(5) 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.

(6) 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.

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

(vii) 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, 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...

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.