



AGENDA REPORT

TO: JOHN A. FLORES
INTERIM CITY ADMINISTRATOR

FROM: Rachel Flynn

SUBJECT: Extension of Unattended Donation/Collection
Box Moratorium

DATE: February 5, 2015

City Administrator
Approval

Date

2/5/15

COUNCIL DISTRICT: City-Wide

RECOMMENDATION

Staff recommends that the Council conduct a Public Hearing and upon conclusion consider:

Extending Ordinance No. 13232 C.M.S., An Interim Ordinance, Adopted As An Urgency Measure Pursuant To California Government Code Section 65858, Continuing A Temporary Moratorium On The Establishment, Installation, Placement, Construction, And/Or Expansion Of Unattended Donation/Collection Boxes, To Take Immediate Effect, Through December 31, 2015 Or Whenever Permanent Regulations Are Adopted, Whichever Occurs First

OUTCOME

Adoption of this ordinance will extend Interim Ordinance No. 13232 C.M.S. (see *Attachments A and B*), a temporary moratorium on the placement of Unattended Donation/Collection Boxes (UDCBs) to December 31, 2015 or whenever permanent regulations are adopted, whichever comes first.

Staff is concerned that absent the extension of the emergency moratorium on the establishment, installation, placement, construction and/or expansion (collectively called "Placement") of UDCBs, UDCBs that conflict with contemplated changes to the City's regulatory proposals could be established in the City. Such Placements could result in further blight and enforcement issues.

As directed by the City Council on February 3, 2015, staff will conduct further research into these issues, do further outreach to stakeholders, explore different regulatory approaches and develop a set of permanent regulations during the temporary moratorium period and bring those to the City Council for consideration. One option to be explored would be to ban UDCBs from

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the City; the other options would provide detailed and stringent requirements for regulating the Placement and operation of UDCBs.

BACKGROUND/LEGISLATIVE HISTORY

UDCBs are unstaffed drop-off boxes that are typically up to seven feet in width and height, that accept textile, book and other donations to be used by the operator for distribution, resale, or recycling. As discussed at the March 27, 2012, May 8, 2012, and March 25, 2014 Community and Economic Development Committee meetings and the April 1, 2014, April 22, June 3, 2015 and February 3, 2015 City Council meetings, the number of UDCBs has increased significantly in the past few years.

UDCBs are currently not expressly regulated by the City of Oakland. They have been placed at schools, grocery stores, gas stations, in parking lots and near businesses by a variety of organizations, including non-profit organizations that operate locally and non-local organizations that may re-sell donations for profit. Since the boxes are unmonitored, they can become a public nuisance as they attract graffiti, scavenging and illegal dumping in the vicinity. In some cases, they are placed in required parking spaces or vehicle maneuvering areas which can affect vehicle and pedestrian circulation and safety. On the other hand, UDCBs may provide a convenient way for Oakland residents to recycle goods rather than place them in the waste stream.

On May 8, 2012, the CED Committee directed staff to develop regulations for the placement and maintenance of UDCBs. In order to give staff time to develop a proposal, on April 22, 2014 the City Council adopted Ordinance No. 13225 C.M.S. an emergency ordinance that placed a 45-day moratorium on the Placement of UDCBs in Oakland¹. At this meeting, the City Council also directed staff to return with a permanent set of regulations directly to the full Council. At their June 3, 2014 meeting, the City Council adopted Ordinance No. 13232, which extended the moratorium to March 3, 2015.

On February 3, 2015, at a duly noticed public hearing, staff provided a report and ordinance to the City Council proposing a set of permanent regulations for UDCBs. The City Council adopted a motion directing staff to return with alternate proposals, including a full range of options for the Council to consider, including a ban vs. stringent regulation of UDCBs. Additionally in the motion, Council directed staff to return with an ordinance extending the temporary moratorium on the placement of new UDCBs while new regulations were being further developed.

¹ The moratorium did not include UDCBs that are: 1) inside a "principal building" on a lot and not visible from the City's right-of-way; and/or 2) an "accessory activity" to a principal activity that is located on the same parcel as the UDCB.

CEQA

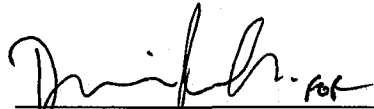
The adoption of the extended moratorium for the Placement of UDCBs is exempt from CEQA review pursuant to CEQA Guidelines Sections:

- 15183 (Projects Consistent with a Community plan, General Plan, or zoning);
- 15061(b)(3) (the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment); and/or
- 15308 (Actions by Regulatory Agencies for Protection of the Environment).

Each of these exemptions provide a separate and independent basis for a CEQA exemption and when viewed collectively provides an overall basis for a CEQA exemption.

For questions regarding this report, please contact Neil Gray, Planner III, at (510) 238-3878.

Respectfully submitted,



Rachel Flynn, Director
Planning and Building Department

Reviewed by:
Scott Miller, Zoning Manager

Prepared by:
Neil Gray, Planner III

Attachments:

- A. Ordinance No. 13232 C.M.S. (Extension)
- B. Ordinance No. 13225 C.M.S. (Original moratorium)

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City Council
February 17, 2015

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2014 APR 10 PM 1:01

7 VOTES REQUIRED FOR PASSAGE

Approved as to form and legality

Mark P. Wells
CITY ATTORNEY

Ordinance No. **13225** C.M.S.

**INTERIM ORDINANCE, ADOPTED AS AN URGENCY
MEASURE PURSUANT TO CALIFORNIA GOVERNMENT CODE
SECTION 65858, ESTABLISHING A TEMPORARY
MORATORIUM ON THE ESTABLISHMENT, INSTALLATION,
PLACEMENT, CONSTRUCTION, AND/OR EXPANSION OF
UNATTENDED DONATION BOXES, TO TAKE EFFECT
IMMEDIATELY UPON ADOPTION**

WHEREAS, the City of Oakland has an overriding interest in planning and regulating the use of property within the City. Implicit in any plan or regulation is the City's interest in maintaining the quality of urban life and the character of the City's neighborhoods; and

WHEREAS, blighted areas can quickly deteriorate, with terrible consequences to social, environmental and economic values; and

WHEREAS, it is the City's intent to limit blighted conditions; and

WHEREAS, the recent proliferation and concentration of portable, unattended boxes for the reverse vending of salvageable personal property including, but not limited to, clothing and books (Unattended Donation Boxes or UDBs) has resulted in blighted conditions, including, but not limited to trash, debris, illegal dumping and graffiti on and around the UDBs; and

WHEREAS, many of the UDBs and the areas around the UDBs have not been properly or consistently maintained and this has resulted in blighted conditions in many areas of the City.

WHEREAS, an updated Land Use and Transportation Element of the Oakland General Plan was adopted by the Oakland City Council in March, 1998 to guide future land use and development in the city; and

WHEREAS, the Land Use and Transportation Element defines several goals and objectives to promote the quality of the City's neighborhoods and contains specific

policies regarding reviewing potential nuisance activities (Policy N1.7) and alleviating public nuisances (Policy N11.4); and

WHEREAS, the continued establishment, installation, placement, construction; and/or expansion (collectively called "Placement") of UDB facilities may result in potential conflict with some of the policies and objectives of the Land Use and Transportation Element of the General Plan; and

WHEREAS, the City Council previously requested, on April 1, 2014, that the City Administrator initiate a review of the regulatory mechanisms available to regulate UDBs, including changes to the Municipal and/or Planning Codes, to protect the public health, safety, and/or welfare from the negative effects of UDBs. During the period of time that it undertakes this task, the City is concerned that absent the adoption of an emergency moratorium on the Placement of UDBs, UDBs that conflict with contemplated changes to the City's regulatory schemes could be established in the City thereby frustrating the realization of the goals of that study and regulatory scheme; and

WHEREAS, until such time that the City concludes its review and adopts new regulatory controls over UDBs, the community is in jeopardy that Placement of such facilities could occur prior to the imposition of new controls necessary for the protection of public health, safety and/or welfare; and

WHEREAS, allowing the Placement of UDBs prior to the City's completion of such investigation would result in a current and immediate threat to the public health, safety and/or welfare; and

WHEREAS, pursuant to Government Code Section 65858 a city, including a charter city, may adopt an interim ordinance prohibiting any uses that may be in conflict with a contemplated general plan or zoning proposal that the legislative body is considering or intends to study within a reasonable time; and

WHEREAS, for the reasons set forth above, this ordinance is declared by the Council to be necessary for preserving the public health, safety and/or welfare and to avoid a current, immediate and direct threat to the health, safety and/or welfare of the community, and the "Whereas" clauses above taken together constitute the City Council's statement of the reasons constituting such necessity and urgency.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this ordinance.

SECTION 2. The City Council finds and determines the adoption of this ordinance is exempt from CEQA under Sections 15061(b)(3), 15183, and/or 15308 of the State CEQA Guidelines, each of which provides a separate and independent basis for a

CEQA exemption and when viewed collectively provides an overall basis for a CEQA exemption.

SECTION 3. Until such time as the City concludes the review described above and adopts permanent regulatory controls pertaining to UDBs, the City of Oakland hereby declares a moratorium on the Placement of any UDBs; except, this moratorium does not apply to (i) UDBs that are inside a "Principal Building" and not visible from the City's right-of-way; and/or (ii) UDBs that are "Accessory" to a "Principal Activity" that is located on the same parcel as the UDB.

SECTION 4. For purposes of this Ordinance, the following definitions shall apply:

"Accessory activity" means an activity that is incidental to, and customarily associated with, a specified principal activity, and which meets the applicable conditions set forth in Section 17.10.040 of the Planning Code.

"Placement" means the establishment, installation, placement, construction, and/or expansion of UDBs.

"Principal activity" means an activity that fulfills a primary function of an establishment, institution, household, or other entity.

"Principal Building" means a main building that is designed for or occupied by a principal activity.

"Unattended Donation Boxes (UDBs)" means portable, primarily unattended boxes for the reverse vending of salvageable personal property including, but not limited to, clothing and books.

SECTION 5. In accordance with Government Code Section 65858, this Ordinance shall be in full force and effect for a period of 45 days from the date of its adoption. This 45-day period may be extended by the City Council in accordance with the provisions of California Government Code § 65858.

SECTION 6. The City Clerk shall certify to the passage and adoption of this Ordinance causing it to be posted, as required by law, and it shall thereafter be in full force and effect. This Ordinance shall become effective immediately as an interim urgency ordinance, in order to protect the public health, safety and welfare.

SECTION 7. For the term of this ordinance, as set forth in Section 5 hereof, the provisions of this ordinance shall govern, to the extent there is any conflict between the provisions of this ordinance and the provisions of any other City code, ordinance, resolution or policy, and all such conflicting provisions shall be suspended.

SECTION 8. This Ordinance is enacted pursuant to the City of Oakland's general police powers, Section 106 of the Charter of the City of Oakland, Article XI of the California Constitution and Government Code section 65858.

SECTION 9. Petition for Relief from Moratorium ("Petition").

- (a) Any person seeking Placement of a UDB, which would be affected by this Moratorium, and who contends that the Moratorium as applied to him or her would be unlawful under and/or conflict with Federal, State, or local law or regulation, must submit a Petition to the City requesting relief from the Moratorium. Petitions must be on the Appeal Form provided by the Planning Bureau of the Planning and Building Department for the City of Oakland and submitted to the Agency at 250 Frank H. Ogawa Plaza, Suite 2114, to the attention of the Planning Director. Failure to submit such a Petition will preclude such person from challenging the moratorium in court. The Petition shall identify the name and address of the applicant, the affected application number, and shall state specifically and completely how the Moratorium as applied to him or her would be unlawful under and/or in conflict with Federal, State, or local law or regulation, and shall include payment of fees in an amount of \$1,352.91. Failure to raise each and every issue that is contested in the Petition and provide appropriate supporting evidence will be grounds to deny the Petition and will also preclude the Petitioner from raising such issues in court. Within thirty calendar days of receipt of the completed Petition, the City Administrator, or her designee, shall mail to the applicant a written determination accepting or rejecting the Petition
- (b) If a Petitioner seeks to challenge the written determination of the City Administrator, the Petitioner must appeal to the City Council and such appeal must be filed within ten (10) calendar days of the date from which the City Administrator's written determination was issued and by 4:00p.m. Appeals must be on the form provided by the Planning Bureau of the Planning and Building Department for the City of Oakland and submitted to the Agency at 250 Frank H. Ogawa Plaza, Suite 2114, to the attention of the Planning Director. The Appeal must state specifically wherein it is claimed there was error or abuse of discretion by the City Administrator or wherein the decision is not supported by substantial evidence. The Appeal also must include payment of \$1,352.91. Failure to make a timely appeal will preclude you from challenging the City's decision in court. The appeal itself must raise each and every issue that is contested, along with all arguments and evidence in the record which supports the basis for the appeal. Failure to do so will preclude you from raising such issues during your appeal and/or in court. However, the appeal will be limited to issues and/or evidence presented in the Petition to the City Administrator.

SECTION 10. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection,

sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase be declared invalid.

In Council, Oakland, California, APR 22 2014, 2014,

Passed By The Following Vote:

AYES- BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF, and PRESIDENT KERNIGHAN - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

Introduction Date APR 22 2014

DATE OF ATTESTATION: _____

mpw

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2014 APR 10 PM 1:01

NOTICE AND DIGEST

INTERIM ORDINANCE, ADOPTED AS AN URGENCY MEASURE PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65858, ESTABLISHING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT, INSTALLATION, PLACEMENT, CONSTRUCTION, AND/OR EXPANSION OF UNATTENDED DONATION BOXES, TO TAKE EFFECT IMMEDIATELY UPON ADOPTION

By this ordinance, the Oakland City Council imposes an interim moratorium, for a 45-day period, on the establishment, installation, placement, construction, and/or expansion of unattended donation boxes, which are portable, unattended boxes for the reverse vending of salvageable personal property including, but not limited to, clothing and books.

FILED
OFFICE OF THE CITY CLERK
OAKLAND

2014 MAY 22 PM 3:33

7 VOTES REQUIRED FOR PASSAGE

APPROVED AS TO FORM AND LEGALITY

INTRODUCED BY COUNCILMEMBER _____

Mark P. Wald

City Attorney

OAKLAND CITY COUNCIL
ORDINANCE NO. ~~13225~~ 13232 C.M.S.

EXTENSION OF ORDINANCE NO. 13225 C.M.S., AN INTERIM ORDINANCE, ADOPTED AS AN URGENCY MEASURE PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65858, ESTABLISHING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT, INSTALLATION, PLACEMENT, CONSTRUCTION, AND/OR EXPANSION OF UNATTENDED DONATION BOXES TO TAKE IMMEDIATE EFFECT, THROUGH MARCH 3, 2015 OR WHENEVER PERMANENT REGULATIONS ARE ADOPTED, WHICHEVER OCCURS FIRST.

WHEREAS, the City Council adopted Ordinance No. 13225 C.M.S. on April 22, 2014; and

WHEREAS, pursuant to State law, first passage of an interim ordinance is only permitted for a period of 45 days; and

WHEREAS, an extension of the interim ordinance through March 3, 2015 is necessary because 45-days is not sufficient time to meet with stakeholders and develop regulations for the use, placement, and appearance of unattended donation boxes; and

WHEREAS, for the reasons set forth above and in Ordinance No. 13225 C.M.S., this ordinance is declared by the Council to be necessary for preserving the public peace, health, or safety and to avoid a current, immediate and direct threat to the health, safety, or welfare of the community, and the "Whereas" clauses above taken together constitute the City Council's statement of the reasons constituting such necessity and urgency; now, therefore

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1. The City Council finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this ordinance.

Section 2. The City Council finds and determines the adoption of this ordinance is exempt from CEQA under Sections 15061(b)(3), 15183, and/or 15308 of the State CEQA Guidelines, each of which provides a separate and independent basis for a CEQA exemption and when viewed collectively provides an overall basis for a CEQA exemption.

Section 3. Ordinance No. 13225 C.M.S. is hereby extended by the City Council through March 3, 2015, or whenever permanent regulations are adopted, whichever occurs first, and all its terms and provisions shall remain in full force and effect, except Section 9 is amended as follows (deletions are shown in ~~strike-out~~ and additions in underscore):

SECTION 9. Petition for Relief from Moratorium (" Petition")

(a) Any person seeking Placement of a UDB, which would be affected by this Moratorium, and who contends that the Moratorium as applied to him or her would be unlawful under and/or conflict with Federal, State, or local law or regulation, must submit a Petition to the City requesting relief from the Moratorium. Petitions must be on the Appeal Form provided by the Planning Bureau of the Planning and Building Department for the City of Oakland and submitted to the Agency at 250 Frank H. Ogawa Plaza, Suite 2114, to the attention of the Planning Director. Failure to submit such a Petition will preclude such person from challenging the moratorium in court. The Petition shall identify the name and address of the applicant and property owner, the affected application number, and shall state specifically and completely how the Moratorium as applied to him or her would be unlawful under and/or in conflict with Federal, State, or local law or regulation, and shall include payment of fees in an amount of \$1,352.91. In addition, the Petition must include all of the following: the proposed location of the UDB; a photograph of the location and adjacent properties; a site plan; a map showing the distance between the proposed UDB and existing UDBs within 2,500 feet of the proposed UDB; plans showing the appearance and dimensions of the UDB; distance between the proposed UDB and the public right of way; whether there will be more than one UDB per parcel, whether the proposed UDB is on a vacant lot, on a lot with blighted property and/or properties where all businesses are closed; authorization from the property owner to allow placement of the UDB, as well as an acknowledgement of responsibility for joint and several liability for violations of conditions and/or public nuisances; and a maintenance plan (including timely graffiti, litter and trash removal on and around the UDB). Failure to raise each and every issue that is contested in the Petition and provide appropriate supporting evidence will be grounds to deny the Petition and will also preclude the Petitioner from raising such issues in court. Within thirty calendar days of receipt of the completed Petition, the City Administrator, or her designee, shall mail to the applicant a written determination accepting or rejecting the Petition. The City Administrator will utilize reasonable time, place and manner criteria, as described above, to determine if the Petition should be granted or denied. If the Petition is granted, the City may impose reasonable time, place and manner-related conditions on the UDB.

(b) If a Petitioner seeks to challenge the written determination of the City Administrator, the Petitioner must appeal to the City Council and such appeal must be filed within ten (10) calendar days of the date from which the City Administrator's

written determination was issued and by 4:00p.m. Appeals must be on the form provided by the Planning Bureau of the Planning and Building Department for the City of Oakland and submitted to the Agency at 250 Frank H. Ogawa Plaza, Suite 2114, to the attention of the Planning Director. The Appeal must state specifically wherein it is claimed there was error or abuse of discretion by the City Administrator or wherein the decision is not supported by substantial evidence. The Appeal also must include payment of \$1,352.91. Failure to make a timely appeal will preclude any interested person ~~you~~ from challenging the City's decision in court. The appeal itself must raise each and every issue that is contested, along with all arguments and evidence in the record which supports the basis for the appeal. Failure to do so will preclude ~~you~~ any interested person from raising such issues during the appeal and/or in court. However, the appeal will be limited to issues and/or evidence presented in the Petition to the City Administrator. Within sixty calendar days of receipt of an appeal, the City Council will conduct a public hearing and render a final administrative decision on the appeal. The City Council will utilize reasonable time, place and manner criteria, as described above, to determine if the Petition should be granted or denied. If the Petition is granted, the City may impose reasonable time, place and manner-related conditions on the UDB.

Section 4. The City Clerk shall certify as to the passage and adoption of this Ordinance causing it to be posted, as required by law, and it shall thereafter be in full force and effect. This Ordinance shall become effective immediately as an interim urgency ordinance, in order to protect the public health, safety and/or welfare.

Section 5. This Ordinance is enacted pursuant to the City of Oakland's general police powers, Sections 106 of the Charter of the City of Oakland, Article XI of the California Constitution and Government Code section 65858.

Section 6. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase be declared invalid.

JUN 3 2014

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF, and PRESIDENT KERNIGHAN- 8

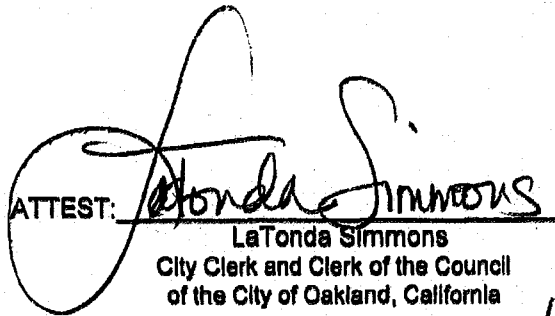
NOES- 0

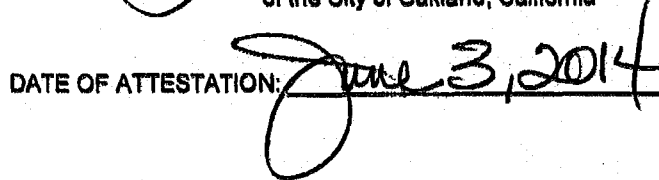
ABSENT- 0

ABSTENTION- 0

Introduction Date

JUN 3 2014

ATTEST: 
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

DATE OF ATTESTATION: 

2015 FEB -5 PM 4:06

7 VOTES REQUIRED FOR PASSAGE

APPROVED AS TO FORM AND LEGALITY

INTRODUCED BY COUNCILMEMBER _____

Mark P. Wall
City Attorney

OAKLAND CITY COUNCIL

ORDINANCE No. _____ C.M.S.

EXTENDING ORDINANCE NO. 13232 C.M.S., AN INTERIM ORDINANCE, ADOPTED AS AN URGENCY MEASURE PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65858, CONTINUING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT, INSTALLATION, PLACEMENT, CONSTRUCTION, AND/OR EXPANSION OF UNATTENDED DONATION/COLLECTION BOXES, TO TAKE IMMEDIATE EFFECT, THROUGH DECEMBER 31, 2015 OR WHENEVER PERMANENT REGULATIONS ARE ADOPTED, WHICHEVER OCCURS FIRST.

WHEREAS, the City Council adopted Ordinance No. 13225 C.M.S. on April 22, 2014, which placed a 45-day moratorium on the establishment, installation, placement, construction, and/or expansion of unattended donation/collection boxes (UDCBs); and

WHEREAS, at its June 17, 2014 meeting, the City Council extended the moratorium to March 3, 2015 (via Ordinance No. 13232 C.M.S.) to allow staff sufficient time to meet with stakeholders and develop regulations for the use, placement, and appearance of UDCBs; and

WHEREAS, on February 3, 2015 a duly noticed public hearing was held before the City Council to consider the proposed regulations and all interested parties were provided an ample opportunity to participate in said hearing and express their views; and

WHEREAS, the City Council adopted a motion at its February 3, 2015 meeting that directed staff to return to the City Council with: 1) alternate proposals, including a full range of options for the Council to consider, including a ban vs. stringent regulation of UDCBs; and 2) an ordinance extending the temporary moratorium on the placement of new UDCBs while new regulations were being further developed; and

WHEREAS, for the reasons set forth above and in Ordinance No. 13225 C.M.S., this ordinance is declared by the Council to be necessary for preserving the public peace, health, or safety and to avoid a current, immediate and direct threat to the health, safety, and/or welfare of the

community, and the "Whereas" clauses above taken together constitute the City Council's statement of the reasons constituting such necessity and urgency; now, therefore

THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:

Section 1. The City Council finds and determines the foregoing recitals to be true and correct and hereby makes them a part of this ordinance.

Section 2. The City Council finds and determines the adoption of this ordinance is exempt from CEQA under Sections 15061(b)(3), 15183, and/or 15308 of the State CEQA Guidelines, each of which provides a separate and independent basis for a CEQA exemption and when viewed collectively provides an overall basis for a CEQA exemption.

Section 3. Ordinance No. 13225 C.M.S., as amended/extended by Ordinance No. 13232 C.M.S., is hereby extended by the City Council through December 31, 2015, or whenever permanent regulations are adopted, whichever occurs first, and all its terms and provisions shall remain in full force and effect.

Section 4. The City Clerk shall certify as to the passage and adoption of this Ordinance causing it to be posted, as required by law, and it shall thereafter be in full force and effect. This Ordinance shall become effective immediately as an interim urgency ordinance, in order to protect the public health, safety and/or welfare.

Section 5. This Ordinance is enacted pursuant to the City of Oakland's general police powers, Sections 106 of the Charter of the City of Oakland, Article XI of the California Constitution and Government Code section 65858.

Section 6. If any section, subsection, sentence, clause, phrase or word of this Ordinance is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have adopted this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, or phrase be declared invalid.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES- BROOKS, GALLO, GUILLEN, KALB, KAPLAN, REID, CAMPBELL-WASHINGTON, and PRESIDENT GIBSON MCELHANEY

NOES-

ABSENT-

ABSTENTION-

ATTEST: _____

LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

DATE OF ATTESTATION: _____

MPA

NOTICE & DIGEST

AN ORDINANCE EXTENDING ORDINANCE NO. 13232 C.M.S., AN INTERIM ORDINANCE, ADOPTED AS AN URGENCY MEASURE PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65858, CONTINUING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT, INSTALLATION, PLACEMENT, CONSTRUCTION, AND/OR EXPANSION OF UNATTENDED DONATION/COLLECTION BOXES, TO TAKE IMMEDIATE EFFECT, THROUGH DECEMBER 31, 2015 OR WHENEVER PERMANENT REGULATIONS ARE ADOPTED, WHICHEVER OCCURS FIRST

This Ordinance extends a temporary moratorium on the placement of Unattended Donation/Collection Boxes (UDCBs) to December 31, 2015 or whenever permanent regulations are adopted, whichever comes first. UDCBs are unstaffed drop-off boxes that are typically up to seven feet in width and height, that accept textile, book and other donations to be used by the operator for distribution, resale, or recycling. During this time, staff will conduct further research, do further outreach to stakeholders, explore different regulatory approaches and develop a set of permanent regulations and bring those to the City Council for consideration.