



CITY OF  
**HAYWARD**  
HEART OF THE BAY

**PLANNING COMMISSION**

**FEBRUARY 19, 2015**

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**CITY OF HAYWARD**  
**777 B STREET, HAYWARD, CA 94541-5007**  
**(510) 583-4205 / www.hayward-ca.gov**  
**LIVE BROADCAST – LOCAL CABLE CHANNEL 15**

**AGENDA**  
**HAYWARD PLANNING COMMISSION**  
**THURSDAY, FEBRUARY 19, 2015 , AT 7:00 PM**  
**COUNCIL CHAMBERS**

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**MEMBERS OF THE AUDIENCE WISHING TO ADDRESS THE PLANNING COMMISSION:**  
 Obtain a speaker’s identification card, fill in the requested information, and give the card to the Commission Secretary. The Secretary will give the card to the Commission Chair who will call on you when the item in which you are interested is being considered. When your name is called, walk to the rostrum, state your name and address for the record and proceed with your comments. The Chair may, at the beginning of the hearing, limit testimony to three (3) minutes per individual and five (5) minutes per an individual representing a group of citizens for organization. Speakers are expected to honor the allotted time.

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**ROLL CALL**

**SALUTE TO FLAG**

**PUBLIC COMMENT:** (The PUBLIC COMMENTS section provides an opportunity to address the Planning Commission on items not listed on the agenda. The Commission welcomes your comments and requests that speakers present their remarks in a respectful manner, within established time limits and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Commission is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff for further action).

**ACTION ITEMS:** (The Commission will permit comment as each item is called for Public Hearing. Please submit a speaker card to the Secretary if you wish to speak on a public hearing item).

**PUBLIC HEARING:** For agenda item No. 1, the Planning Commission may make a recommendation to the City Council.

1. Establish New Regulations Related to Unattended Collection Boxes, Update Regulations Related to Recycling Collection Facilities, and Establish a New Fee Associated with Amendments to Chapter 10, Article 1, Zoning Ordinance, of the Hayward Municipal Code (Text Amendment Application No. 2015-00056); City of Hayward (Applicant)

- [staff report](#)
- [Attachment I Zoning Map with 2500 Foot Buffers](#)
- [Attachment II](#)
- [Attachment III](#)
- [Attachment IV](#)



Assistance will be provided to persons requiring accommodations for disabilities in compliance with the Americans with Disabilities Act of 1990. Persons needing accommodation should contact Sonja Dal Bianco 48 hours in advance of the meeting at (510) 583-4204, or by using the TDD line for those with speech and hearing disabilities at (510) 247-3340.

## Attachment V

### COMMISSION REPORTS:

2. Oral Report on Planning and Zoning Matters
3. Commissioners' Announcements, Referrals

### APPROVAL OF MINUTES

4. February 5, 2015

### ADJOURNMENT

**PLEASE TAKE NOTICE** that if you file a lawsuit challenging any final decision on any public hearing item listed in this agenda, the issues in the lawsuit may be limited to the issues which were raised at the City's public hearing or presented in writing to the City Clerk at or before the public hearing. **PLEASE TAKE FURTHER NOTICE** that the City Council has adopted Resolution No. 87-181 C.S., which imposes the 90 day deadline set forth in Code of Civil Procedure section 1094.6 for filing of any lawsuit challenging final action on an agenda item which is subject to Code of Civil Procedure section 1094.5.

**NOTE:** Materials related to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the Permit Center, first floor at the above address. Copies of staff reports for agenda items are available from the Commission Secretary and on the City's website the Friday before the meeting.

**DATE:** February 19, 2015

**TO:** Planning Commission

**FROM:** Leigha Schmidt, AICP, Senior Planner

**SUBJECT:** Establish New Regulations Related to Unattended Collection Boxes, Update Regulations Related to Recycling Collection Facilities, and Establish a New Fee Associated with Amendments to Chapter 10, Article 1, Zoning Ordinance, of the Hayward Municipal Code (Text Amendment Application No. 2015-00056); City of Hayward (applicant)

## **RECOMMENDATION**

Staff recommends that the Planning Commission recommends that City Council adopt amendments to Hayward Municipal Code (HMC) Section 10-1.2735.i, *Recycling Facilities for Redemption or Donation of Resuable Materials*, to include new regulations governing Unattended Collection Boxes and general updates to the recycling collection facility regulations. The proposed text amendment also includes minor changes to other sections of the Hayward Municipal Code to reference the new regulations, and adoption of related new fees in the City's Master Fee Schedule.

## **SUMMARY**

In response to City Council direction and concerns about the proliferation of Unattended Collection Boxes on commercial sites throughout the City, and the related nuisance activities that such facilities attract, staff recommends that the City establish new regulations for Unattended Collection Boxes. Under the proposed regulations, Unattended Collection Boxes would be permitted on existing commercial properties or religious facilities sites located along major arterials in the CN (Neighborhood Commercial), CG (General Commercial), and the two form-based code areas along Mission Boulevard, subject to approval of an Administrative Use Permit (AUP) and compliance with performance standards. One of those standards requires a minimum 2,500-foot separation (about a half-mile) between boxes. Additionally, staff recommends that the City adopt a new AUP application fee for Unattended Collection Boxes because the facilities will likely follow a streamlined review process and may be approved with a standardized set of findings and conditions of approval.

The proposed text amendment application also includes updates to existing Recycling Facilities regulations to have a more general ordinance title; to update references to State law; to increase the minimum distance required between small recycling collection facilities and residential uses to reduce noise impacts; and to remove sign regulations related to recycling facilities, with the intention of placing all signage regulations into one chapter of the Municipal Code.

## BACKGROUND

Over the past five years, the Bay Area has seen a proliferation of Unattended Collection Boxes on public and private properties. The facilities typically measure about seven feet in depth and height and accept a variety of textile, book and other salvageable personal property. The facilities are generally placed on commercial properties (strip malls, gas stations, and grocery stores), churches and apartment complexes along major automobile corridors. In Hayward, the facilities are particularly visible along Tennyson Road, Mission Boulevard (particularly at the southern end of the City), Foothill Boulevard and A Street.

Many of the unattended facilities result in public nuisances by attracting graffiti, scavenging and illegal dumping due to the fact that they are unmonitored and maintained by off-site operators that are simultaneously servicing thousands of units across the Bay Area. In 2014, the City of Hayward Code Enforcement staff conducted regular sweeps of high profile areas to document the public nuisance issues related to the facilities. Code Enforcement required the operators of the unattended facilities to abate the nuisance conditions.

There are some benefits to these facilities. Specifically, placement of Unattended Collection Boxes in a variety of conveniently accessible locations encourages individuals to recycle textile goods rather than placing those items in the waste stream. The City's franchised service providers, Waste Management and Tri-CED, do not accept textiles for recycling. In addition to encouraging recycling, unattended collection boxes are a form of charitable solicitation and are afforded First Amendment protection as free speech. As charitable solicitation and/or donations are considered free speech, the City cannot ban unattended collection boxes. Several of the companies that manage the facilities purport to be or are associated with non-profit organizations that donate proceeds from donations to national and international charity organizations.

In December 2014, staff received direction from City Council to develop regulations pertaining to Unattended Collection Boxes. Other jurisdictions (Alameda County and the cities of Oakland, Berkeley, Alameda, Sacramento, and Rancho Cordova) are in the process of adopting or have adopted ordinances introducing a process for permitting and regulating the placement of such facilities. Staff referenced these ordinances when conducting research to develop the proposed regulations.

*Current Regulations.* HMC Section 10-1-2735(i), *Recycling Facilities for Redemption or Donation of Reusable Materials*, specifically relates to redemption and recycling of reusable materials in accordance with the California Beverage Container Recycling and Litter Reduction Act of 1986. The applicable section contains definitions, standards and processes for small collection facilities and reverse vending machines. Current regulations do not apply to Unattended Collection Boxes that receive textile and other salvageable materials.

*State Legislation Related to Unattended Collection Boxes.* In July 2010, the state enacted Assembly Bill (AB) 918, in an effort to regulate Unattended Collection Boxes, and to provide consumers with information regarding how donations would be used. The law required that the Unattended Collection Boxes provide a written display of the organization which benefits from the donation and

whether it is a non-profit entity. The law did not specifically limit the ability of local municipalities to place further restrictions on the facilities.

## DISCUSSION

*Overview of Proposed Recycling Regulations Amendments to Include Unattended Collection Boxes*  
- Staff recommends that HMC Section 10-1-2735.i, be amended to include a subsection related to Unattended Collection Boxes with a separate purpose, definitions, process and standards. The proposed amendments are included in Attachment II, with deletions shown in ~~strike through~~ and new text shown in underlined red text. Broadly, the stated purpose of the new proposed recycling regulations is to promote community health, safety and welfare by regulating the placement of boxes; to ensure that the boxes do not pose a hazard to pedestrians or vehicular traffic; to ensure that the materials are contained and do not become unsightly and a public nuisance.

To ensure that the facilities are highly visible and conveniently accessible to the general public, staff recommends that the boxes be permitted along major arterials as defined by the City's General Plan in the CG (General Commercial), CN (Neighborhood Commercial), Mission Boulevard Form-Based Code (MB-T4 and MB-T5) and South Hayward BART Form-Based Code (S-T4 and S-T5) districts. The facilities would be prohibited in Central City, and all other zoning districts.

Under the proposed regulations, Unattended Collection Boxes would be subject to Administrative Use Permit (AUP) approval and specific performance standards. Staff believes that the AUP process is warranted to ensure that the facilities are placed in compliance with adopted performance standards; to maintain a record of approved facilities for record-keeping purposes; and to ensure ongoing compliance with maintenance requirements. Proposed performance standards are detailed in Attachment II and include, but are not limited to:

- 1) Placement of a facility on a site with an existing primary commercial or religious facility use;
- 2) Minimum distance requirements of 2,500 linear feet between each facility, unless a second one is permitted on a single site to accommodate overflow demand;
- 3) General maintenance requirements for the facility and surrounding area;
- 4) Orientation and placement requirements to ensure that facilities are safe and visible but do not obstruct pedestrian or vehicular traffic; and
- 5) Provision of a maximum box size and height.

In addition, the proposed regulations would require that all existing Unattended Collection Boxes be removed or brought into conformance with the proposed standards within 60 days of adoption of the new zoning regulations. To facilitate compliance with the proposed regulations, staff recommends that a new AUP application fee be established to ensure cost recovery as described in detail in the Fiscal Impact section, below.

Other proposed amendments that relate to general recycling facility regulations include an ordinance title change to make reference to recycling collection facilities in general; removal of signage regulations with the intent of including those regulations in the upcoming comprehensive amendment of Title 7, Sign Regulations; update of State Law references; and an increase in

allowable distance between small collection facilities and residential uses from ten feet to 200 feet. Although this is a significant increase in minimum distance between uses, staff believes that it is warranted due to resident complaints related to noise from consolidation of glass, aluminum and plastic beverage containers at existing small collection facilities. The proposed regulations would provide flexibility by allowing a reduced separation with submittal of a noise study or installation of documented noise reducing equipment, upon establishment of a new facility or expansion of an existing facility.

Proposed Revisions to Other Sections of the Hayward Municipal Code - Staff recommends that a reference to the new Unattended Collection Box regulations be added to HMC Section 5-7.20, Public Nuisance, to classify a violation of the proposed regulations as a public nuisance. If deemed a public nuisance, Code Enforcement staff could rely on the Administrative Citation and Abatement Notice procedures set forth in the subject section to abate the nuisance.

Environmental Impact Analysis - 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 zoning text amendments to regulate the placement of and to establish standards for small, unattended donation boxes on already developed commercial sites or sites containing religious facilities. Further, each discretionary project submitted under the proposed regulations would require its own CEQA-specific review. Thus, it can be seen with certainty that there is no possibility that the proposed project would have a significant effect on the environment.

Text Amendment Findings for Approval - In order for the Text Amendments to be approved, the following findings must be made:

**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 locations in the City would encourage individuals to recycle textile goods rather than placing those items in the waste stream. The proposed text amendments will promote the public health, safety, convenience, and general welfare of the residents of Hayward by amending the Zoning Ordinance to provide a separate purpose, definitions, process and standards whereby Unattended Collection Boxes could be permitted and regulated at appropriate locations throughout the City; establishing performance standards that would apply to all new and existing Unattended Collection Boxes to ensure that the boxes are located and maintained in a manner so as not to constitute a public nuisance; and, establishing enforcement provisions for Unattended Collection Boxes found to be in violation of the regulations. Other amendments to the recycling regulations would reduce potential noise impacts 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, in limited numbers along major arterials 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 limited placement of Unattended Collection Boxes in conjunction with allowable primary uses, 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.

## **ECONOMIC IMPACT**

The proposed regulations are likely to have a beneficial economic impact in that they will reduce the potential for unabated nuisance activities around the existing and future facilities along major commercial corridors, thereby improving the streetscape and perceived economic vitality of the City.

## **FISCAL IMPACT**

Currently, the fee for an AUP is a \$2,000 deposit. However, recognizing that cost can be a hindrance to compliance, staff recommends that the City adopt an AUP application fee of \$1,300, due to the fact that the facility will typically be ancillary to the primary use on the site. The fee, which would be assessed on a “per box” basis, would recover costs pertaining to preparation and

distribution of public notices, application review for consistency with the adopted standards, and preparation of findings and conditions of approval. It is anticipated that future annual adjustments to fees may be needed in response to additional demands and costs that may arise after the implementation of the proposed regulations.

## **PUBLIC CONTACT**

On February 8, 2015, notice of the public hearing related to the proposed zoning text amendments was published in *The Daily Review*, and around that date, notices were mailed to all property owners within the zoning districts where Unattended Collections Boxes would be conditionally permitted, and was posted at City Hall and the Hayward Public Library.

On January 23, 2015, Planning staff met with a representative from the Green Education Foundation to discuss the proposed regulations. In addition, notice of the proposed regulations was provided to owners/vendors of existing recycling facilities and unattended donation boxes such as USAgain, Campus California, Recycle for Change, and the Green Education Foundation, as well as brick and mortar donation locations that accept donated salvageable goods throughout Hayward (i.e. Goodwill, Salvation Army, Eco Thrift, among others). Staff has not received specific comments regarding the notices as of the date this report was completed.

## **NEXT STEPS**

Staff will incorporate input from the Planning Commission and forward the Commission's recommendation to the City Council for a public hearing tentatively scheduled for March 24, 2015.

Prepared by: Leigha Schmidt, AICP, Senior Planner

Recommended by:



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Sara Buizer, AICP  
Planning Manager

Approved by:



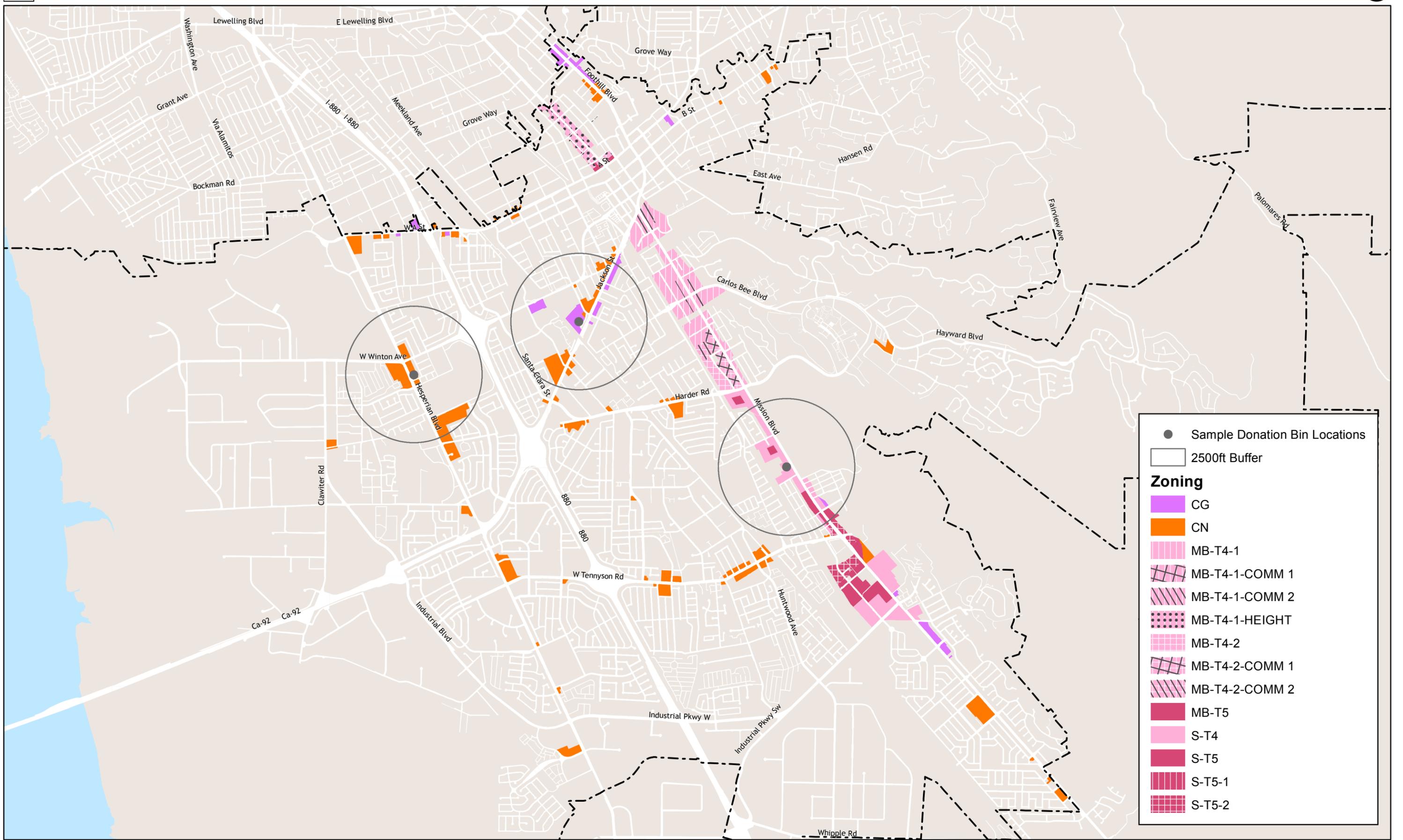
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David Rizk, AICP  
Development Services Director

Attachments:

Attachment I	Allowed Locations with Separation Distance Shown
Attachment II	Proposed Revisions to HMC Section 10-1.2735.i, Recycling Facilities for Redemption or Donation of Reusable Materials
Attachment III	Proposed Revisions to HMC Section 10-1.3510, Uses and Activities Defined
Attachment IV	Proposed Revisions to HMC Section 5-7.20, Public Nuisance
Attachment V	Proposed Revisions to the Master Fee Schedule

# Sample Donation Bin Locations with 2500ft Buffers



- Sample Donation Bin Locations
- ▭ 2500ft Buffer

**Zoning**

- CG
- CN
- MB-T4-1
- MB-T4-1-COMM 1
- MB-T4-1-COMM 2
- MB-T4-1-HEIGHT
- MB-T4-2
- MB-T4-2-COMM 1
- MB-T4-2-COMM 2
- MB-T5
- S-T4
- S-T5
- S-T5-1
- S-T5-2

**Hayward Municipal Code Section 10-1.2735. SPECIAL STANDARDS AND CONDITIONS FOR CERTAIN USES.**

~~i. Recycling Facilities for Redemption or Donation of Reusable Materials and Unattended Collection Boxes and Recycling Collection Facilities.~~

(1) Purpose and Intent

(a) The purpose of ~~this~~ the sub-section related to facilities accepting recyclable material is to make redemption and recycling of reusable materials convenient to the consumer in order to reduce litter and increase the recycling of reusable materials in accordance with the 1986 California Beverage Container Recycling and Litter Reduction Act of 1986 (Pub. Res. Code § 14500, et seq.).

(b) The purpose of the sub-section related to unattended collection boxes is to:

- i. Promote community health safety and welfare by regulating the placement of unattended collection boxes for clothing and other salvageable personal property throughout the city;
- ii. Recognize that placement of unattended collection boxes in a variety of conveniently accessible locations throughout the city encourages individuals to recycle textile goods rather than placing those items in the waste stream.
- iii. Ensure that unattended collection boxes and the contents thereof do not pose a hazard or nuisance to pedestrian or vehicular traffic;
- iv. Ensure that material is not allowed to accumulate outside of the unattended collection boxes where it may be scattered by adverse weather conditions, animal contact, or human activities; and,
- v. Establish criteria that avoid attracting vermin, unsightliness and public health or safety hazards or nuisances.

(12) Definitions.

- (a) Recyclable Material: Material including but not limited to metals, glass, plastic, and paper, which are intended for reuse, remanufacture, or reconstitution for the purpose of using the altered form. Recyclable material may include used motor oil collected and transported in accordance with sections 25250.11 and 25143.2(b)(4) et. seq. of the California Health and Safety Code, as amended from time to time.
- (b) Recycling Facility: A center for the collection and/or processing of recyclable materials. A certified recycling facility or certified processor means a recycling facility certified by

the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986. A recycling facility does not include storage containers or processing activity located on the premises of a residential, commercial, or manufacturing use and used solely for the recycling of material generated by that residential property, business or manufacturer. Recycling facilities may include the following:

- (i) Collection Facility: A center for the acceptance by donation, redemption, or purchase of recyclable material from the public. Such a facility does not use power-driven processing equipment except for reverse vending machines. Collection facilities may include the following:
  - a. Reverse vending machine(s) occupying an area of less than 50 square feet;
  - b. Small collection facilities which occupy an area of not more than 500 square feet, and may include:
    - aa. A mobile unit;
    - bb. Bulk reverse vending machines or a grouping of reverse vending machines occupying more than 50 square feet;
    - cc. Kiosk-type units which may include permanent structures;
    - dd. Unattended containers placed for the donation of recyclable materials.
  - c. Large collection facilities which may occupy an area of more than 500 square feet and may include permanent structures.
- (ii) Reverse Vending Machine(s):
  - a. An automated mechanical device which accepts at least one or more types of empty beverage containers including, but not limited to, aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by the state. A reverse vending machine may sort and process containers mechanically provided that the entire process is enclosed within the machine. In order to accept and temporarily store all three container types in a proportion commensurate with their relative redemption rates, and to meet the requirements of certification as a recycling facility, multiple grouping of reverse vending machines may be necessary.
  - b. A bulk reverse vending machine is a reverse vending machine that is larger than 50 square feet; is designed to accept more than one container at a time; and will pay by weight instead of by container.

(iii) Mobile Recycling Unit: An automobile, truck, trailer or van, licensed by the Department of Motor Vehicles which is used for the collection of recyclable material. A mobile recycling unit also means the bins, boxes or containers transported by trucks, vans, or trailers, and used for the collection of recyclable material.

(vi) Responsible Party: The responsible party referred to in sub-section c. of this article shall be the owner and/or operator of Unattended Collection Box.

(v) Unattended Collection Boxes: Any unattended container, receptacle or similar device that is located on any lot within the city that is used for soliciting and collecting donations of clothing and other salvageable personal property. This term does not include recycle bins for the collection of recyclable material and facilities described in (2)(b) above, or any unattended donation box located within a building.

(23) Permit Issuance.

(a) Reverse vending machine(s) located within commercial buildings, or which are located upon commercial or industrial zoned property within a ½ mile radius of each supermarket which conducts \$2 million or more in sales a year, and meet the following criteria are primary uses and do not require permits by the City of Hayward.

- (i) The reverse vending machine(s) is certified by the California Department of Conservation as meeting the requirements of the California Beverage Container Recycling and Litter Reduction Act of 1986;
- (ii) The reverse vending machine(s) is established in conjunction with a commercial use, community service facility, or industrial use provided the property is in compliance with the zoning, building and fire codes of the City of Hayward;
- (iii) The reverse vending machine(s) does not obstruct pedestrian or vehicular circulation, including the pathway required for the handicapped access;
- (iv) The reverse vending machine(s) does not occupy parking spaces required by the primary use;
- (v) The reverse vending machine(s) does not occupy more than 50 square feet of floor space per installation, including any protective enclosure, and is no more than 8 feet in height;
- (vi) The reverse vending machine(s) is clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative;

- (vii) The reverse vending machine(s) is maintained in a clean, litter-free condition on a daily basis;
  - (viii) The operating hours are at least the operating hours of the host use;
  - (ix) The area is illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn;
- (b) An administrative use permit for small collection facilities located in commercial or industrial areas within a ½ mile radius of each supermarket which conducts \$2 million or more in sales a year, shall be issued if the applicant shows that the following conditions have been met:
- (i) The small collection facility shall be established in conjunction with an existing commercial use, community service facility, or industrial use which is in compliance with the zoning, building, and fire codes of the City of Hayward;
  - (ii) The small collection facility shall be no greater than 500 square feet and occupy no more than 5 parking spaces not including space that will be periodically needed for removal of materials or exchange of containers;
  - (iii) The small collection facility shall be set back at least ~~10~~ **200** feet from any property line adjacent to property developed with residential uses and shall not obstruct pedestrian or vehicular circulation. A smaller separation between a proposed facility and residential uses may be permitted with submittal of a noise study and installation of noise reducing equipment, to the satisfaction of the Planning Director or his/her designee;
  - (iv) The small collection facility shall accept only glass, metals, plastic containers, papers and reusable items, not including motor oil;
  - (v) The small collection facility shall use no power-driven processing equipment except for reverse vending machines;
  - (vi) The small collection facility shall be secured from unauthorized entry or removal of material, and a collection schedule shall be posted;
  - (vii) All recyclable materials shall be stored in containers or in the mobile unit vehicle, and materials shall not be left outside of containers when attendant is not present;
  - (viii) The small collection facility shall be maintained free of litter and any other undesirable materials, and the area about the machines shall be swept and cleared each day. Mobile facilities, at which truck or containers are removed at the end of each collection day, shall be swept at the end of each collection day;

- (ix) The small collection facility shall not exceed noise levels of 60 DBA as measured at the property line of residentially zoned or occupied property, other sites shall not exceed 70 DBA;
- (x) Attended facilities located within 100 feet of a property zoned or occupied for residential use shall operate only during the hours between 9:00 a.m. and 7:00 p.m.;
- (xi) Containers for the 24-hour donation of materials shall be at least 50 feet from any property zoned or occupied for residential use unless waived by the Planning Director;
- (xii) Containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation; and display a notice stating that no material shall be left outside the recycling enclosure or containers;
- (xiii) Signs for recycling facilities may be provided as ~~follows~~ prescribed in Chapter 10, Article 7, Sign Regulations, of the Hayward Municipal Code;
  - aa. ~~Recycling facilities may have identification signs with a maximum of 20 percent per side or 16 square feet, whichever is larger, in addition to informational signs required in Section (xii) above; in the case of a wheeled facility, the side will be measured from the pavement to the top of the container;~~
  - bb. ~~Directional signs, bearing no advertising message, may be installed with the approval of the Planning Director if necessary to facilitate traffic circulation, or if the facility is not visible from the public right-of-way as determined by the Planning Director;~~
  - cc. ~~The Planning Director may authorize increases in the number and size of signs upon finding that it is compatible with adjacent businesses;~~
- (xiv) The small collection facility shall not impair the landscaping required by the City for any concurrent use;
- (xv) No additional parking spaces will be required for customers of a small collection facility located at the established parking lot of a host use. One space shall be provided for the attendant, if needed;
- (xvi) Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present;
- (xvii) Occupation of parking spaces by the facility and by the attendant may not reduce available parking spaces below the minimum number required for the primary host use unless all of the following conditions exist:

- aa. The facility is located in a convenience zone or a potential convenience zone as designated by the California Department of Conservation;
- bb. A parking study shows that existing parking capacity is not already fully utilized during the time the recycling facility will be on the site;
- cc. The permit shall be reconsidered at the end of 18 months;
- dd. A reduction in available parking spaces in an established parking facility may then be allowed as follows:

For a commercial or industrial host use:

<u>No of Available Parking Spaces</u>	<u>Maximum Reduction</u>
0-25	0
26-35	2
36-49	3
59-99	4
100+	5

(c) Unattended Collection Boxes. An administrative use permit is required prior to placement of an individual unattended collection box on a site located along a major arterial as defined in the City’s General Plan, and that is zoned General Commercial, Neighborhood Commercial, Mission Boulevard Form-Based Code (MB-T4 and MB-T5) and South Hayward BART Form-Based Code (S-T4 and S-T5) districts.

The unattended collection box shall be placed on a site with an existing primary commercial or religious facility use which is in compliance with zoning, building and fire code of the City of Hayward. Unattended collection boxes are prohibited in the Central City and all other zoning districts.

- (i) Approval of an administrative use permit for such facility shall be subject to the findings set forth in Section 10-1.3125, and the following requirements and standards:
- (ii) Unattended collection boxes shall be maintained in good condition and appearance with no structural damage, holes or visible rust and shall be free of graffiti.
- (iii) Notwithstanding subsection ix below, unattended collection boxes shall be a minimum distance of 2,500 feet from any other permitted unattended collection box.
- (iv) The responsible party shall maintain or cause to be maintained a minimum of ten feet of area surrounding the unattended collection box free of donated materials, junk, trash and debris or other salvageable personal property placed on the site.

- (v) The responsible party shall be responsible for abatement and removal of all junk, garbage, trash, debris and other material from the unattended collection box and the immediate ten feet surrounding the box within 24-hours of written notice from the City of Hayward. If abatement and removal is not accomplished within 24-hours of said notice, the responsible party shall be responsible for all costs related to abatement and removal of junk, garbage, trash, debris and other refuse material as defined above.
  - (vi) Unattended collection boxes shall contain the following information in two-inch font visible from the front of each facility: the name, address, email address and phone number of the person(s) responsible for maintaining the unattended collection box, and the type of material to be deposited.
  - (vii) Unattended collection boxes shall be locked or otherwise secured.
  - (viii) Unattended collection boxes shall not exceed 25 square feet in size, and shall not be taller than seven feet in height, unless otherwise permitted through the AUP process.
  - (ix) No more than one unattended collection box may be placed on a parcel. However, a second unattended collection box may be approved for a single location if the applicant demonstrates that daily collection from the permitted unattended collection box fails to provide adequate overflow abatement and amends the administrative use permit accordingly.
  - (x) Unattended collection boxes shall not obstruct pedestrian or vehicular circulation and shall not be placed in required parking spaces, required landscaping, setbacks or the public right-of-way as defined in Chapter 10 of the Hayward Municipal Code.
  - (xi) Unattended collection boxes shall be visible from the public right-of way and located in a well-lit area.
  - (xii) Unattended collection boxes shall be free of any advertising which is unrelated to the business of the operator of the unattended collection box.
  - (xiii) Unattended collection boxes shall remain in the exact location for which a permit was issued and shall not be moved unless the box is removed from the property or replaced with an identical box in the same location.
- d. Removal of Unattended Collection Boxes and Liability. Upon discovering the existence of an unattended collection box on private or public property that is lacking the requisite

permit, the Planning Director or designee shall have the authority to cause the abatement and removal thereof in accordance with the procedures outlined in Chapter 5, Article 7 (Community Preservation and Improvement) of the Hayward Municipal Code.

- e. Implementation. The provisions of this section apply to all unattended collection boxes located within the City of Hayward as of the effective date of this ordinance, or that are proposed after the effective date of this ordinance.
  - i. All property owners of parcels on which unattended collection boxes exist as of the effective date of this Ordinance shall have sixty (60) days from that date to file a permit application as required by this chapter.
  - ii. Nothing in these regulations is intended to diminish or otherwise alter the requirements of any other federal, state or municipal law governing regulation of unattended collection boxes.

SEC. 10-1.3510 USES AND ACTIVITIES DEFINED.

UNATTENDED COLLECTION BOXES. Any unattended container, receptacle or similar device that is located on any lot within the city that is used for soliciting and collecting donations of clothing and other salvageable personal property. See General Regulations Section 10.1-2735.i. "Recycling Facilities and Recycling Collection Facilities" for specific regulations.

ARTICLE 7  
COMMUNITY PRESERVATION AND IMPROVEMENT

Section	Subject Matter
5-7.00	FINDINGS
5-7.10	DEFINITIONS
5-7.20	PUBLIC NUISANCE
5-7.25	UNLAWFUL NUISANCE ON PUBLIC PROPERTY
5-7.30	ADMINISTRATIVE CITATION/ABATEMENT NOTICE
5-7.35	MANNER OF GIVING ABATEMENT NOTICE
5-7.40	ADMINISTRATIVE HEARING
5-7.50	INSPECTION WARRANTS
5-7.60	ABATEMENT WARRANTS
5-7.65	SUMMARY ABATEMENT BY CITY
5-7.70	ABATEMENT OF NUISANCES
5-7.80	NOTICE OF LIEN/SPECIAL ASSESSMENT
5-7.90	LIEN/SPECIAL ASSESSMENT HEARING
5-7.100	ACCOUNT AND REPORT OF COST
5-7.110	NOTICE OF REPORT
5-7.120	COLLECTION ON TAX ROLL
5-7.130	PROCEDURE NOT EXCLUSIVE; VIOLATION AN INFRACTION

## ARTICLE 7

## COMMUNITY PRESERVATION AND IMPROVEMENT

SEC. 5-7.00 FINDINGS. The City Council finds and declares that the regulations set forth in this Article are necessary in order to eliminate conditions on properties in the City which are detrimental or threaten injury or damage to the health, safety, and welfare of residents thereof, to neighboring occupants or properties, and the municipal welfare.

SEC. 5-7.10 DEFINITIONS. For the purposes of this Article, certain words and phrases are defined and shall be construed as set out in this section. Unless specifically defined below, words or phrases used in this Article shall be interpreted so as to give them the meaning they have in common usage and to give this Article its most reasonable application.

- a. BUILDING shall mean any structure used or intended for supporting or sheltering any use or occupancy.
- b. ENFORCEMENT OFFICER shall mean any employee or official appointed and designated by the City Manager to administer the provisions of this Article. For this purpose he/she shall have the authority to issue citations, and he/she may enter upon any portion of the premise for the purpose of inspection and enforcement.
- c. GRAFFITI shall mean the unauthorized letters, words, symbols, figures and marks placed on buildings and objects on a private property, public property or the public right-of-way by using paint or marking with ink, chalk, crayon, dye or other similar substances, or by cutting or scraping with any tool or instrument.
- d. HEARING OFFICER shall mean the City Manager or his/her designee authorized to conduct hearings pursuant to this Article.
- e. INOPERATIVE shall mean any vehicle that: (1) cannot be immediately started and driven under its own power on the streets and highways or (2) is in an unsafe condition or (3) is in any other condition specified in the California Vehicle Code which prohibits its placement and/or movement on the public streets or highways.
- f. NUISANCE shall mean anything or condition which threatens injury or damage to the health, safety, welfare or property of members of the public, which obstructs the free use of property of others or interferes with the comfortable enjoyment of life or property.
- g. OWNER shall mean any person, persons, organization or legal entity owning property as shown on the last equalized assessment roll for City taxes and also includes the lessee, tenant or other person having control or possession of the property unless otherwise specified.
- h. PLANTER STRIP shall mean the area between the curb and sidewalk on street frontage.

- i. PROPERTY shall mean all real property, improved or unimproved, including but not limited to residential, industrial, commercial, agricultural, open space and other real property. The area of such property includes front yards, front porch, rear yards, side yards, driveways, carports, walkways, alleys and sidewalks, and shall include any building or other structure, whether fixed or moveable, located on such property.
- j. RESPONSIBLE PARTY shall mean the owner, agent, manager, lessee, tenant or any other person having control or possession of the property, whether for residential, industrial, commercial or other purpose.
- k. COSTS shall mean and include, but not be limited to, personnel costs, both direct and indirect; cost incurred in documenting the nuisance and/or violation ; fines; fees; penalties; abatement and abatement related costs; the actual expenses and costs of the City in the preparation and dissemination of notices, specifications, and contracts and in inspecting the work; and the costs of printing and mailing the notices required hereunder and the actual expenses and costs of imposing a lien or special assessment if that become necessary.
- l. LIEN shall have the meaning set forth in Government Code Section 38773.1, or its successor.
- m. SPECIAL ASSESSMENT shall have the meaning set forth in Government CodeSection 38773.5, or its successor.

SEC. 5-7.20 PUBLIC NUISANCE. It shall be unlawful for any responsible party owning, leasing, renting, occupying, or having charge or possession of any property in the City to maintain or to allow to be maintained such property in a condition detrimental to public health, safety, or general welfare or in a condition which violates any code or ordinance adopted by the City. Every owner of real property within the City shall manage that property in such a manner to avoid violation of this code. The property owner shall be responsible for violations thereof, regardless of any contract or agreement with any third party regarding the property. Where there are multiple property owners, the property owners shall have joint and several liability. The existence of any of the following conditions on the property is hereby declared to be detrimental to public health, safety, or general welfare and thus constitutes a public nuisance, including, but not limited to:

- a. Accumulation of garbage, litter, bins, boxes, construction debris, bags, dirt, used motor oil, or other debris;
- b. Junk, trash, shopping carts, salvage materials, scrap metal, bottles, cans and wire, paint cans, or other debris kept on the property other than recycling materials contained in an enclosed non- habitable structure or appropriate containers;
- c. Broken or discarded furniture, household furnishings, appliances, equipment, or other items intended for inside use;
- d. Fences with broken boards, rotted posts, or fences that are leaning, dilapidated, or in disrepair that are visible from the public right-of-way;

- e. Fuel tanks, storage cylinders for any type of gas, or other such containers which are not located in an enclosed structure, connected to a gas barbeque or attached to a recreational vehicle, camper, or camping trailer;
- f. Graffiti on public or private property;
- g. The storage of construction materials on a construction site for more than 30 days where there is no on-going construction activity;
- h. Washers, dryers, refrigerators, freezers or other appliances or similar items on the property that is in view of the public right-of-way;
- i. Clotheslines or clothes hanging in front yards, side yards, porches, or balconies; however, clotheslines and clothes hanging in rear yards are permitted;
- j. Buildings where 25% or more of any painted surfaces of the building's exterior observable from public view is peeling; or lacks weather protection due to lack of paint;
- k. Occupied buildings whose doors or windows are boarded up or covered with tarps or similar opaque material, except as otherwise directed by the City's Building Official or designee;
- l. Occupied buildings with broken or cracked glass windows or doors;
- m. Unoccupied buildings which are unsecured;
- n. Materials such as tarps or similar non-permanent articles on roofs for more than 30 days;
- o. Attractive nuisances or any dangerous machinery or conditions including, but not limited to, abandoned, broken or neglected equipment, tools and vehicle repair equipment;
- p. Overgrown trees or vegetation that obstruct public right-of-way or sidewalk or obscure the necessary view of drivers or pedestrians on public streets or private driveways; or weeds that exceed four inches in any yard or planter strip; overgrown or unsightly vegetation or weeds which may harbor rats, vermin, or other rodents;
- q. Dead trees or dead plant material;
- r. Operable boats, trailers, and other vehicles of similar kind and use stored in the front yard on the property which are not entirely located on the designated paved driveway area that provides direct access to the garage from the street, perpendicular to the street or unless the driveway is curved;

- s. Inoperable, wrecked, dismantled, partially repaired or abandoned boats, trailers, cars, motorcycles, and/or other vehicles of similar kind and use on the property that are not stored in an enclosed structure;
- t. Unmounted campers or camper shells visible from the public right-of-way which are left in the rear, side, front yard areas;
- u. Automobile(s), truck(s), boat(s), trailer(s), and other vehicle(s) of similar kind and use which are displayed for sale on any parking lot or unimproved property, except for authorized vehicle dealer sales lots;
- v. Commercial vehicles, as defined by the California Vehicle Code, that are parked or stored in any residential district, except vehicles operating in the normal course of business;
- w. Sleeping or living in any vehicle.
- x. Any structure or condition in violation of Section 10-1.2735.i, of this code (Recycling Facilities and Recycling Collection Facilities).

SEC. 5-7.25 UNLAWFUL NUISANCE ON PUBLIC PROPERTY. It shall be unlawful for any person owning, leasing, renting, occupying, or having charge or possession of any private property in the City to maintain or to allow to be maintained such property for any purposes so as to create any of the following conditions on adjacent or contiguous public property:

- a. The discarding of furniture, appliances, containers of used motor oil, car batteries, tires and other household waste upon a public street, right-of-way or other public property;
- b. The depositing or spilling of debris, including trash, paper, wood, plant cuttings and other vegetation onto the public right-of-way or other public property;
- c. The depositing of mud, dirt, sand, gravel, or concrete onto the public right-of-way that is not associated with the construction or repair of any building or structure pursuant to section 3-5.02 of this code. In the event that such material is deposited in the public right-of-way the responsible party shall make every effort to ensure that the material does not flow into a public storm drain or watercourse and shall remove the material as quickly as is feasible;
- d. The existence of any condition or use which unlawfully obstructs the free passage or use of any public right-of-way, street, or sidewalk.

SEC. 5-7.30 ADMINISTRATIVE CITATION/ABATEMENT NOTICE. Whenever the Enforcement Officer determines that any property within the City is being maintained in violation of one or more of the provisions of this Article, the Enforcement Officer shall give written notice to the owner of said property stating the section(s) being violated. The notice shall set forth a reasonable time limit for the owner to abate the condition, which shall be no less than three calendar days or not more than 14 calendar days from the date of the notice unless otherwise authorized by another section of this

code, and which may also set forth suggested methods of correcting the violation(s). At the discretion of the Enforcement Officer, an extension(s) not to exceed 14 days at a time may be granted for good cause for correcting the violation(s).

The notice shall direct the property owner either to abate the violation(s) or request an administrative hearing. If the notice period provided for correcting the violation is less than seven days, then the owner may request an administrative hearing any time prior to the end of the time period provided in the notice. If notice is served by mail, the owner may request an administrative hearing, to show cause why the violation(s) should not be abated by the City at the property owner's expense. The notice shall also indicate that if the nuisance is abated by the City, the costs thereof will be assessed upon the property, and if not paid, will constitute a lien or special assessment upon the property until paid. The notice shall also include a description of any costs the City Council may adopt by resolution from time to time relating to enforcement of this Article.

SEC. 5-7.35 MANNER OF GIVING ABATEMENT NOTICE. A copy of the notice provided for in this section shall be served on the property owner in accordance with State law. A copy of the notice will be mailed to the owner's address as it appears on the last equalized assessment roll or as known to the Enforcement Officer. The failure of any person to receive notice properly given shall not affect the validity of any proceedings hereunder.

SEC. 5-7.40 ADMINISTRATIVE HEARING. Any owner may request an Administrative Hearing. The purpose of an Administrative Hearing is to allow the owner to dispute the factual findings of the violation(s). If a hearing is requested, at the time fixed for the Administrative Hearing, the Hearing Officer shall hear and consider all relevant evidence, objections, or protests offered on behalf of the owner to show why the condition should not be abated. The Hearing Officer may also consider rebuttal evidence offered by the City. The hearing may be continued from time to time. If, at the conclusion of the hearing, based upon the record, the Hearing Officer is satisfied that the condition exists and concludes that it should be abated, he or she shall issue a written decision setting forth his/her findings and shall cause the same to be served upon the persons attending the hearing. The right to Judicial Review shall be governed pursuant to section 1-7.13 Administrative Citation – Right to Judicial Review.

SEC. 5-7.50 INSPECTION WARRANTS. Whenever there exists cause to suspect a violation of any provision of this Article, and the owner refuses to permit entry for investigation, the Enforcement Officer may seek to obtain a warrant issued by the Superior Court of Alameda County for the purposes of inspection.

SEC. 5-7.60 ABATEMENT WARRANTS. Once notice has been given of a violation of any provision of this Article, and the owner does not abate or cause to abate the violation as required, the Enforcement Officer may seek to obtain a warrant issued by the Superior Court of Alameda County for the purposes of abatement.

SEC. 5-7.65 SUMMARY ABATEMENT BY CITY. If the Enforcement Officer finds that a violation constitutes an imminent danger to the public health or safety, he or she shall have the authority to abate the condition or cause the condition to be abated summarily and without notice. The expenses of such abatement shall become a lien or special assessment on the property and, if unpaid, collected as provided herein.

SEC. 5-7.70 ABATEMENT OF NUISANCES. If the nuisance is not abated as ordered within the abatement period, the Enforcement Officer shall take all steps necessary to cause the same to be abated by such City employees or private contractors the Enforcement Officer may authorize to enter upon the property for such purposes. The expenses of such abatement, including administrative costs, of abating the nuisance shall be billed to the owner and shall become due and payable 30 days thereafter. Failure to pay may result in a lien or special assessment being placed on the property after a hearing on the matter if requested as provided hereinafter.

SEC. 5-7.80 – NOTICE OF LIEN/SPECIAL ASSESSMENT. Pursuant to California State Government Code Sections 38773.1 and 38773.5, prior to placing any liens or special assessments against a property for unpaid inspection fees, charges or penalties, all applicable owners shall be properly served written notice of past due amounts, and the right to have a Lien/Special Assessment Hearing as described hereinafter.

SEC. 5-7.90 LIEN/SPECIAL ASSESSMENT HEARING. Any owner may request a Lien/Special Assessment Hearing. The purpose of the Lien/Special Assessment Hearing is to provide an opportunity for any objections which may be raised by any person liable to be charged for the work of abating cited code violations and related charges associated with their property. The Enforcement Officer shall attend said Lien/Special Assessment Hearings with his or her record thereof, and upon the hearing, the Hearing Officer may make the modifications in the proposed lien/special assessment as deemed necessary. When a Lien/Special Assessment Hearing is requested, the amount of the cost of abating cited code violations upheld by the Hearing Officer, including inspection charges and administrative expenses shall, after being confirmed by the City Council, constitute a lien or special assessment on the property for the amount of the charges until paid. The right to Judicial Review shall be governed pursuant to section 1-7.13 Administrative Citation – Right to Judicial Review.

SEC. 5-7.100 ACCOUNT AND REPORT OF COST. The Enforcement Officer shall keep an account of the cost of abating the nuisance on each separate lot or parcel of land where the work is done by the City, as well as any inspection charges which remain unpaid, and shall render an annual itemized report in writing to the City Council showing the cost of abatement, including any salvage value, and outstanding inspection charges. The City Council shall review and confirm the annual report and lien/special assessment list, amended as necessary, by way of resolution.

SEC. 5-7.110 NOTICE OF REPORT. The City Clerk shall post a copy of the report and lien/special assessment list on the bulletin board designated for the posting of agendas for City Council meetings together with a notice of filing thereof and of the time and place when and where it will be submitted to the City Council for confirmation by way of resolution. Notice shall also be published once in a newspaper of general circulation that is published and circulated within the City. The posting and first publication of the notice shall be made and completed at least 10 days before the time the report is considered by the City Council.

SEC. 5-7.120 COLLECTION ON TAX ROLL. After City Council confirmation of the annual report and lien/special assessment list, a copy shall be given to the City Director of Finance who may receive the amount due on the abatement cost and issue receipts at any time after the confirmation and until a list of unpaid liens/special assessments is sent annually to the County Auditor for effecting collection on the tax roll at the time and in the manner of ordinary municipal taxes. The descriptions of

the parcels reported shall be those used for the same parcels on the County Assessor's map books for the current year. All laws and ordinances applicable to the levy, collection, and enforcement of City taxes are hereby made applicable to such liens or special assessments and this lien or special assessment shall have priority of the taxes with which it is collected.

SEC. 5-7.130 PROCEDURE NOT EXCLUSIVE; VIOLATION AN INFRACTION. The procedures for abatement set forth herein shall not be exclusive and shall not in any manner limit or restrict the City from enforcing other City ordinances and regulations or abating public nuisances in any other manner provided by law. Nothing in this Article shall be deemed to prevent the City Council from ordering the commencement of a civil proceeding to abate a public nuisance pursuant to applicable law or from pursuing any other remedy available under applicable law. Violation of the provisions of this Article constitutes an infraction, as set forth in Chapter 1, Article 3 of the Hayward Municipal Code.

*Repealed and Replaced by Ord. 09-02, adopted February 17, 2009; amended by Ord. 12-06, adopted November 13, 2012.*

<b>B PLANNING</b>		
<b>1. Pre-Application Meeting<sub>1</sub></b> (includes Fire Dept. fee) No Charge	No Charge	
<b>2. Code Assistance Meeting <sub>1</sub></b> (payable with Fire Dept. fee)	No Charge	
<b>3. Annexation Proceedings</b> Costs shall also include, but not be limited to, current annexation filing fees established by the Board of Equalization in manner provided by the State Government Code Section 54902.5.	\$15,000	Time & Material; Initial Deposit*
<b>4. LAFCO Utility Service Agreement</b> (Preparation and processing of documents in connection with utility service to property outside of the City limits)	\$5,000	Time & Material; Initial Deposit*
<b>5. Environmental/Technical Analysis (Contract) Consultant</b>	\$5,000	Time & Material; Initial Deposit*
<b>6. General Plan Amendment<sub>1</sub></b>	\$12,000	Time & Material; Initial Deposit*
<b>7. Text Change to Zoning Ordinance<sub>1</sub></b>	\$12,000	Time & Material; Initial Deposit*
<b>8. Rezoning and Prezoning (Including New or Major Modification to a Planned Development)<sub>1</sub></b>	\$12,000	Time & Material; Initial Deposit*
<b>9. Rezoning (Planned Development Precise Plan or Preliminary Plan Minor Modification)</b>	\$6,000	Time & Material; Initial Deposit*
<b>10. Conditional Use Permit<sub>1</sub></b>	\$6,000	Time & Material; Initial Deposit*
<b>11. Administrative Use Permits</b>		
<b>a Chickens</b>	\$500	Per Application
<b>b Food Vendors</b>	\$700	Per Application
<b>c Unattended Collection Boxes</b>	\$1,300	Per Box
<b>ed Processed Administratively</b>	\$2,000	Time & Material; Initial Deposit*

<b>de</b>	<b>Involve Public Hearing</b>	\$6,000	Time & Material; Initial Deposit*
<b>12. Site Plan Review<sub>1</sub></b>			
<b>a</b>	Processed Administratively	\$2,000	Time & Material; Initial Deposit*
<b>b</b>	Involving Public Hearing	\$6,000	Time & Material; Initial Deposit*
<b>13. Variance/Warrants - Processed Administratively</b>		\$2,000	Time & Material; Initial Deposit*
<b>14. Variance/Warrants &amp; Exceptions – Involving Public Hearing</b>		\$6,000	Time & Material; Initial Deposit*
<b>15. Modification of Approved Development Plan – Processed Administratively</b>		\$2,000	Time & Material; Initial Deposit*
<b>16. Modification of Approved Development Plan – Involving Public Hearing</b>		\$6,000	Time & Material; Initial Deposit*
<b>17. Extension of Approved Development Plan/Applications</b>		\$1,000	Time & Material; Initial Deposit*
<b>18. Designation of Historical or Architectural Significance<sub>1</sub></b>		\$6,000	Time & Material; Initial Deposit*
<b>19. Development Agreement</b>			
<b>a</b>	Review of application, negotiation of agreements, processing through Planning Commission and City Council	\$12,000	Time & Material; Initial Deposit*
<b>b</b>	Amendment Processing	\$6,000	Time & Material; Initial Deposit*
<b>c</b>	Annual Review	\$1,000	Time & Material; Initial Deposit*
<b>20. Written Verification of Zoning Designation or Similar Request</b>		\$500	Per Application
<b>21. Research</b>		\$216 plus \$41	per hour after first 15 minutes
<b>22. Sign Permits</b>			
<b>a</b>	Sign Permit (one business)	\$300	
<b>b</b>	Sign Permit (each additional business – same application)	\$250	

<b>23. Sign Program</b>	\$1,500	
<b>24. Appeal Fee for Applicant</b>	\$6,000	Time & Material; Initial Deposit*
<b>25. Appeal Fee Other Than Applicant</b>	\$250	
<b>26. Tentative Tract or Tentative Parcel Map</b>		
<b>a</b> Processed Administratively	\$4,000	Time & Material; Initial Deposit*
<b>b</b> Involving Public Hearing	\$6,000	Time & Material; Initial Deposit*
<b>27. Final Parcel Map</b>	\$2,000	Time & Material; Initial Deposit*
<b>28. Final Tract Map</b>	\$6,000	Time & Material; Initial Deposit*
<b>29. Lot Line Adjustment</b>	\$4,000	Time & Material; Initial Deposit*
<b>30. Certificate of Merger or Certificate of Compliance</b>	\$4,000	Time & Material; Initial Deposit*
<b>31. Grading Permit Application</b>	\$4,000	Time & Material; Initial Deposit*
<b>32. Security Gate Application</b>	\$2,000	
<b>33. Encroachment Permit – Street Events</b> The City Manager may reduce or waive this fee for certain events. ( <i>See Fee Reduction, Waiver, and Sponsorship for Special Events Policy</i> )	\$1,500	
<b>34. Encroachment Permit Application – Major Work</b>	\$4,000	Time & Material; Initial Deposit*
<b>35. Encroachment Permit Application – Minor Work</b>	\$2,000	Time & Material; Initial Deposit*
<b>36. Food Sharing Event</b>	No charge	
<b>37. Tree Preservation:</b>		
<b>a</b> Annual Pruning Certification	\$126	
<b>b</b> Tree removal/pruning	\$211	

<b>38. Mobilehome Park Closure/Change of Use</b>	\$12,000	Time & Material; Initial Deposit*
<b>39. Review of Building Permit Applications</b>		
<b>a</b> Commercial/Industrial Tenant Improvements or Additions	\$416.00	
<b>b</b> Addition - Single-Family Dwelling	\$274.00	
<b>c</b> Addition - Multi-Family Dwelling	\$568.00	
<b>d</b> New Accessory Structure	\$186.00	
<b>e</b> New Single Family Dwelling	\$499.00	
<b>f</b> New Single-Family Dwelling – Hillside	\$721.00	
<b>g</b> New Industrial Building	\$686.00	
<b>h</b> New Commercial Building	\$742.00	
<b>i</b> Over-the-Counter Approvals	\$149.00	
<b>40. Inspections - Planning and Landscape</b>		
<b>a</b> Single-Family Residential - Subdivision	\$212	
<b>b</b> Multi-Family Residential Development	\$319	
<b>c</b> Single-Family Residential - Hillside	\$255	
<b>d</b> Re-Inspection	\$212	
<b>e</b> Miscellaneous	\$79	
<b>41. General Plan Update Fee</b>	12% of Building Permit Fee	

† It is recommended that major projects be reviewed at a Pre-Application Meeting prior to submittal of a Development Review Application.

\*If during the review of the project the Planning Director estimates that the charges will exceed the deposit, additional deposit(s) will be required. Also, the Planning Director may authorize a lesser initial deposit than shown if he/she determines that processing of an application will not entail need for the full initial deposit. Prompt payments of deposits or outstanding fees owed in association with the application will assure continued staff review of the project. Failure to provide requested deposit or fees associated with the application within an appropriate time frame as determined by the Planning Director will be treated as a withdrawal without prejudice of the application. Any surplus deposit remaining shall be refunded promptly upon project completion.



**MINUTES OF THE REGULAR MEETING OF THE  
CITY OF HAYWARD PLANNING COMMISSION  
Council Chambers  
Thursday, February 5, 2015, 7:00 p.m.  
777 B Street, Hayward, CA94541**

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**MEETING**

A regular meeting of the Hayward Planning Commission was called to order at 7:00 p.m. by Chair McDermott.

**ROLL CALL**

Present: COMMISSIONERS: Loché, Enders, Lavelle, Parso, One Vacancy  
CHAIRPERSON: McDermott  
Absent: COMMISSIONER: Faria

Commissioner Loché led in the Pledge of Allegiance.

Staff Members Present: Ajello, Buizer, Lawson, Nguyen, Madhukansh-Singh

General Public Present: 5

**PUBLIC COMMENTS**

None

**PUBLIC HEARING**

1. Proposed subdivision and construction of 9 attached and detached single-family homes on a 0.60-acre site at 23877 and 23875 Eden Avenue; and 1500 and 1504 Sylvia Street, requiring adoption of a Resolution and Introduction of an Ordinance for a Zone Change from Medium Density Residential to Planned Development, Vesting Tentative Tract Map 8222 and a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. Bridgit Koller, Standard Pacific Corp. (Applicant), William and Rosita Ignacio (Owners)

Associate Planner Ajello provided a synopsis of the staff report for Public Hearing Items 1 and 2. She shared some photos of renderings of the proposed development as well as photos of the Camden Place development currently being constructed by Standard Pacific Homes.

In response to Commissioner Loché's question about the construction schedule for the development, Associate Planner Ajello responded that per the developer, the plan was to incorporate the proposed project into the existing construction schedule of the development undergoing construction at Camden Place.

Chair McDermott opened the public hearing at 7:11 p.m.



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Bridgit Koller, with Standard Pacific Corp., noted for Commissioner Loché that there were approximately 100 homes remaining to be constructed for the previously approved development at Camden Place. She added that the proposed development of the 23 homes would commence when the former development was near completion. Ms. Koller stated that her company hoped to not have a gap in between the construction schedules of the development projects at Camden Place.

Chair McDermott closed the public hearing at 7:12 p.m.

Commissioner Lavelle commented that she was familiar with the development site and pointed out that the Planning Commission did have an opportunity to discuss Greenwood Park at previous meetings. She spoke favorably of the development of the neighborhood in the Mt. Eden area and was delighted to see the continuity of development at Camden Place. Commissioner Lavelle emphasized that this area was a wonderful place for new residents in Hayward to move to and offered a motion to recommend that the City Council approve the project, seconded by Chair McDermott.

Chair McDermott stated that the proposed project would complement the development presently occurring at Camden Place. She was hopeful that with the economy picking up and low interest rates, more people would qualify to buy homes. She requested that the developer give some consideration to incorporating affordable housing units in the proposed development, rather than opting to pay in-lieu fees. She was hopeful that the improvements to Greenwood Park would be complete by the time the proposed project was developed. She shared that at prior meetings, one of the reasons the Planning Commission had indicated its support for the development at Camden Place was because this park would provide enough open space for residents.

The motion passed with the following vote:

AYES: Commissioners Loché, Enders, Lavelle, Parso, One Vacancy  
Chair McDermott  
NOES: None  
ABSENT: Commissioner Faria  
ABSTAIN: None

2. Proposed subdivision and construction of 14 attached and detached single-family homes on a 1.0 acre site at 1561 Middle Lane and 23572 Saklan Road, requiring adoption of a Resolution and Introduction of an Ordinance for a Zone Change from Medium Density Residential to Planned Development, Vesting Tentative Tract Map 8219 and a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program. Bridgit Koller, Standard Pacific Corp. (Applicant), Jon Sylvester (Owner)

Commissioner Lavelle offered a motion to recommend that the City Council approve the project, seconded by Commissioner Loché.



**MINUTES OF THE REGULAR MEETING OF THE  
CITY OF HAYWARD PLANNING COMMISSION  
Council Chambers  
Thursday, February 5, 2015, 7:00 p.m.  
777 B Street, Hayward, CA94541**

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The motion passed with the following vote:

AYES: Commissioners Loché, Enders, Lavelle, Parso, One Vacancy  
Chair McDermott  
NOES: None  
ABSENT: Commissioner Faria  
ABSTAIN: None

### **COMMISSION REPORTS**

#### 3. Oral Report on Planning and Zoning Matters

Planning Manager Buizer announced that applications were being accepted for the vacancy on the Planning Commission, noting that applications were due in City Clerk's Office by noon on Friday, February 6, 2015. She clarified for Chair McDermott that the applicants would be screened and then pre-selected applicants would be interviewed by the City Council on Tuesday, February 10, 2015. Planning Manager Buizer was hopeful that the vacancy would be filled by March 2015.

Commissioner Loché shared that he will not be able to attend the meeting on February 19, 2015.

In response to Commissioner Lavelle's question, Planning Manager Buizer clarified the 2015 Planning Commission Meeting Schedule and confirmed that the next meeting was scheduled for February 19, 2015.

#### 4. Commissioners' Announcements, Referrals

None.

### **APPROVAL OF MINUTES**

5. Approval of Minutes of the Planning Commission Meeting on January 22, 2015  
The Planning Commission meeting minutes of January 22, 2015 were unanimously approved with Commissioner Faria absent and with one vacancy.

### **ADJOURNMENT**

Chair McDermott adjourned the meeting at 7:25 pm



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**APPROVED:**

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Heather Enders, Secretary  
Planning Commission

**ATTEST:**

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Avinta Madhukansh-Singh, Senior Secretary  
Office of the City Clerk