



February 18, 2015

Hayward Planning Commission  
City of Hayward  
777 B Street  
Hayward, CA 94541

*Via Electronic Mail*

RE: USAgain's Concerns with Text Amendment Application No. 2015-00056

Chairperson McDermott and Planning Commission Members,

It is our understanding that at the February 19, 2015 Meeting of the Planning Commission, the Commission will hold a public hearing on whether to make a recommendation to the City Council to establish new regulations related to Unattended Collection Boxes (Text Amendment Application No. 2015-00056). We appreciate the Planning Commission's efforts to develop a reasonable ordinance to regulate Unattended Collection Boxes; however, we have some concerns with the ordinance as recommended.

For background, USAgain is a for-profit textile recycling company with a base of operations in Hayward that owns and operates clothing collection and recycling boxes on public and private property for the purpose of diverting useful items from landfills and returning them to the stream of commerce. We operate on these properties with permission and in exchange we provide a revenue sharing agreement with the property owner or local business operator.

USAgain works with communities across the country, on our own and in concert with the Secondary Materials & Recycled Textiles (SMART) Association, to advocate and pass reasonable and equitable regulations that recognize and create standards for the placement and operation of collection boxes. We are confident that with meaningful regulation, as provided in the SMART Association's model ordinance (see enclosure), communities such as the City of Hayward can balance the interests and concerns of the community while promoting the best practices for the operation of Unattended Collection Boxes. Our concerns with the proposed ordinance are as follows.

First, the proposed ordinance is too restrictive. It limits boxes to only major arteries in commercial zoning areas and requires that box locations be at least

2,500 linear feet apart. As described in the staff report, the purpose of Unattended Collection Boxes is to divert clothing from the waste stream by offering a convenient recycling service to local residents which is not only close to home, but also accessible 24 hours a day and 7 days a week. By locating collection boxes within strategic population areas, it is possible to effectively divert items from entering the waste stream thereby helping the environment while decreasing community disposal costs for items that are easily reusable or recyclable. As written, the proposed ordinance restricts collection boxes to areas where they are not as convenient and further limits the number of collection boxes by specifying a required distance between boxes.

Second, the proposed ordinance provides that the Unattended Collection Box must be placed on a site with an existing primary commercial or religious facility use. We agree with this provision, but also propose that Unattended Collection Boxes could be placed at sites where there are schools or non-profit organizations.

Third, the fees for an Administrative Use Permit (AUP) are cost prohibitive. Although we appreciate that staff understands that the collection box would be ancillary to the primary purpose and has recommended a fee less than \$2,000, with the \$1,300 per box fee, the cost to enter this market remains far too high and would effectively prohibit most operators.

And finally, we appreciate that the staff understands that more than one Unattended Collection Box may be required on a single site to accommodate demand and prevent overflow; however, as written an applicant cannot request for two boxes in the initial AUP application, but can only amend the AUP after demonstrating that “daily collection from the permitted unattended collection box fails to provide adequate overflow abatement.” This provision requires that the operator must fail to maintain the current box before it can amend the AUP and does not take into account the knowledge and experience of the operator in understanding that some locations may need more than one box to meet demand and prevent overflow.

Overall, this ordinance attempts to balance the value of Unattended Collection Boxes against the need to regulate them. As a box operator we promote regulation, but believe that this ordinance can be improved. We understand that the City of Hayward wants to regulate the proliferation of Unattended Collection Boxes and related nuisance activities, but Unattended Collection Boxes can effectively divert items from entering the waste stream thereby



benefitting the environment, decreasing community disposal costs, and helping with AB 939 reporting. USAgain appreciates all the time and energy that has gone into developing this ordinance; however USAgain has concerns with the above mentioned provisions. We are willing to work with the City of Hayward to ensure that a fair and reasonable ordinance to regulate Unattended Collections Boxes is adopted.

Sincerely,

A handwritten signature in blue ink that reads "Sheila Caplis".

Sheila Caplis  
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Encl: SMART Model Ordinance

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