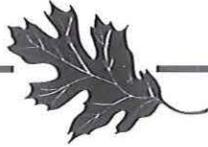


# OAKLEY



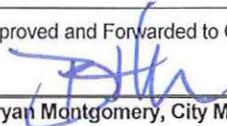
## CALIFORNIA

Agenda Date: 05/10/2016  
Agenda Item: 7.2

## STAFF REPORT

**Date:** May 10, 2016  
**To:** Bryan Montgomery, City Manager  
**From:** Kenneth W. Strelo, Senior Planner  
**SUBJECT:** Work Session – Donation Bins, Sea/Cargo Containers, and Residential Front Yard Improvements

Approved and Forwarded to City Council:

  
Bryan Montgomery, City Manager

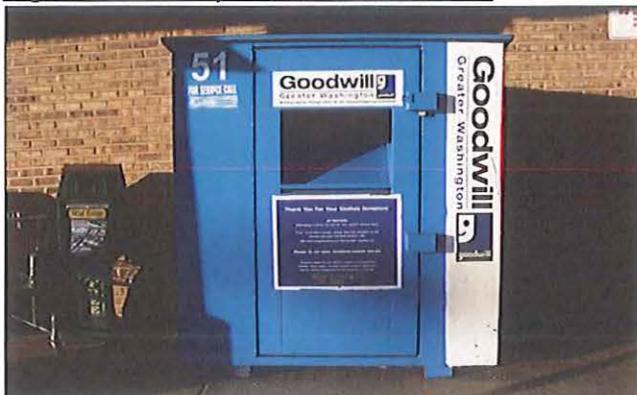
### Summary and Background

This is a work session for the City Council to receive information from Staff and discuss whether to direct Staff to further analyze and ultimately propose regulations to consider for adoption related to donation bins, sea/cargo containers within City limits, and residential front yard improvements. Although the three topics are covered in this work session, they are unrelated. The Council may wish to direct Staff to bring back regulations related to one or more, or none of the topics.

### Donation Bins

For the purposes of this work session, a donation bin is an unattended receptacle typically found in public places (i.e. publically accessible places, such as commercial shopping centers and stand-alone businesses; not to mean “public property”), as a means of generating additional revenue in small increments through receivable donations. An example of the type of donation bin intended to be discussed is shown in Figure 1.

Figure 1. Example of a Donation Bin



The City of Oakley Municipal Code (“OMC”) does not have language that addresses donation bins. Without adopted standards, it is difficult for Staff to provide information on inquiries or take action when a donation bin is installed somewhere within Oakley. Below, the Council is provided with several bullet items of observations in relation to

donation bins, potential issues and concerns, and ideas and standards pulled from other jurisdictions.

#### Observations in Relation to Donation Bins:

- Often found standing alone in a landscape area or within dedicated parking spaces;
- If full, donations are sometimes left on the ground beside the bin;
- Are unattractive if located near sidewalks, streets, or standing alone.

#### Potential Issues and Concerns:

- Donation bin is "profit" rather than for "non-profit;"
- Donation bin is not adequately monitored and emptied, resulting in overflow and ground dumping or un-corrected vandalism;
- Donation bin obstructs visibility and circulation.

#### Examples of Standards from Other Jurisdictions:

- Requires a permit, subject to standards;
- On-bin signage requirements and "non-profit" bins only;
- Does not interfere with visibility, circulation, or parking;
- Enforcement if bin is not permitted or not operated pursuant to the permit.

#### Analysis and Recommendation

Non-profit only donation bins may provide a needed service to the community; however, without standards and regulations they can be placed in unsightly or dangerously located areas, be of questionable origin, or not be maintained properly (e.g. overflow, graffiti, etc.). There are general standards Staff would look into if directed to bring back language for consideration. Staff has researched the topic and recommends that, at a minimum, the following standards be implemented:

- Bins must be located adjacent to the building entrance of an existing commercial use, or other use open to the public.
- Bins would not be allowed in open areas such as parking lots, landscape areas, or undeveloped portions of lots, or on public property or within public rights-of-way.
- All existing bins would be subject to any new regulations that are adopted. (The opinion of the City Attorney would be sought on all proposed regulations related to existing bins.)

#### **Sea/Cargo Containers**

A sea or cargo container (hereinafter "cargo container") is a rectangular metal container used to ship cargo on water vessels, trains and trucks. Over the past

several years, they have been the subject of some efforts of repurposing. Examples of repurposing would be the Starbucks on Main Street near highway 160, and what some communities have allowed as affordable or “tiny” housing. However, the issues sought to be resolved in this work session revolve around the use of cargo containers as accessory structures on residential lots (and sometimes commercial and industrial lots). Staff would like to amend the zoning ordinance (OMC Chapter 9.1) and possibly the Neighborhood Preservation Ordinance (OMC Chapter 4.29), if applicable, to prohibit cargo containers from being placed on any residential lot unless the container is repurposed through the use of exterior materials and residential type roofing to act as positive addition to a property that would not be unsightly to neighbors or from public view. Also, Staff would also propose that language be analyzed and strengthened, if necessary, that any placement of such containers in conjunction with non-residential uses would require design review approval. Figure 2 shows an example of the type of cargo container discussed in this work session.

Figure 2. Example of Cargo Container



### Analysis and Recommendation

Cargo containers are designed for the purposes of securely holding cargo and being exposed to the elements during transportation across oceans and land. They are not designed for use as residential accessory structures or permanent storage containers for commercial and light industrial businesses. As built, they do not meet the requirements of the City of Oakley Residential Design Guidelines, which state that the materials and architectural style of an accessory structure should match the materials and architectural style of the main unit. The corrugated metal siding, flat roof, and lack of trim and windows are all reasons cargo containers do not meet the guidelines. Likewise, they would not meet the Commercial and Industrial Guidelines. However, as can be seen through a quick internet search, cargo containers can be repurposed for many uses through architectural modification, such as the addition of a roofline, windows, trim, exterior materials, man doors, etc.

Staff recommends the City Council direct Staff to further analyze how the City of Oakley can accommodate cargo containers within the City limits through implementation of design standards.

### **Residential Front Yard Improvements**

The City of Oakley Neighborhood Preservation Ordinance (OMC Chapter 4.29) includes language that regulates front yard landscaping. Specifically, one subsection states it is considered a public nuisance to keep “a property on which the improved surface of the property exceeds 50% of the front yard area setback (including the driveway)” (OMC Section 4.29.402(b)). An “improved surface is then defined as, “...any surface which has been improved with pavement, asphalt, cement, brick, interlocking pavers or other similar material and maintained in such a manner as to provide for a mud-free and dustless surface” (OMC Section 4.29.302(l)). Furthermore, OMC Section 4.29.408(b) prohibits “the parking of any motor vehicle, trailer, camper or boats on any unimproved surface, unless it is located behind the front yard or side yard setback.”

### Analysis and Recommendation

Planning has worked with Code Enforcement on interpreting several specific cases and it has been discovered that when applying the above sections to a specific case, unintended circumstances result. First, the intent of the maximum 50% improved surface is to prohibit large portions of front yards from being used as off-street parking. But, by definition, improved surface would include several non-parking related improvements to a front yard (e.g. walkway, decorative hardscape and pavers, projecting porch). Staff does not believe it is the intent of the code to prohibit residents from making attractive hardscape improvements to their front yards. Also, there is a potential inconsistency because it has been interpreted that “decomposed granite” for the purposes of parking a vehicle is considered an improved surface; however, it does not fall within the description of that definition. This interpretation has been made so as to not allow a loop hole by allowing more than 50% of a front yard setback to be occupied by vehicle storage. Staff believes these sections of the code should be re-written to better address the desires of the City Council and properly protect property values.

First, Staff would recommend the code be modified to intently state that the purpose of the landscaping regulation allowing no more than 50% improved surface is to prohibit more than 50% of the width of a required yard from being used to store vehicles, and to possibly allow excess of 50% improved surface when designed and used as walkway to access a front door or pervious pavers, etc. Large areas of concrete or other impervious surfaces would continue to be discouraged, even if not used for parking. Staff also recommends that the City Council determine whether it is appropriate to allow the parking of vehicles within the front yard on gravel or decomposed granite, or whether this portion of the code should be more strictly

enforced and only allow parking on surfaces that fall under the definition for "improved surface."

In relation to the above discussion, if the Council agrees that no more than 50% of a required front yard may be used for parking, and that parking may only take place on improved surfaces, Staff would recommend the Council adopt an exception for lots with concave street lines, such as those in cul-de-sac bulbs or other curved streets with to allow up to 60% of a require front yard be used for parking or the addition of a 10 foot wide drive aisle to access a side or rear yard or parking place adjacent to the existing driveway, whichever results in more allowance.

Staff would also recommend that the code include a statement that it supersedes the Residential Design Guidelines that require storage of recreational vehicles and boats to be located outside of the front yard setback and behind a six foot tall good neighbor privacy fence. However, it is still recommended that rvs and boats stored outside of the front yard setback, but still within public view, be behind a six foot tall good neighbor privacy fence.

**Attachments**

None