



Department of City Planning · Code Studies Section

NOTICE OF PUBLIC HEARING

Citywide Proposed Zoning Code Amendment

**CASE: CPC-2010-1073-CA
ENV-2010-1074-ND**

**Onsite Shopping Cart Containment
Ordinance
Council District: All**

This notice is to inform you of a public hearing for case number CPC-2010-1073-CA, a proposed zoning code amendment that has been initiated by the Department of City Planning. All interested persons are invited to attend the public hearing at which you may listen, speak, or submit written information relating to the environmental determination and the proposed project.

PLACE: Los Angeles City Hall
Room 1010
200 N. Spring St, Los Angeles, CA 90012

TIME: Thursday, March 31, 2011 at 10:00 a.m.

STAFF: Gabriela Juárez, gabriela.juarez@lacity.org, 213-978-1199

THE LAST DAY TO SUBMIT
COMMENTS WILL BE:

**MONDAY,
APRIL 25, 2011**

PROPOSED PROJECT: A proposed ordinance (Appendix A) amending Section 12.21 of the Los Angeles Municipal Code (LAMC) to impose a shopping cart containment standard on all new and major remodeled stores with six or more shopping carts. This report also addresses the requested feasibility study for applying the on-site shopping cart containment development standard to existing stores which resulted from the Department's report, dated March 11, 2010, to City Council and the PLUM committee.

PURPOSE: The purpose of the hearing is to obtain testimony from affected and/or interested persons regarding this project. The hearing will be conducted by a Hearing Officer who will consider all the testimony presented at that time and any written communication received prior to or at the hearing from affected and/or interested persons regarding this Project, as well as the merits of the proposed ordinance as it relates to existing environmental and land use regulations. The environmental document will be among the matters considered at the hearing. After the hearing, Code Studies staff will prepare a report, including a final recommendation, which will be considered by the City Planning Commission at a later date.

EXHAUSTION OF ADMINISTRATIVE REMEDIES: If you challenge a City action in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence on these matters delivered to the Department before the action on this matter. Any written correspondence delivered to the Department before the action on this matter will become a part of the administrative record. Note: This may not be the last hearing on this matter.

ADVICE TO PUBLIC: The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda.

WRITTEN COMMUNICATION: Written communications should cite the Case Number indicated at the top of this notice and may be mailed to the Attention of the Staff Contact identified above at the Los Angeles Department of City Planning, Community Planning Bureau, City Hall - Room 621, 200 North Spring Street, Los Angeles CA 90012.

REVIEW OF THE FILE: The complete file including application and an environmental assessment is available for public review at the Department of City Planning, City Hall - Room 621, 200 North Spring Street, Los Angeles CA 90012 between the hours of 8:00 AM to 5:00 PM, Monday through Friday. Please call the Staff Contact indicated at the top of this notice several days in advance to assure its availability. Case files will not be available for inspection on the day of the hearing.

ACCOMMODATIONS: As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability. The hearing facility and its parking are wheelchair accessible. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or services may be provided upon request. *Como entidad cubierta bajo el Título II del Acto de los Americanos con Desabilidades, la Ciudad de Los Angeles no discrimina. La facilidad donde la junta se llevará a cabo y su estacionamiento son accesibles para sillas de ruedas. Traductores de Lengua de Muestra, dispositivos de oído, u otras ayudas auxiliares se pueden hacer disponibles si usted las pide en avance.*

Other services, such as translation between English and other languages, may also be provided upon request. *Otros servicios, como traducción de Inglés a otros idiomas, también pueden hacerse disponibles si usted los pide en avance.*

To ensure availability of services, please make your request no later than three working days (72 hours) prior to the hearing by calling the staff person referenced in this notice. *Para asegurar la disponibilidad de estos servicios, por favor haga su petición al mínimo de tres días (72 horas) antes de la reunión, llamando a la persona del personal mencionada en este aviso.*

Q&A: Onsite Shopping Cart Containment Ordinance

Q: Why is the Onsite Shopping Cart Containment Ordinance being proposed?

A: Abandoned shopping carts are a source of blight throughout the City of Los Angeles. Abandoned shopping carts can obstruct pedestrian and vehicular traffic in the public right of way, creating hazards to the health and safety of the public. Furthermore, the proposed Onsite Shopping Cart Containment Ordinance responds to a motion (CF- 08-2070) instructing the City Planning Department to develop a shopping cart containment program similar to the City of Glendale's model that mandates shopping cart retention.

Q: What is the Onsite Shopping Cart Containment Ordinance?

A: The proposed Onsite Shopping Cart Containment Ordinance creates a new development standard that requires onsite shopping cart containment for all new stores and major remodels that provide six or more shopping carts.

Q: What does the Onsite Shopping Cart Containment Ordinance require?

A: The proposed Onsite Shopping Cart Containment Ordinance requires merchants who operate a business that provides six or more shopping carts to their patrons to use any onsite shopping cart containment method of their choice to restrict shopping carts to the store's premises. Onsite containment methods include: the installation of bollards to act as a barrier to prevent carts from leaving the premises; wheel locking systems which stop carts once they are removed from the store's boundaries; attaching tall bars that prevent carts from exiting the entrances of the store; having employees help customers take groceries and purchased merchandise out to their cars, not allowing the carts to be removed by their customers; or any other method or system that would effectively contain or control shopping carts on store premises as approved by the Bureau of Street Services.

Q: What does the City currently do to deal with abandoned shopping carts and why isn't that enough?

A: The City is limited by the State legislature to address abandoned shopping carts. Specifically, the State law prohibits cities from removing abandoned carts from the street for 24 hours before removing them, so as to allow stores the opportunity to collect the carts. According to State law, City staff is required to monitor and watch each cart for a minimum of 24 hours. The direct costs to the City involved in following these regulations have been too onerous to document on a citywide basis. Due to the State requirement, 80% - 90% of abandoned carts are not collected by City staff and remain on the street.

Furthermore, State law requires that each incident of illegal possession of each shopping cart be treated separately. Store managers would be required to go to court on a daily basis to deal with each incident, leaving their stores unattended, and the manager would be required to bring charges against one of the store's customers. For these reasons, few citations are written for shopping cart removal under the State regulation, as the City Attorney's Office is unable to prosecute.

Q: Why don't the private cart retrieval services work? Why not require them citywide?

A: Onsite containment is far more effective and efficient than contracting shopping cart retrieval services for a few reasons. One reason is that in creating physical barriers that obstruct cart removal, most opportunities for improper cart removal are preempted. Another reason is that these onsite shopping cart containment methods have yielded a 100% success rate in the City of Glendale. Furthermore, through higher prices, consumers have been paying for retrieval companies to pick up the carts after they are abandoned. By preventing the removal of shopping carts on store properties, consumers will no longer have to pay for the retrieval of hundreds of abandoned carts per day and the blight and nuisance will be abated.

APPENDIX A

ORDINANCE NO. _____

A proposed ordinance amending Section 12.21F of the Los Angeles Municipal Code with development regulations that require on-site shopping cart containment systems for new stores and major remodels that provide six or more shopping carts for use to its patrons.

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section 1. Subsection F of Section 12.21 of the Los Angeles Municipal Code is amended to read:

F. ~~Vesting Applications.~~ On-Site Shopping Cart Containment.

1. **Purpose.** It is the purpose of this subsection to establish a development standard for all stores that provide six or more shopping carts on-site for use to its patrons as a means to fulfill the following objectives: reduce obstructions to pedestrian and vehicular traffic in the public right of way, reduce hazards to the health and safety of the general public and the visual and aesthetic blight in our neighborhoods.

2. **Definitions.** Notwithstanding any provisions of this Code to the contrary, the following definitions shall apply to this subsection:

a. **Bollard.** An upright post consisting of a piece of timber, wood, metal or other such material fixed firmly in an upright position that creates a narrowed passageway onto a premise such that a shopping cart could not be removed.

b. **Bureau of Street Services.** The Bureau of Street Services within the Department of Public Works or any successor agency.

c. **Premises.** The site area where shopping carts must be maintained and managed by the property owner or its designee.

d. **Project.** Any new or major remodel of a business, store, merchant, wholesaler, establishment or other business operation operating in any zone that provides or maintains at least six or more shopping carts on the premises for use by their patrons or customers.

e. **Remodel, Major.** Any remodeling of a main building on a lot whenever the aggregate value of all alterations within a one-year period exceeds 50 percent of the replacement cost of the main building.

e. **Shopping cart.** Any basket of any size, mounted on wheels or a similar device, including parts thereof, provided by a store operator for the purpose of

transporting goods of any kind within a business establishment or designated parking or loading area of that business establishment.

3. **Containment Methods.** All projects must contain all shopping carts on the premises at all times or otherwise controlled or accounted for by the project. Permitted methods shall be limited to:

a. **Bollards.** The project may install bollards to contain shopping carts on the premises;

b. **Wheel Locking or Stopping Mechanisms.** The project may equip shopping carts with a wheel locking or stopping mechanism that is used in conjunction with an electronic or magnetic barrier along the perimeter of the store premises. The wheel locking or stopping mechanism must activate when the shopping cart crosses the electronic or magnetic barrier;

c. **Customer Service.** The project may designate certain employees to help customers take groceries and purchased merchandise out to their vehicles, not allowing the carts to be removed by their customers;

d. **Other Methods.** The project may employ other methods for onsite containment so long as the Bureau of Street Services has approved the systems or methods which would effectively contain or control shopping carts on store premises.

4. **Application.** All projects shall comply with the regulations defined herein upon the effective date of this ordinance.

Sec. 3. The City Clerk shall certify...