



# Council Agenda Report

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**Department Name:** Community Services

**Cost Center:**

**For Agenda of:** May 4, 2021

**Placement:** Consent

**Estimated Time:** N/A

**FROM:** Shelly Stanwyck, Assistant City Manager  
**Prepared By:** Greg Avakian, Parks and Recreation Director  
Michael Codron, Community Development Director

**SUBJECT:** ADOPTION OF ORDINANCE 1695 (2021 SERIES) AMENDING THE SAN LUIS OBISPO MUNICIPAL CODE TO ADD CHAPTER 8.10 (SHOPPING CARTS), REQUIRING THE PRIVATE MANAGEMENT OF SHOPPING CARTS AND RETRIEVAL OF CARTS FROM PUBLIC SPACES; AND ORDINANCE 1696 (2021 SERIES) TO AM

## RECOMMENDATION

1. Adopt Ordinance 1695 (2021 Series) entitled, "An Ordinance of the City Council of the City of San Luis Obispo, California, amending Title 8, Health and Safety, of the Municipal Code to add Chapter 8.10 pertaining to the unauthorized removal of shopping carts from retail establishments and to facilitate retrieval of abandoned shopping carts."
2. Adopt Ordinance 1696 (2021 Series) entitled, "An Ordinance of the City Council of the City of San Luis Obispo, California, amending Chapter 12.04 and Chapter 12.20 of the San Luis Obispo Municipal Code to clarify expressly that tents and similar structures are prohibited encroachments in public parks."

## DISCUSSION

### Background

On April 13, 2021, the City Council introduced two ordinances. The first related to shopping carts and the second to tents and similar encroachments erected in City parks. The Council discussed both recommendations at length and made specific modifications to the shopping cart ordinance to ensure that the burden of compliance will rest with the cart owner. There were no changes to the tent ordinance, which clarifies the City's practice and existing rules related to prohibited encroachments in City parks.

1. Summary of Ordinance 1695 (2021 Series)

This ordinance adds Chapter 8.10 to the City's Municipal Code to facilitate the retrieval of abandoned shopping carts in the City of San Luis Obispo and defines "abandoned or unattended shopping cart" as a cart that is "left unattended, discarded or abandoned upon any public or private property other than the premises from which the shopping cart was removed, regardless of whether such shopping cart was removed from the premises with the authorization or consent of the cart's owner." The ordinance places the burden of retrieval on the shopping cart owner by any business to allow or permit the removal of a shopping cart from the owner's premises. The ordinance establishes requirements for cart containment and retrieval by cart owners, procedures for impoundment of abandoned carts by the City, and recovery from the cart owner of fines and costs incurred by the City.

2. Summary of Ordinance 1696 (2021 Series)

This ordinance amends Chapter 12.04 and 12.20 of the City's Municipal Code to clarify expressly that tents and similar structure are prohibited encroachments in public parks. The purpose of the ordinance is to support the lawful use and access to city parks by all community members consistent with the intended uses and aesthetic qualities of City parks. The ordinance includes a specific definition for tents, which includes any enclosed temporary physical structure that obstructs activities within the structure from public view, excluding canopies and covers that are open on all sides. The ordinance also provides that "Tent" shall not include blankets, towels, mats, portable lawn chairs, unenclosed shade structures not affixed to public property, or similar items for temporary use in conjunction with otherwise lawful park use. Tents erected by express permission of the Parks and Recreation Director in connection with a valid event permit are exempted.

**Policy Context**

In collaboration with regional and non-profit service providers, the City supports a variety of special needs and supportive housing developments, including projects that directly reduce the incidence of homelessness in the community. The proposed actions, in conjunction with ongoing programs that support housing for homeless veterans and mentally fragile residents at risk for homelessness, are consistent with the first Goal in the City's recently adopted Housing Element, which is Safety.

Proposed actions are also consistent with Measure G-20, a general-purpose measure with language in the ballot measure including retaining local businesses, keeping public areas clean and safe, and addressing homelessness, and with the City's 2020-21 Meta-Goal of San Luis Obispo's stability, resiliency, and recovery.

## **Public Engagement**

The focus of public engagement has been to inform, educate, and listen to concerns. The public engagement on the topic of shopping carts has included business community outreach to businesses with shopping carts, the San Luis Obispo Chamber of Commerce and Downtown SLO.

SLOPD and others met with managers of large grocers and stores that have shopping carts to explore options to manage and retrieve errant carts. These meetings were productive and did not yield any changes in management or response from surrounding businesses.

Public engagement on tents and other enclosed structures in parks has been a topic of discussion with many members of the public providing both written and verbal directed feedback to staff and Council. Concerns were expressed in relation for the parks to be inclusive, safe, and clean, as well as the general impacts to community use of parks. As noted in this report, the Parks and Recreation Commission will be continue to discuss the impacts of various illegal activities adjacent to children's play areas and this advisory body will in addition to providing a public forum for discussion make recommendation to Council on this topic.

## **CONCURRENCE**

This report reflects a multi-departmental effort with the City Attorney, Administration, Police, Fire, and Community Services Group including Community Development, Parks and Recreation, Public Works, and Utilities all in concurrence with the recommendation.

## **ENVIRONMENTAL REVIEW**

Pursuant to the California Environmental Quality Act (CEQA), it can be seen with certainty that there is no possibility that the proposed Municipal Code Amendments regarding the security of shopping carts and tents prohibition will have no effect on the environment (General Rule Exemption CEQA Guidelines Sec. 15061(b)(3)).

Additionally, the proposed ordinances would be exempt per CEQA Section 15301 Existing Facilities, as there would be negligible or no expansion of use; CEQA Section 15308 Actions by Regulatory Agencies for the Protection of the Environment, as the proposed ordinances are intended to assure the maintenance and protection of the environment; and 15311 Accessory Structures, regarding potential placement of on-premise signage needed for public notification associated with the proposed ordinances.

## **FISCAL IMPACT**

Budgeted: Yes/No

Funding Identified: Yes/No

Budget Year:

### Fiscal Analysis:

Funding Sources	Current FY Cost	Annualized On-going Cost	Total Project Cost
General Fund			
State			
Federal			
Fees			
Other:			
Total			

The introduction and modification of the two ordinances is not expected to have a measurable fiscal impact to the core services current provided and which would continue.

The City is however expending significant General Fund monies toward homelessness solutions and Council will be considering increased expenditures in the next two-year cycle. More specifically, funds for the City's CAT program and Downtown bicycle officers at \$747,285; Ranger Services and Public Works perform illegal and abandoned encampment clean-up and maintenance at \$679,000; and annual funding through Grants in Aid and to CAPSLO at \$150,000 and \$157,000 respectively, total \$1,733,285 that is spent annually on homelessness solutions. An additional \$300,000 for the Homelessness Response Manager contract position for the next two years and \$65,000 for the safe parking program at Railroad Square brings the total to \$2,098,285. Should expansion of the CAT program at \$85,299, the MCU program at \$300,000 and \$63,826 in funds to expand bed a 40 Prado Homeless Services Center be approved, the total funds dedicated to homelessness is \$2,483,584.

### ALTERNATIVES

1. ***Modify the ordinances as proposed.*** The City Council may modify the ordinances before adoption. Depending on the scope of changes proposed, modification of the ordinances may reintroduction during a subsequent public hearing.
2. ***Do not adopt the ordinances as proposed.*** The City Council may choose not to adopt one or both of the ordinances. Staff does not recommend this alternative because the ordinances reflect the direction of a majority of the City Council.

### Attachments:

**a - Ordinance 1695 (2021 Series)**

**b - Ordinance 1696 (2021 Series)**