ORDINANCE NO. 06-12

AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF INGLEWOOD, CALIFORNIA, AMENDING
ARTICLE 25 OF CHAPTER 12 OF THE INGLEWOOD
MUNICIPAL CODE ESTABLISHING REGULATIONS
FOR “SUPERSTORES” IN THE CITY OF INGLEWOOD

WHEREAS, quality of life is a major priority and consideration for all
communities. The very essence of a city's zoning laws should be to ultimately
create an environment where the business, residential and industrial sectors have
a proper and efficient balance, thereby serving the greater good of a city. In order
to foster a quality of life, the City of Inglewood proposes to amend Article 25
(Special Use Permits) of Chapter 12 of the Municipal Code to establish regulations
for superstores.

WHEREAS, on January 24, 2006, the City Council voted to have the
Planning Commission conduct public hearings to take comments from the public
regarding a draft ordinance related to super retail centers and to provide the
Council with a summary of the public comments within 60 days of the January 24th
City Council meeting.

WHEREAS, on March 1, 2006, the Planning Commission conducted a public
hearing, took public testimony and forwarded the comments back to the City
Council for their consideration, which included the Planning Commission
unanimously voicing their support for the establishment of a superstore ordinance.

WHEREAS On March 21, 2006, the City Council received and filed the
report that included a summary of comments from the public taken at the March 1,
2006 Planning Commission meeting regarding a proposed draft superstore
ordinance. At the March 21st meeting the City Council requested that staff take
the matter to the Planning Commission for their consideration.

WHEREAS, on May 3, 2006, the Planning Commission of the
City of Inglewood, California, adopted Resolution No. 1454 entitled:
"A RESOLUTION OF THE CITY PLANNING COMMISSION OF INGLEWOOD, CALIFORNIA, APPROVING AND RECOMMENDING TO THE CITY COUNCIL FOR APPROVAL, THE ADOPTION OF AMENDMENTS TO CHAPTER 12, ARTICLE 25 OF THE INGLEWOOD MUNICIPAL CODE ESTABLISHING REGULATIONS FOR "SUPERSTORES" IN THE CITY OF INGLEWOOD"

WHEREAS, Resolution No. 1454 was presented to the City Council on May 16, 2006, who then scheduled a public hearing for June 13, 2006, at 7:00 p.m.; and,

WHEREAS, notice of the time and place of the hearing was given as required by law; and,

WHEREAS, on June 13, 2006, the City Council rescheduled the public hearing to July 11, 2006; and,

WHEREAS, notice of the time and place of the hearing was given as required by law; and,

WHEREAS, the City Council conducted the public hearing at the time and place stated in the notice and afforded all persons interested in the matter of the proposed amendments to the Municipal Code or any matter or subject related thereto, an opportunity to appear before the City Council and be heard and to submit any testimony or evidence in favor of or against the proposed amendments; and,

WHEREAS, at the conclusion of the hearing the City Council determined that certain amendments, specified herein, should be made to the text of Chapter 12 of the Municipal Code; and,

WHEREAS, the City Council has carefully considered all testimony and evidence presented in this matter; and being advised finds as follows:

1. That large retail stores which exceed 100,000 square feet and which devote
more than 10% of sales floor area to the sale of Non-Taxable Merchandise, are major developments and utilize a considerable amount of space in the City of Inglewood.

2. That the City wishes to ensure that new development or expansions of existing structures, if intended for development of large retail stores (Superstores), which exceed 100,000 square feet and which devote more than 10% of sales floor area to the sale of Non-Taxable Merchandise, occur in a manner consistent with the overall goals and objectives of the General Plan, the objective of the Zoning Code, and with the neighborhood or area in which the development of a Superstore is proposed.

3. That the City wishes to allow all City Departments and the public, the opportunity to review and comment on the development of a Superstore, and for the City to place reasonable conditions to ensure that the public health, safety and welfare of the City, including the economic well being of the City, is maintained.

4. That the City of Inglewood finds that the use and other environmental impacts associated with superstore development are well documented in studies from across the country. They rely on auto-borne shoppers and require acres of surrounding parking. Superstores have a unique potential to profoundly disrupt land use patterns because they offer discount retail and full service grocery retail under one roof. This threatens traditional supermarkets that often anchor neighborhood shopping centers, and have the potential to threaten other small local retail businesses as well. As a result, the adjacent development of a superstore may potentially threaten the viability of entire commercial districts. and negatively impact the workforce, causing greater public costs and blight.

5. That the City of Inglewood has maintained a long standing and renewed commitment to revitalizing its communities and eliminating blight in the
City, and has committed direct and indirect resources to encourage private
investment and revitalize economic activity, leveraging Federal, State and
City funds to achieve this end.

6. That the efforts of the City have been aimed at providing opportunities to
obtain stable, good paying jobs, and to give individuals the prospect to
better their lives in the future, enjoy the environment of their work, have
confidence in the intention of their companies to protect jobs, embrace self
improvement and have greater economic involvement in their own
community by spending more in their own community for a more sustained
path of economic growth.

7. That studies have shown a devastating practice of superstores negotiating
leases that permit the retailer to vacate the store, while maintaining the
lease on the big box structure and parking areas, leaving the property
empty and abandoned; this practice prevents competition and creates blight
in our communities.

8. That the City wishes to analyze the impact of the development of such a
store by conducting an economic impact assessment analyzing the
employment, retail, municipal revenue, property value, consumer choice,
affordable housing, recreational and open space, and other land use and
urban design impacts of a proposed superstore.

9. That the City wishes to analyze whether there are mitigation measures
that might address the impacts arising from Superstores.

10. That unless such analysis of the impacts and possible mitigation measures
is undertaken, development could be approved that would be to the
detriment of the City of Inglewood.

11. That the City has found that Special Uses are deemed to be those uses that
possess unique or special characteristics or needs and that may adversely
affect the occupants of the subject property or of neighboring properties or
the general public unless restrictions, site improvements and/or other
conditions are imposed upon the subject property or use so as to
satisfactorily mitigate, eliminate or prevent their potential adverse effects.

12. That the City considers the development of Superstores a Special Use.
13. That the proposed amendments are consistent with the intent and stated
objectives of the City's Land Use Element of the Inglewood General Plan.
14. That the proposed amendments to Chapter 12 of the Inglewood Municipal
Code will not adversely affect the City. A Negative Declaration has been
prepared under the California Environmental Quality Act stating that the
proposed amendments will not result in any adverse impact upon the
environment.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF
INGLEWOOD, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1.

Subsection (j) of Section 12.95.5 is hereby added to the text of Article 25
(Special Use Permits) of the Inglewood Municipal Code to read as follows:

"(j) Superstores

(1) Definitions: For purposes of this section the following words and
phrases are defined as follows:

(a) Superstore means the construction of, the addition to, or the
alteration of any building or structures, for the purpose of containing a
retail business that sells from the premises goods and merchandise,
primarily for personal or household use, and whose total Sales Floor Area
exceeds 100,000 square feet and which devotes more than 10% of sales floor
area to the sale of Non-Taxable Merchandise. The Community
Development and Housing Director, the Planning Commission and/or the
City Council shall have the discretion to apply this provision to a retail
business whose total sales Floor Area is less than 100,000 square feet and
which devotes more than 10% of sales floor area to the sale of Non-Taxable Merchandise, if warranted by circumstances.

This definition excludes wholesale clubs or other establishments selling primarily bulk merchandise and charging membership dues or otherwise restricting merchandise sales to customers paying a periodic assessment fee. This definition also excludes the sale or rental of motor vehicles, except for parts and accessories; and the sale of materials used in construction of buildings or other structures, except for paint, fixtures, and hardware.

(b) Non-taxable Merchandise means products, commodities, or items not subject to California state sales tax.

(c) Sales Floor Area means the interior building space elevated to the sale of merchandise, but excludes restrooms, office space, storage space, automobile service areas, or open-air garden sales space. For the purpose of determining the total sales floor area of a single retail business establishment, the aggregate square footage of all retail stores, warehouses, or distribution facilities on the same or adjacent lots, that share common controlling ownership interest shall be considered a single retail business.

(2) Review of Superstores:

(a) In addition to the standard submittal requirements for a Special Use Permit, an application which proposes a Superstore shall submit an economic impact analysis report with its application to the Community Development and Housing Director.

(b) The economic impact report shall be prepared by a consultant approved by the City and paid for in full by the applicant. The report shall identify whether:

(i) The proposed use will have an adverse impact or economic benefit on grocery or retail shopping centers in the City.
(ii) The Superstore would result in the physical displacement of any businesses, and, if so, the nature of the displaced businesses or whether it would create economic stimulation to the City of Inglewood.

(iii) The Superstore would require the demolition of housing, or any other action or change that results in a decrease or negative impact on the creation of extremely low, very low, low or moderate income housing in the City;

(iv) The Superstore would result in the destruction or demolition of park or other green space, playground, childcare facility, community center;

(v) The Superstore would provide lower in cost and/or higher in quality goods and services and access to such goods to residents than currently available within the City of Inglewood;

(vi) The Superstore would displace jobs within the City or provide economic revitalization and/or job creation. For purposes of determining this impact, the applicant must identify the number of jobs displaced or created, the quality of the jobs, whether the jobs are temporary or permanent, and the employment sector in which the lost jobs are located;

(vii) The Superstore would have a fiscal impact either positive or negative on City tax revenue;

(viii) Any restrictions exist on the subsequent use of the property on which the Superstore is proposed to be located, including the provisions of a lease if applicable, which, in the event the owner or operator of the Superstore vacates the premises, would require the premises to remain vacant for a significant amount of time;
(x) The Superstore will result in any other adverse or positive economic impacts or blight;

(x) Any measures are available which will mitigate any materially adverse economic impacts, if any, identified by the applicant, if necessary.

(3) Finding: The City shall not approve any Superstore project which it has found to have a material adverse economic impact on the City, taking into consideration all proposed mitigation measures.

(4) Following the denial of any application of Superstore, no application for the same or substantially same approval shall be filed within one (1) year after the date of denial.

SECTION 2. Severability.

If any section, subsection, sentence, clause or phrase of this amendment is, for any reason held to be invalid or unconstitutional, such invalidity unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The City Council of the City of Inglewood, California hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases are declared unconstitutional.

SECTION 3. Effective Date.

No required final permit or license for the use, occupation, development or improvement of any land, or for the construction, erection, or structural modification or alteration of any building or structure for the purposes of a Superstore shall be issued without prior special use permit findings and completion of the Special Use Permit Procedure in compliance with the provisions of this Ordinance and Chapter 12, Article 25 of the Municipal Code.

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SECTION 4.

The City Clerk shall certify to the passage and adoption of this Ordinance and to its approval by the City Council and shall cause the same to be published in accordance with the City Charter; and thirty days from the final passage and adoption, this Ordinance shall be in full force and effect.

Passed, approved and adopted this ____ day of ____ 2006.

MAYOR OF THE CITY OF INGLEWOOD, CALIFORNIA

ATTEST:

CITY CLERK

(SEAL)