

1 "A RESOLUTION OF THE CITY PLANNING COMMISSION OF
2 INGLEWOOD, CALIFORNIA, APPROVING AND RECOMMENDING TO
3 THE CITY COUNCIL FOR APPROVAL, THE ADOPTION OF
4 AMENDMENTS TO CHAPTER 12, ARTICLE 25 OF THE INGLEWOOD
5 MUNICIPAL CODE ESTABLISHING REGULATIONS FOR
6 "SUPERSTORES" IN THE CITY OF INGLEWOOD"

7 WHEREAS, Resolution No. 1454 was presented to the City Council on May
8 16, 2006, who then scheduled a public hearing for June 13, 2006, at 7:00 p.m.; and,

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

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

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

15 WHEREAS, the City Council conducted the public hearing at the time and
16 place stated in the notice and afforded all persons interested in the matter of the
17 proposed amendments to the Municipal Code or any matter or subject related
18 thereto, an opportunity to appear before the City Council and be heard and to
19 submit any testimony or evidence in favor of or against the proposed amendments;
20 and,
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22 WHEREAS, at the conclusion of the hearing the City Council determined
23 that certain amendments, specified herein, should be made to the text of Chapter 12
24 of the Municipal Code; and,
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26 WHEREAS, the City Council has carefully considered all testimony and
27 evidence presented in this matter; and being advised finds as follows:

- 28 1. That large retail stores which exceed 100,000 square feet and which devote

- 1 more than 10% of sales floor area to the sale of Non-Taxable Merchandise,
2 are major developments and utilize a considerable amount of space in the
3 City of Inglewood.
- 4 2. That the City wishes to ensure that new development or expansions of
5 existing structures, if intended for development of large retail stores
6 (Superstores), which exceed 100,000 square feet and which devote more
7 than 10% of sales floor area to the sale of Non-Taxable Merchandise, occur
8 in a manner consistent with the overall goals and objectives of the General
9 Plan, the objective of the Zoning Code, and with the neighborhood or area in
10 which the development of a Superstore is proposed.
- 11 3. That the City wishes to allow all City Departments, and the public, the
12 opportunity to review and comment on the development of a Superstore,
13 and for the City to place reasonable conditions to ensure that the public
14 health, safety and welfare of the City, including the economic well being of
15 the City is maintained.
- 16 4. That the City of Inglewood finds that the use and other environmental
17 impacts associated with superstore development are well documented in
18 studies from across the country. They rely on auto-borne shoppers and
19 require acres of surrounding parking. Superstores have a unique potential
20 to profoundly disrupt land use patterns because they offer discount retail
21 and full service grocery retail under one roof. This threatens traditional
22 supermarkets that often anchor neighborhood shopping centers, and have
23 the potential to threaten other small local retail businesses as well. As a
24 result, the adjacent development of a superstore may potentially threaten
25 the viability of entire commercial districts, and negatively impact the
26 workforce, causing greater public costs and blight.
- 27 5. That the City of Inglewood has maintained a long standing and renewed
28 commitment to revitalizing its communities and eliminating blight in the

- 1 City, and has committed direct and indirect resources to encourage private
2 investment and revitalize economic activity, leveraging Federal, State and
3 City funds to achieve this end.
- 4 6. That the efforts of the City have been aimed at providing opportunities to
5 obtain stable, good paying jobs, and to give individuals the prospect to
6 better their lives in the future, enjoy the environment of their work, have
7 confidence in the intention of their companies to protect jobs, embrace self
8 improvement and have greater economic involvement in their own
9 community by spending more in their own community for a more sustained
10 path of economic growth.
- 11 7. That studies have shown a devastating practice of superstores negotiating
12 leases that permit the retailer to vacate the store, while maintaining the
13 lease on the big box structure and parking areas, leaving the property
14 empty and abandoned; this practice prevents competition and creates blight
15 in our communities.
- 16 8. That the City wishes to analyze the impact of the development of such a
17 store by conducting an economic impact assessment analyzing the
18 employment, retail, municipal revenue, property value, consumer choice,
19 affordable housing, recreational and open space, and other land use and
20 urban design impacts of a proposed superstore.
- 21 9. That the City wishes to analyze whether there are mitigation measures
22 that might address the impacts arising from Superstores.
- 23 10. That unless such analysis of the impacts and possible mitigation measures
24 is undertaken, development could be approved that would be to the
25 detriment of the City of Inglewood.
- 26 11. That the City has found that Special Uses are deemed to be those uses that
27 possess unique or special characteristics or needs and that may adversely
28 affect the occupants of the subject property or of neighboring properties or

1 the general public unless restrictions, site improvements and/or other
2 conditions are imposed upon the subject property or use so as to
3 satisfactorily mitigate, eliminate or prevent their potential adverse effects.

4 12. That the City considers the development of Superstores a Special Use.

5 13. That the proposed amendments are consistent with the intent and stated
6 objectives of the City's Land Use Element of the Inglewood General Plan.

7 14. That the proposed amendments to Chapter 12 of the Inglewood Municipal
8 Code will not adversely affect the City. A Negative Declaration has been
9 prepared under the California Environmental Quality Act stating that the
10 proposed amendments will not result in any adverse impact upon the
11 environment.

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

14 SECTION 1.

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

17 "(J) Superstores

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

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

1 which devotes more than 10% of sales floor area to the sale of Non-Taxable
2 Merchandise, if warranted by circumstances.

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

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

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

19 (2) Review of Superstores:

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

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

27 (i) The proposed use will have an adverse impact or
28 economic benefit on grocery or retail shopping centers in the City;

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(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;

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1 (ix) The Superstore will result in any other adverse or
2 positive economic impacts or blight;

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

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

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

12 **SECTION 2. Severability.**

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

21 **SECTION 3. Effective Date.**

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

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1 SECTION 4.

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

6 Passed, approved and adopted this _____ day of _____, 2006.

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8 _____
MAYOR OF THE CITY OF INGLEWOOD, CALIFORNIA

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11 ATTEST:

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13 _____
CITY CLERK

14 (SEAL)

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