

Meeting Date: 8/8/2013

Report Type: Consent

Report ID: 2013-00606

Title: (Pass for Publication) Amendment of Superstore Ordinance

Location: Citywide

Issue: The City of Sacramento Community Development Department has initiated a zoning code amendment that would modify the requirements for superstores.

Recommendation: 1) Review a Resolution approving the environmental review of the superstore ordinance; 2) review an Ordinance amending Chapter 17.228.119 of the Sacramento City Code, relating to Superstores; and 3) Pass for Publication the Ordinance title as required by Sacramento City Charter 32(c) to be adopted on August 20, 2013.

Contact: Scot Mende, Principal Planner, (916) 808-4756, Community Development Department

Presenter: None

Department: Community Development Dept

Division: Long Range Planning

Dept ID: 21001222

Attachments:

- 1-Description/Analysis
- 2-Background
- 3-Resolution
- 4-Ordinance
- 5-Ordinance 17.228.119 Redline
- 6-Correspondence

City Attorney Review

Approved as to Form
Jeffrey Heeren
8/1/2013 9:34:12 AM

City Treasurer Review

Reviewed for Impact on Cash and Debt
Janelle Gray
7/19/2013 2:49:19 PM

Approvals/Acknowledgements

Department Director or Designee: Max Fernandez - 7/31/2013 4:02:19 PM

Description/Analysis

Issue: The proposed amendments would limit the application of the Superstore ordinance to certain older City neighborhoods and eliminate the requirement for a wage and benefit analysis.

The amendments would not alter the requirement for “big box” stores to obtain a conditional use permit. (A superstore is a “big box” store that devotes at least 10% of its floor space to groceries). Any big box proposal in the City would be subject to the site plan and design review processes which are discretionary actions subject to CEQA. Staff could continue to require – where warranted – an economic impact analysis.

The recently adopted Planning and Development Code update was intended to streamline development processes, enhance the business environment, and foster a level playing field in the regional economy. The existing superstore ordinance is inconsistent with these principles because it places Sacramento at a competitive disadvantage with surrounding jurisdictions; superstores continue to be approved in surrounding jurisdictions – resulting in the City’s loss of potential sales tax revenue.

Policy Considerations: The Planning and Development Code described in this report is consistent with the City’s goals and policies as established in the 2030 General Plan, and is a key implementation measure of the General Plan. These policies, which describe the importance of key land use and sustainability policies, include:

- **Goal ED1.1 Business Climate.** Maintain a supportive business climate and a healthy, sustainable economy that increases the City’s ability to expand existing businesses and attract and retain new businesses.
- **ED1.1.3 Market Trends:** The City shall monitor industry and market trends and regularly provide current information to City policymakers and the business community.

Economic Impacts: Superstores (as defined by the City’s Zoning Code) often provide lower wages and benefits than conventional (unionized) grocery stores. However, the unintended consequence of the ordinance has been to push superstores to neighboring jurisdictions – resulting in a leakage of sales tax revenue. Specifically, since the adoption of the City’s superstore ordinance, no superstores have been approved in the City of Sacramento, while new large-format retail stores have opened just beyond the City’s borders, including:

- June 2009 – Walmart @ Florin Town Center (6051 Florin Rd)
- May 2011 – Walmart West Sacramento (755 Riverpoint Ct.)
- March 2013 – Walmart @ 148,200 sq. ft. @ Bruceville / Whitelock (10075 Bruceville Rd)

Environmental Considerations: The proposed action would alter the review procedures for certain large retail stores by eliminating the requirement for an economic impact analysis. The action would not change existing general plan, zoning or other development requirements for parcels of land within the City, and would not authorize any specific development. Future projects that would be subject to CEQA review would remain subject to such review. Economic or social effects are not treated as significant effects on the environment (CEQA Guidelines section 15131(a)) but may be considered in individual projects under appropriate conditions, 2 of 39

at the discretion of the City. The action would not prevent any such consideration. Typically (in the context of environmental review), an economic impact analysis (urban decay analysis – absent a wage and benefit component) is conducted to determine whether existing retail space may become blighted as a result of a proposed new major retail facility.

It can be seen with certainty that the adoption of the ordinance would have no significant effect on the environment and is exempt pursuant to CEQA Guidelines section 15061(b)(3).

Sustainability: None.

Commission/Committee Action: On the date of May 23, 2013, the Planning and Design Commission voted 11-1-1 to recommend approval of the proposed ordinance. On the date of June 18, 2013, the Law and Legislation Committee voted 2-2 on two motions, resulting (pursuant to the Committee's policy) in the item moving forward with no recommendation. Staff proposes an ordinance which is substantively changed from the version reviewed by the Law and Legislation Committee; the City Manager has deemed this ordinance urgent.

Rationale for Recommendation: The superstore ordinance requires an economic impact analysis that includes a wage and benefit study. Staff believes that this is an onerous requirement that has resulted in no superstores being built within the City of Sacramento, while these superstores have instead located in neighboring jurisdictions that do not have these same requirements for the wage and benefit study.

The amendment is appropriate because the current ordinance is ineffective.

1. Large-format retail would still require discretionary review: First, as indicated above, the new code will require discretionary site plan and design review for all new projects. A conditional use permit will be required for retail stores over certain thresholds (40,000 or 60,000 square feet outside the central business district (CBD), and 125,000 square feet in the CBD) Consequently, a major retail store would be subject to case-by-case review and a conditional use permit could be denied if the proposal was found to be inconsistent with the General Plan, sound principles of land use, or public health and safety.
2. Large-format retail is regional in scale: The current ordinance is ineffective in that it has failed to stop large retail stores from serving City residents – they simply do so from just outside city limits, in adjacent cities and the unincorporated county. Therefore, the jobs and tax revenues generated by City residents patronizing such stores are accruing to surrounding communities rather than to the City.
3. Grocery sales occur in an evolving marketplace:
 - a. First, the existing ordinance exempts membership stores (e.g., Costco, Sam's Club) – even though these stores provide the same types of goods as found in superstores.
 - b. Second, retailers can create adjacent stores that sell groceries separate from sale of general goods. Since 1998, Walmart has opened approximately 200 neighborhood markets nationally; these stores range between 31,000 to 55,000 square feet and sell groceries, hardware, pet products, paper goods, and health-related products. For example, in November 2012, after its plans to add groceries to a new store the

company is building in Laguna Ridge were thwarted by community opposition, Walmart opened a 39,000-square-foot 'Neighborhood Market' at 8455 Elk Grove Blvd (in the former Gottschalks building) in the same shopping center as Walmart's existing large-format Elk Grove store.

4. Wages and benefits are not land use issues: Regulating wages and benefits is not what land use regulation is intended to accomplish; planning staff recommend not using the zoning code to achieve such objectives.

After initially proposing a complete repeal of the Superstore ordinance, staff is now recommending a partial repeal, keeping the provisions intact for certain older neighborhoods, while eliminating the wage and benefits analysis. Staff believes this compromise approach responds to community and stakeholder input both in favor of and in opposition to the Superstore ordinance. As evidenced by the extensive input from the midtown and East Sacramento communities, the potential economic impact of superstores may be greater when the superstore is located in these areas that are already well-served by existing small, local retail (i.e., Central City and East Sacramento), as opposed to areas where retail services are either lacking or are provided by large chains that have competitive advantages over small local retail (the rest of the City).

Financial Considerations: The cost estimate for implementation of the proposed superstore ordinance repeal is negligible. The fiscal impact of individual large-format retail stores can be evaluated.

Emerging Small Business Development (ESBD): No goods or services are being purchased as a result of this report.

Attachment 1 – Background

Pursuant to Zoning Code §17.208.010 – Zoning Title Text Amendments: “Amendments to the text of this title may be initiated by the planning director, planning and design commission, or city council.” This amendment to repeal the superstore ordinance has been initiated by the Planning Director.

Planning and Design Commission Hearing

On the date of May 23, 2013, the Planning & Design Commission voted 11-1-1 to recommend approval of the proposed ordinance. The Commissioners noted:

- If the superstore provisions are repealed, the existing large-format retail store regulations would permit case-by-case review
- CEQA already requires blight analysis for very large retail development proposals
- An economic impact analysis is a valuable tool that could be required when warranted
 - The Commissioners noted that applicants should be informed early in the process when an economic impact analysis would be required
 - Perhaps the Commission could request the analysis during review and comment shortly after project application submittal
 - The cost of an economic impact analysis (even with the wage and benefit analysis) is not financially onerous
- Land use policy is not the appropriate mechanism for controlling competition or promoting union benefits (the Commission was not unanimous on this point)
- Walmart is a predatory business model that is not supportive of local business and lack of union benefits entails a taxpayer burden for health care (the Commission was not unanimous on this point)

Public testimony in favor of the repeal testified that:

- The “grocery” overlay is of limited value
- The membership exemption creates a regulatory inconsistency
- Big box stores may, in some circumstances, provide groceries to neighborhoods currently characterized as “food deserts”
- The repeal would enhance choice, reduce stifling prohibitions and restrictions, and allow private sector to respond to shifts in retail consumer patterns
- Big box stores act as anchor tenants to attract small tenants
- The repeal would bring fiscal benefit to the City and reduce sales tax leakage
- The repeal would bring construction and low-skill retail jobs to Sacramento

Public testimony opposed to the repeal testified that:

- Large format retail stores are inappropriate for the midtown / downtown grid
- Grocery stores are in over-supply – we don’t need more retailers selling groceries
- Walmart tends to move from one location to another – leaving vacant big boxes in its wake – with attendant problems of graffiti, litter, and blight

- Superstores (Walmart in particular) are multi-category-killers that limit consumer choice

Law and Legislation Committee Hearing

On the date of June 18, 2013, after 40 minutes of discussion, the Committee voted 2-2 on two motions, resulting (per the Committee's policy) in the item moving forward with no recommendation. Councilmember Cohn and Chair Schenirer recommended that the City Manager and staff explore geographic options to retain the superstore provisions for specific areas of the City while allowing them in new growth areas.

Stakeholder Meetings

Staff hosted a workshop on April 29, 2013, that was attended by approximately 100 members of the public. After a presentation of the staff proposal, members of the public provided comments.

Staff hosted a stakeholder meeting on July 8, 2013, that was attended by representatives of labor, business, and neighborhoods. A potential compromise was floated and was the basis for the updated staff recommendation. This compromise would:

1. Eliminate the requirement for the wage and benefit analysis for superstores proposed anywhere in the City
2. Retain the superstore provisions (e.g., conditional use permit and economic impact analysis) for the "heritage neighborhoods" surrounding the Central City
3. Eliminate the superstore provisions for new growth areas

While business stakeholders expressed support for the compromise, labor did not indicate an interest in the compromise and the neighborhood representatives proposed a different approach that would delegate superstore decision-making to neighborhood and business associations.

Legislative History – Big Box and Superstores - Sacramento

[R96-072](#) Power Center and Big Box Retail Policy adopted *February 13, 1996*

The Goal of the policy is to provide a balanced approach to locating power centers and free-standing big box retail development, such as the proposed Price Costco building, so as to optimize the benefits and minimize the negative impacts of these retailers on the City, the existing and planned retail uses, and on residential uses.

Site design guidelines of the policy:

- 1) Plan the center as a comprehensive unit
- 2) Design buildings at a human scale
- 3) Design the center to be as transit compatible as possible
- 4) Provide effective on-site pedestrian/ bicycle links to eliminate internal auto trips
- 5) Break up large expanses of parking with landscaping and walkways
- 6) Provide a coordinated sign program

Big box stores were defined as any retail store at least 40,000 square feet in size.

OR2005-013: (M04-081) On *February 15, 2005*, the Sacramento City Council adopted an interim ordinance regulating large retail stores known as superstores. The direction of the Council was to prepare a final ordinance for review and approval. The ordinance defined a superstore as a retail store exceeding 90,000 square feet with more than 20% of the overall square footage devoted to non-taxable sales.

OR2006-027 (M04-025) adopted *April 18, 2006*, which affirmed the requirement for a special permit for a retail store exceeding 90,000 square feet but changed the threshold to 10% non-taxable sales.

OR2007-101 (M07-067) adopted *December 11, 2007*, specified that superstores require conformance with footnote 81 within the Railyards Special Planning District.

OR2013-0007 (LR11-006) adopted April 9, 2013, comprehensively updated the planning and development regulations, which includes recodified sections pertaining to big boxes.

Sacramento's Superstore Provisions – Zoning Code

On September 30, 2013, the comprehensive update of the City's zoning code will be effective.

The following zones are *not suitable for large-format retail uses*:

- R4A: Footnote 7 (ground floor only; max 50% of building sq.ft.)
- R5: Footnote 7 (ground floor only; max 50% of building sq.ft.)
- RMX: Footnote 69 (subject to Chapter 17.28 – allows neighborhood-serving commercial uses by right; restaurant > 6,400 sq.ft. requires a special permit; not suitable for big box)
- EC: Footnote 53 (subject to Chapter 17.56; max 10,000 sq.ft. per store)
- Large-Format Retail Stores: A Planning and Design Commission conditional use permit for a retail store is required when the building size exceeds the square footage indicated below:

Under the terms of the new code, retail uses are *allowed by right below a size threshold, but require a conditional use permit when the building size exceeds these thresholds*. *Site plan and design review* is required, even for the by-right uses.

Code Section	Zone	Conditional Use Required when Building Exceeds
§17.216.510	SC	60,000 sq.ft.
§17.216.610	C-1	40,000 sq.ft.
§17.216.710	C-2	40,000 sq.ft.

§17.216.810	C-3	125,000 sq.ft.
§17.216.910	C-4	40,000 sq.ft.
§17.220.110	M-1	40,000 sq.ft.
§17.220.210	M-1(S)	40,000 sq.ft.
§17.310.110	M-2	40,000 sq.ft.
§17.410.110	M-2(S)	40,000 sq.ft.
§17.220.610	MRD	40,000 sq.ft.

Retail uses larger than the threshold would require a conditional use permit from the Planning and Design Commission (PDC).

Code Section	Zone	Use	Limitation	Approval Required by
§17.216.510 B.2	SC	Superstore	Subject to special use regulations in §17.228.119	PDC
§17.216.610.B.2	C-1	Superstore	Subject to special use regulations in §17.228.119	PDC
§17.216.710.B.2	C-2	Superstore	Subject to special use regulations in §17.228.119	PDC
§17.216.810.B.2	C-3	Superstore	Subject to special use regulations in §17.228.119	PDC
§17.216.910.B.2	C-4	Superstore	Subject to special use regulations in §17.228.119	PDC
§17.220.110.B.2	M-1	Superstore	Subject to special use regulations in §17.228.119	PDC
§17.220.210.B.2	M-1(S)	Superstore	Subject to special use regulations in §17.228.119	PDC
§17.220.310.B.2	M-2	Superstore	Subject to special use regulations in §17.228.119	PDC

§17.220.410.B.2	M-2(S)	Superstore	Subject to special use regulations in §17.228.119	PDC
§17.440.040.D	Sacramento Railyards SPD	Superstore	Subject to special use regulations in §17.228.119	

Planning and Development Code – Effective September 30, 2013 – Superstores:

Under the new code, the provisions of the superstore ordinance are recodified as follows:

17.228.119 Superstore.

- A. The requirement for a conditional use permit for a superstore applies to proposals to construct a new building or structure for a superstore, and it applies to proposals to utilize an existing building or structure for a superstore.
- B. Upon submittal and acceptance of an application for a conditional use permit for a superstore, and in addition to all other requirements of this title relating to applications for conditional use permits, an Economic Impact Analysis (“EIA”) shall be prepared for the project. The EIA shall be prepared by the city or by a qualified entity or consultant selected and retained by the city, the cost of which shall be an expense of the applicant. The EIA shall not be prepared by or under the direction of the applicant.
- C. The EIA shall analyze the potential economic impacts of the proposed superstore and shall include at least the following information:
 - 1. A survey of existing retail stores in the city reasonably likely to be impacted or materially affected by the proposed superstore. A survey of the number of persons employed by existing retail stores in the city, and estimate of the number of persons who will likely be employed by the proposed superstore, and an analysis of whether the proposed superstore will result in a net increase or decrease of jobs in the city;
 - 2. A survey of the wage and benefit differentials, if any, between the proposed superstore and existing retail stores in the city;
 - 3. An analysis of the effects of the proposed superstore on retail sales and whether there will be a net increase or decrease in net retail sales in the city; and
 - 4. An analysis of the sales tax revenues that are likely to be generated by the proposed superstore, and an analysis of the effect of the proposed superstore on sales tax revenues generated by existing retail stores in the city, including an analysis of the sales tax revenues that are likely to be lost by existing retail stores in the city, either due to loss of business or from closure.
- D. The EIA shall be considered by the planning and design commission at the time of consideration of the conditional use permit application.

17.108.200 definitions.

“Retail store” means an establishment engaged in selling goods or merchandise to the general public for personal or household consumption or use. Goods or merchandise may be new or used. A retail store promotes itself to the general public; may buy, receive, and sell merchandise; may process or manufacture some of the products in stock, such as jewelry or baked goods; and may process articles owned by the customer, such as cleaners or shoe repair. Membership-type stores, indoor markets, bazaars, antique malls, consignment shops, thrift stores, and secondhand stores are examples of retail stores. Regulation of this use varies, depending on size of building. “Retail store” does not include superstores.

“Superstore” means a retail store with more than 90,000 gross square feet of floor area and more than 10% gross floor area devoted to the sale of non-taxable merchandise. Notwithstanding the foregoing, the term “superstore” shall exclude wholesale clubs or other establishments selling primarily bulk merchandise and charging membership dues or otherwise restricting merchandise sales to customers paying a periodic assessment or fee.

Analysis – Repeal of the Superstore Ordinance

The original staff recommendation to repeal the superstore ordinance would:

1. Eliminate the requirement (§17.228.119) for an Economic Impact Analysis. This analysis provides information about wage and benefit differentials between the proposed superstore and existing retail businesses in the City.
2. Rely upon the retail store size thresholds which generally require a conditional use permit for any store greater than 40,000 or 60,000 gross square feet; however, in the C-3 zone (Central Business District) a retail store less than 125,000 gross square feet is allowed by right.
3. Rely upon the site plan and design review process which is a discretionary action subject to CEQA. Staff could continue to require – where warranted – an economic impact analysis.

Analysis – Modification of the Superstore Ordinance

The updated staff recommendation would modify the superstore ordinance to:

1. Retain the requirement (§17.228.119) for an Economic Impact Analysis. But would eliminate the requirement for wage and benefit analysis.
2. Restrict the applicability of the superstore provisions to specific geographic areas of the City, and remove the superstore restrictions for new growth areas.

Large Format Retail Stores within 15 Mile Radius of City of Sacramento

Store Name	Store Location
Target	2505 Riverside Blvd
Target	2005 Town Center Plaza, West Sacramento
Target	6507 4th Ave
Target	3601 N Freeway Blvd
Target	1919 Fulton Av
Target	8101 Cosumnes River Blvd – Strawberry Creek Centre
Target	5001 Madison Av
Target	10881 Olson Dr
Target	4601 2nd Street, Davis
Target	7505 Laguna Blvd, Elk Grove
Target	5837 Sunrise Blvd, Citrus Heights

Store Name	Store Location
Walmart	755 Riverpoint Ct, West Sacramento
Walmart	3661 Truxel Rd, Sacramento
Walmart	2700 Marconi Av
Walmart	6051 Florin Rd
Walmart	5821 Antelope Rd
Walmart	7901 Watt Ave, Antelope [sells groceries]
Walmart	8961 Greenback Lane, Orangevale
Walmart	3460 El Camino Av
Walmart	8465 Elk Grove Blvd (10075 Bruceville Rd), Elk Grove
Walmart	1400 Lead Hill Blvd, Roseville
Walmart	850 Five Star Blvd, Roseville
Walmart	900 Pleasant Grove Blvd, Roseville
Walmart	Sierra College Blvd/ I-80 – Rocklin [sells groceries]
Walmart	255 Lincoln Blvd, Lincoln

Walmart stores in the Sacramento region typically range from 120,000 sq feet to 180,000 sq ft.

Neighborhood Markets:

- Elk Grove - 8455 Elk Grove Blvd. (November 2012)
- Granite Bay – 4080 Douglas Blvd.
- 2700 Marconi Ave @ Fulton (Taylor Center) – former Goore’s children’s store
- Lincoln @ Hwy 65 / 2nd Street (former Rainbow Market) – Fall 2012

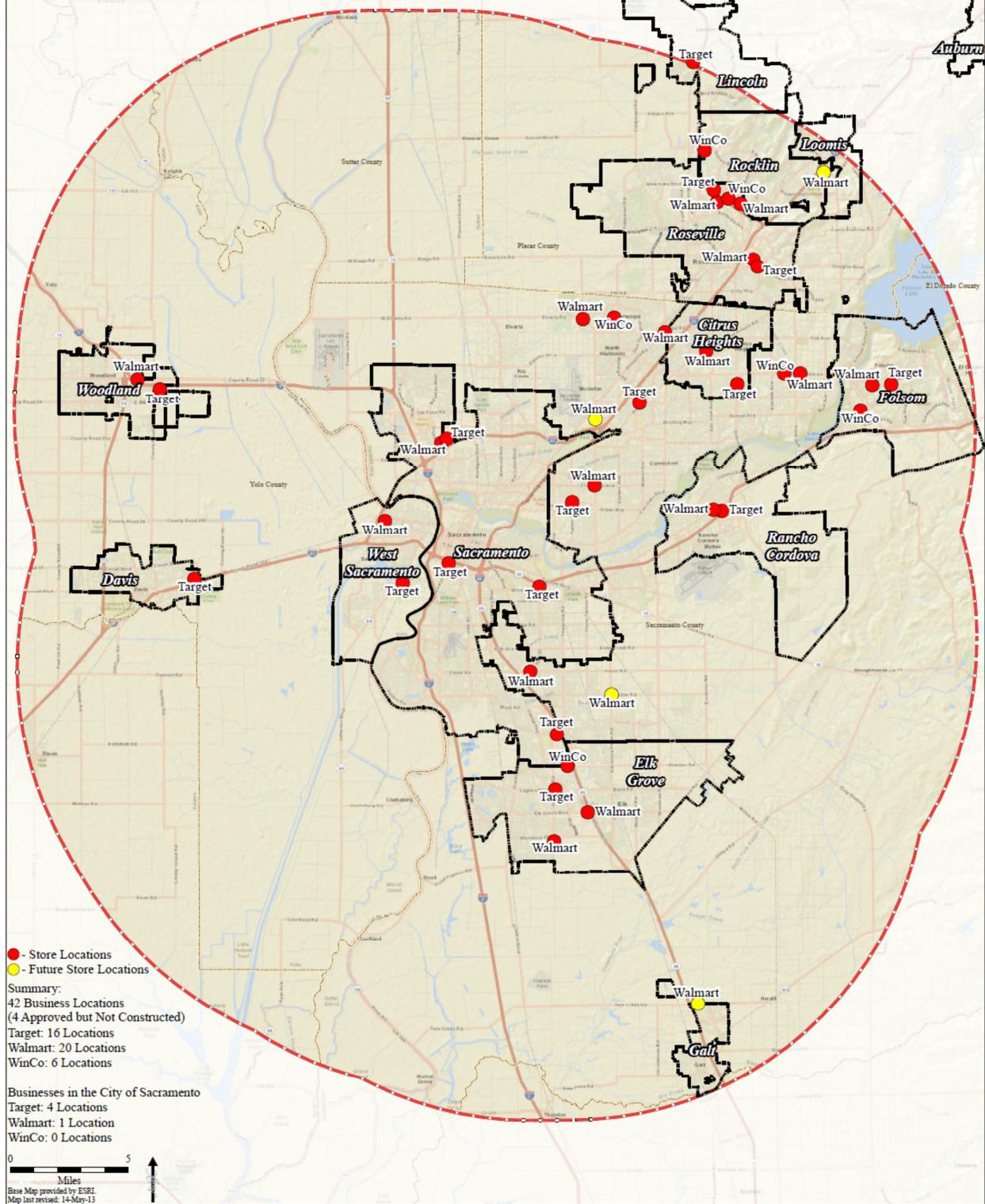
The space of the neighborhood market formats typically devoted to grocery/non-taxable sales ranges from 30,000 to 50,000 sq ft.

Store Name	Store Location
Winco	8142 Sheldon Rd, Elk Grove
Winco	4137 Elverta Rd, Antelope
Winco	8701 Greenback Ln, Orangevale
Winco	200 Blue Ravine Rd, Folsom
Winco	10151 Fairway Dr, Roseville
Winco	3835 Atherton Rd, Rocklin

The typical size of a Winco is 92,000 sq ft – with the majority of the space devoted to the sale of non-taxable items; thus, a typical Winco would meet the City’s definition of a superstore.

Large-Format Retail Stores

Within 15 miles of the City of Sacramento



Big Box and Superstore Legislation – Peer Jurisdictions

A. Summary – Sacramento Region

Jurisdiction	Circumstances	Regulations
	75,000-150,000 & >10% non-taxable	Requires economic / fiscal impact analysis (<i>does not include wage & benefit analysis</i>)
Sacramento County	No specific superstore provisions	
Rancho Cordova	No specific superstore provisions	
Citrus Heights	No specific superstore provisions	
Folsom	No specific superstore provisions	
Roseville	No specific superstore provisions	
West Sacramento	No specific superstore provisions	
Davis	General merchandise w/ >20% non-taxable	Requires conditional use permit if in a PUD

The following paragraphs discuss the zoning ordinance provisions, related to big box retail and/or superstores for jurisdictions within a 15-mile trade area surrounding the City of Sacramento.

1. Elk Grove

Section 23.26.015 defines a

“Retail, Superstore” as \geq 75,000 square feet (but < 150,000 square feet) with \geq 10% non-taxable goods

“Retail, Superstore, Large Format” as \geq 150,000 square feet with \geq 10% floor area dedicated to sale of non-taxable goods.

Chapter 23.32.030 identifies that the *large* format superstores are not permitted in any zone.

Footnote 14 requires that the superstore applicant (for a conditional use permit) shall fund special studies and analyses:

- a. A community impact analysis, which shall analyze the project design and compatibility of the proposed use with the surrounding neighborhood and the community as a whole
- b. An economic/fiscal impact analysis, which shall analyze:
 - i. The potential economic and fiscal impacts of the proposed use, both in terms of sales tax and impact on existing businesses in the community
 - ii. Whether the proposed *superstore* will result in a net increase or decrease of jobs in the City, segregated by types of jobs

- iii. The effects of the proposed *superstore* on the retail sales in the City and whether there will be a net increase or decrease in net retail sales in the City
- c. A crime analysis, which shall analyze the potential impact of the proposed use on existing police services in the City
- d. An urban decay analysis as required for preparation of the environmental impact report (EIR) under the California Environmental Quality Act, which evaluates the extent to which the proposed use would have competitive impacts on existing retail facilities in the City and thus would generate urban decay and a physical deterioration of existing retail centers in the City. In instances where an EIR is not required, the urban decay analysis shall be prepared as part of the review of the conditional use permit application.
- e. The special studies provided for herein may be included as part of the environmental document for the project or may be stand-alone documents.

2. **Rancho Cordova**

No specific superstore provisions.

3. **Citrus Heights**

No specific superstore provisions.

4. **Folsom**

No specific superstore provisions.

5. **Roseville**

No specific superstore provisions.

6. **County of Sacramento**

No specific superstore provisions.

7. **City of West Sacramento**

No specific superstore provisions.

8. **Davis**

Section 40.01.010 defines “Discount Superstore” as a general merchandise store with more than 20% of the gross floor area dedicated to non-taxable and/or grocery sales, and is subject to a conditional use permit. The Second Street Crossing Target project (137,000 square feet) applied for conditional use permit, design review, and PUD entitlements, and approvals in November 2006, and was subjected to Ballot Measure K (approved by 51.5%) which accepted Council actions. As part of the conditional use permit, the City prepared a fiscal impact report that was limited to the impact on City operating costs and revenues. The socio-economic section of the project EIR examined the economic impacts on existing businesses and commercial retail space in the City.

The study concluded that the proposed Target would capture retail sales that were otherwise leaking to adjacent jurisdictions.

Other California Jurisdictions with Superstore Ordinances

B. Summary – Other Jurisdictions

Jurisdiction	Circumstances	
Los Angeles	75-150 ksf & >10% non-taxable	Requires an economic impact study if within “economic assistance area” (does not include wage & benefit analysis)
Inglewood	75-150 ksf & >10% non-taxable	Requires economic / fiscal impact analysis (does not include wage & benefit analysis)
San Diego	>50 ksf (100 ksf in Central City)	<u>Development Permit Required - repealed</u>
South San Francisco	>80 ksf	Must provide surety bond to cover eventual cost of building demolition / maintenance of vacant building
Vallejo	>75 ksf w/ >10 ksf non-taxable	Requires economic / fiscal impact analysis (does not include wage & benefit analysis)
Dublin	>170 ksf & >10% non-taxable	Prohibited
Santa Clara	>150 ksf & >15% non-taxable	Prohibited
Turlock	>100 ksf & >5% non-taxable	Requires conditional use permit

C. Los Angeles

Ordinance # 176,166, effective October 4, 2004, requires a conditional use permit for superstores, defined as retail establishments whose total Sales Floor Area exceeds 100,000 square feet and which devote more than 10% of sales floor area to the sale of Non-Taxable Merchandise. 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. The Ordinance also established a requirement (§12.24.U.14(d)) that any superstore proposed to be located within an “economic assistance area” must submit an economic impact study to analyze:

- Any adverse impact or economic benefit on grocery or retail shopping centers in the Impact Area
- Physical displacement of any businesses, the nature of the displaced businesses, and whether the superstore would create economic stimulation in the Impact Area

- Demolition of housing, or any other action or change that results in a decrease of extremely low, very low, low or moderate income housing on site
- Destruction or demolition of any park or other green space, playground, childcare facility, community center
- Provision of lower in cost and/or higher in quality goods and services to residents than currently available or that are currently unavailable from a cost benefit perspective
- Jobs displaced or created (and whether the jobs are temporary or permanent, and in what employment sector)
- Fiscal impact either positive or negative on City tax revenue
- Disclosure of lease provisions 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
- Any materially adverse or positive economic impacts or blight on the Impact Area
- Any measures available which will mitigate materially adverse economic impacts, if any, identified by the applicant, if necessary

D. Inglewood

Ordinance adopted in June 2006 established Section 12-95.5.I which was modeled on the superstore ordinance adopted by the City of Los Angeles.

E. Vallejo

Ordinance 1555 adopted in 2005 established Chapter 16.76 which provides special standards and development regulations for superstores in order to minimize the negative economic and environmental impacts associated with such superstores. Superstores are defined as >75,000 square feet gross floor area with >10,000 square feet of the gross floor area devoted to the sale of nontaxable merchandise, including but not limited to food and beverage retail sales. Superstores require a conditional use permit subject to a finding (after review of an economic impact study) that the positive economic impacts created by the proposed superstore would outweigh the negative economic impacts or, that despite any negative impacts, other considerations warrant the granting of a major conditional use permit for the superstore.

The contents of the economic impact study shall analyze the potential short- and long-term economic impacts of the proposed superstore and shall, at a minimum, include the following in the analysis:

1. A survey of the existing stores that provide retail sales and food and beverage retail sales within the city, and adjacent retail market areas that would be economically affected by the proposed superstore.
2. A survey of the existing, proposed, and/or pending superstores within the affected area.

3. A survey of the number of persons who are employed on either a full-time or a less than full-time basis by the existing retail stores, and an estimate of the number of persons who would be employed on both a full-time or a less than full-time basis by the proposed superstore.
4. An analysis of the short- and long-term effect the proposed superstore could have on the retail stores (retail sales, food and beverage retail sales, store closures, jobs, and any food and beverage retail and/or retail stores that could potentially close). Such analysis shall also include a survey of established compensation and wages standards in comparable stores operated by the applicant compared to those established in the affected area.
5. An analysis of both the short- and the long-term potential effects of the proposed superstore on retail and food and beverage retail sales in the affected area, including a conclusion as to whether the proposed superstore would cause a net increase or decrease in retail and food and beverage retail sales in the affected area.
6. A fiscal impact analysis.
7. An analysis of the proposed superstore's potential short- and long-term net effect on the ability of consumers in the affected area to obtain a variety of food and beverage and retail products
8. An analysis of the average savings a typical consumer might expect, if any, by the approval of the proposed superstore.

F. South San Francisco

Ordinance adopted in 2011 established Section 20.350.024 which required that any large format retail (any commercial center exceeding 80,000 square feet of floor area) must provide a surety bond to cover the cost of building demolition and maintenance of vacant building site if the primary building is ever vacated or abandoned.

G. Dublin

Ordinance 22-08 adopted in May 2008 established Chapter 8.42 which prohibits superstores in any zone, where a Superstore means a store that exceeds 170,000 square feet of Gross Floor Area and devotes at least 10% of the total sales floor area to the sale of non-taxable merchandise.

H. Santa Clara

Ord. 1843 §2 adopted May 5, 2009 established Chapter 18.72 which prohibits superstores in all zoning districts. A superstore is defined as 150,000 square feet that designates more than 15% of the total sales floor area to the sale of nontaxable merchandise.

I. Turlock

Zoning Code Section 9-3-302 (footnotes 21/22) requires a conditional use permit for >100,000 square feet of gross floor area that devotes at least 5% percent of the total sales floor area to the sale of nontaxable merchandise.

J. San Diego

An ordinance adopted in 2010 established Zoning Code Section 143.0302 required that any large retail establishment of >50,000 square feet gross floor area in all commercial and industrial zones, and in all planned districts, except the Centre City Planned District, required a Neighborhood Development Permit (regulating setback, building design, landscaping); development of a large retail establishment of 100,000 or more square feet gross floor area in all commercial and industrial zones, and in all planned districts required a Site Development Permit. However, City Council subsequently repealed the ordinance after Wal-Mart obtained enough signatures to place the repeal of the ordinance on the ballot. Council did not want to fund a special election and public opinion was clearly opposed to the ordinance.

RESOLUTION NO. 2013-

Adopted by the Sacramento City Council

On the date of _____

**APPROVING EXEMPTION FROM CEQA REVIEW FOR THE
AMENDMENT OF THE SUPERSTORE ORDINANCE**

BACKGROUND:

- A. On May 9, 2013, the City Planning and Design Commission conducted a public hearing on, and forwarded to the City Council a recommendation to approve the Planning and Development Code.
- B. On August 8, 2013, the City Council Passed for Publication the Ordinance and on August 20, 2013, the City Council conducted a public hearing, for which notice was given pursuant Sacramento City Code Section 17.200.010(C)(2) by publication and posting, and received and considered evidence concerning the proposed ordinance amendments.
- C. The proposed action would alter the review procedures for certain large retail stores by eliminating (under certain circumstances) the requirement for an economic impact analysis. The action would not change existing general plan, zoning or other development requirements for parcels of land within the City, and would not authorize any specific development. Future projects that would be subject to review under the California Environmental Quality Act (CEQA) would remain subject to such review.
- D. Economic or social effects are not treated as significant effects on the environment (CEQA Guidelines section 15131(a)) but may be considered in individual projects under appropriate conditions, or at the discretion of the City. The action would not prevent any such consideration.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL
RESOLVES AS FOLLOWS:**

Section 1. It can be seen with certainty that the adoption of the ordinance would have no significant effect on the environment and is exempt from review under the California Environmental Quality Act pursuant to CEQA Guidelines section 15061(b)(3).

Section 2. The City Council directs that, upon approval of the Project, the City Manager shall file a notice of exemption with the County Clerk of Sacramento County

Section 3. Pursuant to Guidelines section 15091(e), the documents and other materials that constitute the record of proceedings upon which the City Council has based its decision are located in and may be obtained from, the Office of the City Clerk at 915 I Street, Sacramento, California. The City Clerk is the custodian of records for all matters before the City Council.

ORDINANCE NO. 2013-xxx

Adopted by the Sacramento City Council

xxxxx, 2013

AN ORDINANCE AMENDING SECTION 17.228.119 OF THE SACRAMENTO CITY CODE, RELATING TO SUPERSTORES

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. Section 17.228.119 of the Sacramento City Code is amended to read as follows:

17.228.119 Superstore.

A. The requirement for a conditional use permit for a superstore applies to proposals to construct a new building or structure for a superstore, and it applies to proposals to utilize an existing building or structure for a superstore.

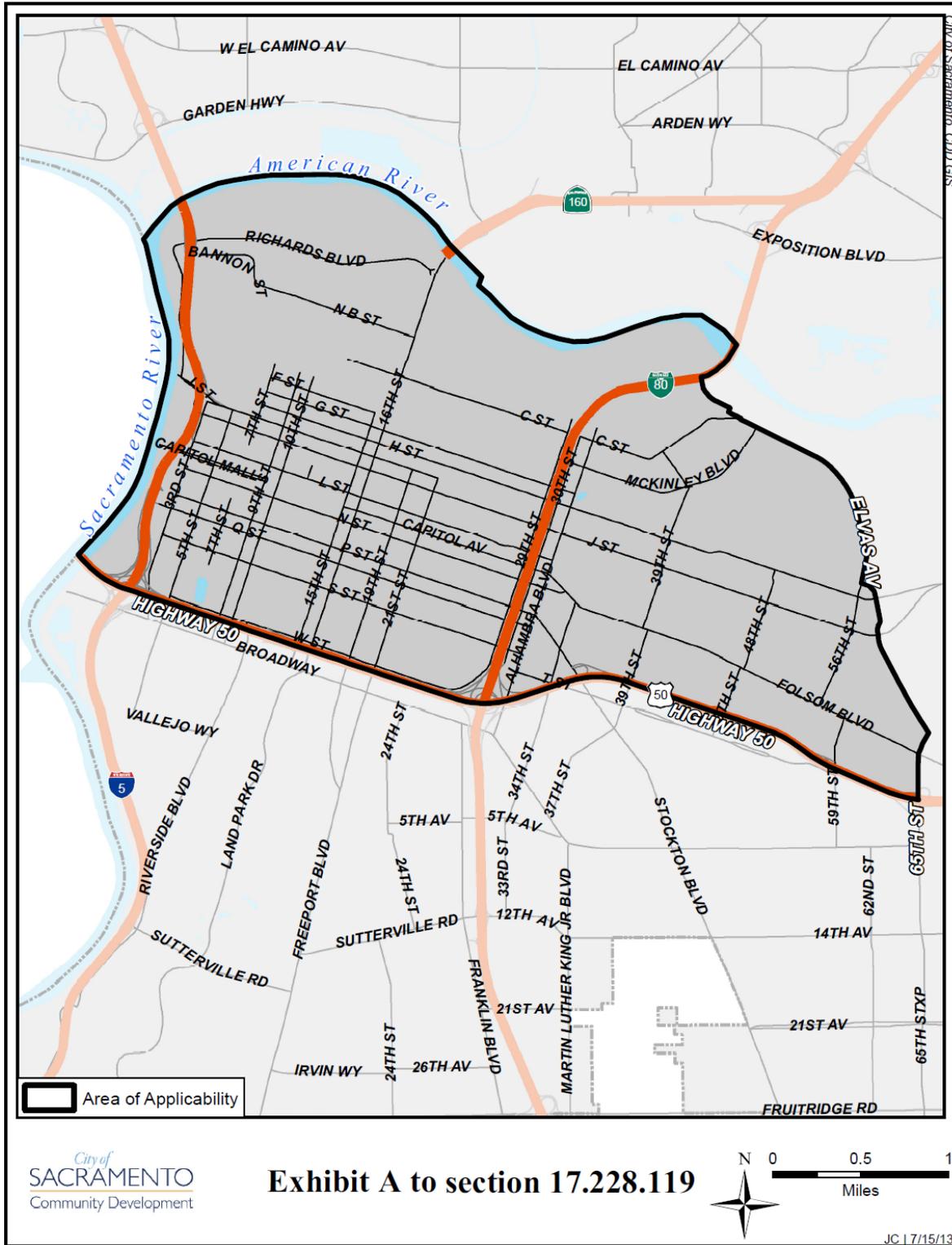
B. If the superstore will be located in the area depicted in exhibit A, at the end of this section, then upon submittal and acceptance of an application for a conditional use permit for a superstore, and in addition to all other requirements of this title relating to applications for conditional use permits, an Economic Impact Analysis (“EIA”) shall be prepared for the project. The EIA shall be prepared by the city or by a qualified entity or consultant selected and retained by the city, the cost of which shall be an expense of the applicant. The EIA shall not be prepared by or under the direction of the applicant. The EIA shall analyze the potential economic impacts of the proposed superstore and shall include at least the following information:

1. A survey of existing retail stores in the city reasonably likely to be impacted or materially affected by the proposed superstore. A survey of the number of persons employed by existing retail stores in the city, and estimate of the number of persons who will likely be employed by the proposed superstore, and an analysis of whether the proposed superstore will result in a net increase or decrease of jobs in the city;

2. An analysis of the effects of the proposed superstore on retail sales and whether there will be a net increase or decrease in net retail sales in the city; and

3. An analysis of the sales tax revenues that are likely to be generated by the proposed superstore, and an analysis of the effect of the proposed superstore on sales tax revenues generated by existing retail stores in the city, including an analysis of the sales tax revenues that are likely to be lost by existing retail stores in the city, either due to loss of business or from closure.

C. The EIA shall be considered by the planning and design commission at the time of consideration of the conditional use permit application.



SECTION 2. This Ordinance shall take effect October 5, 2013.

ORDINANCE NO. 2013-xxx

Adopted by the Sacramento City Council

xxxxx, 2013

AN ORDINANCE AMENDING SECTION 17.228.119 OF THE SACRAMENTO CITY CODE, RELATING TO SUPERSTORES

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 B. ~~If the superstore will be located in the area depicted in exhibit A, at the end of this section, then~~ Upon submittal and acceptance of an application for a conditional use permit for a superstore, and in addition to all other requirements of this title relating to applications for conditional use permits, an Economic Impact Analysis (“EIA”) shall be prepared for the project. The EIA shall be prepared by the city or by a qualified entity or consultant selected and retained by the city, the cost of which shall be an expense of the applicant. The EIA shall not be prepared by or under the direction of the applicant. ~~C.~~The EIA shall analyze the potential economic impacts of the proposed superstore and shall include at least the following information:

 1. A survey of existing retail stores in the city reasonably likely to be impacted or materially affected by the proposed superstore. A survey of the number of persons employed by existing retail stores in the city, and estimate of the number of persons who will likely be employed by the proposed superstore, and an analysis of whether the proposed superstore will result in a net increase or decrease of jobs in the city;

~~2. A survey of the wage and benefit differentials, if any, between the proposed superstore and existing retail stores in the city;~~

 2. An analysis of the effects of the proposed superstore on retail sales and whether there will be a net increase or decrease in net retail sales in the city; and

 34. An analysis of the sales tax revenues that are likely to be generated by the proposed superstore, and an analysis of the effect of the proposed superstore on sales tax revenues generated by existing retail stores in the city, including an analysis of

the sales tax revenues that are likely to be lost by existing retail stores in the city, either due to loss of business or from closure.

CD. The EIA shall be considered by the planning and design commission at the time of consideration of the conditional use permit application.

Exhibit A

SECTION 2. This Ordinance shall take effect October 5, 2013.

CORRESPONDENCE – SUPERSTORES

Correspondence Received From	Date
Martha Damjanovic, Washington Park	07/10/13
Monicka Patterson-Tutschuka, Washington Park	07/10/13
Carlene DeMarco, Terrace Park Neighborhood Association	07/08/13
Paul Noble, East Sacramento Improvement Association	07/15/13
Murray Cohen, East Sacramento Alhambra Corridor Neighbors Assoc.	07/19/13
Midtown Business Owners (various)	07/23/13
James Tanovitz, Art Ellis Supply	
Mari Arreola, Spanglish Arte	
Carolee Neronde, The Moppet Shoppe	
Lindsey Brown, Sugar Shack	
Kenny Russell, Big Brother Comics	
Lauren Lundsten, Swanbergs	
Doreen Andrews, Sunlight of the Spirit	
Jeff Kim, J's Beauty	
Kevin McCann, Midtown Framing	
Wendy Lofing-Rossotti, Lofings Lighting	
Bud Olafsen, Floppy's Copies	
Rafael Martinez, A&P Liquor	
Margaret Gunn, Art Beast	
Gabe Diaz, Paws and the Palette	
Deborah Reeves, The Book Collection	
Bowen Dexter, City Bicycle Works	
Devyani Patel, Sunny's Market	
Elizabeth Wilcox, Ficklin-Wilcox	
Chris Corsello, J Street Hydrogarden	
Henry Aguirre, Aguirre's Tax & Accounting Services	
Chris Yang, DJ Market	
Susan Lynette Sipe, Ranbinovitz, Little Relics Boutique & Galleria	
Jennifer Dobson, Zuda Yoga	
Justin Lunsford Just-In-Time Automotive & Marine Detailing	
Michael Kennedy, Kennedy Gallery	
Rajesh Patel, Peace Market	
Joshua Varner, Zanzibar Fair Trade	

Mary Rehg, Art of Toys	
Jim Wagner, Peradice	
Carrie Merrill, Freestyle Clothing Exchange	
Anil Nagyar, Bonfare	
Lisa Garrison, Professional Road Operations (925 Arcade Blvd.)	
Jeramy Robison, Old Soul @ The Weatherstone	
Jamea Stately, Progressive Image	
Holly Wong, Thea Salon	
Eric Geiger, Styleeyes	
Richard Guerrero, Environmental Council of Sacramento	07/29/13
Lori Jablonski	07/30/13
Julie Murphy, Marshall School / New Era Park	07/30/13

Scot Mende

From: MARTHA DAMJANOVIC <mad50plus@msn.com>
Sent: Wednesday, July 10, 2013 2:24 PM
To: Scot Mende
Cc: prisbarnes; ken lauszus; paul stmast
Subject: Box Store

Scot,

Midtown is not the place for one of these stores.

Martha Damjanovic
Washington Park

Sent from Windows Mail

Scot Mende

From: Patterson-Tutschka, Monicka B <mbpatter@saclink.csus.edu>
Sent: Wednesday, July 10, 2013 4:34 PM
To: Scot Mende
Subject: Please Oppose Big Box Stores

Dear Scott Mende,

I am a voting citizen who resides in the Washington Park historic neighborhood in Midtown, Sacramento.

I would like to voice my opposition to the proposal to repeal the Big Box store ban in and around the Sacramento core.

Big Box stores may save consumers money, but there are more pressing matters to consider.

First, big box stores, with their huge parking lots, glaring lights and high air-conditioning costs are environmentally unfriendly. I urge you to consider how these big stores impact the environment.

Second, big box stores do not have a good track record with respect to how they treat their employees (granted, not that small shops do, either). I urge you to gather data on this.

Third, big box stores do not necessarily create more jobs, I believe they are as likely drive small businesses into bankruptcy, but I don't have the data to demonstrate this definitively. I urge you to gather data on this.

Fourth, big box stores alienate people and they are an aesthetic eye-sore. Surveys need to be conducted to gather data on this, too. But, I believe that if we are trying to attract more residents to the Sacramento core, then we need to distinguish the core from the suburbs and the ex-urbs with their big box stores. We must try our best to institutionalize a community feel in the core. Smaller, local shops do that. Big box store chains do not. If we are trying to create an attractive Sacramento core, we must do that with small, cute shops, not with cheaply made big box rectangles surrounded by huge and hot parking lots that rise up like a butter patty on a black pancake.

Thanks for your time,
Monicka

Monicka Patterson-Tutschka
Assistant Professor of Government
California State University, Sacramento

Terrace Park Neighborhood Association
340 Greg Thatch Circle
Sacramento, CA 95835

TPhomeOwners@aol.com



July 8, 2013

Councilmember Jay Schenirer,
Chair and Members of the Law & Legislative Committee
Sacramento City Hall
915 I Street
Sacramento, CA 95814

Re: Repeal of the Superstore Ordinance (LR13-003)

Terrace Park Neighborhood Association is against the revisions to the City's "Superstore" Ordinance. Large box stores and their ilk would bring no benefit to the city core of Sacramento. In fact, adding these stores would be detrimental many wonderful, diverse mid-town and east Sacramento's local businesses. Small business would be dealt a blow.

We have great stores in Sacramento – *super stores* that give the neighborhoods charm and unique value. They are smaller, locally owned businesses with deals and friendly proprietors. Midtown and East Sacramento's boutique and restaurant scene is thriving. East Sacramento's H and J streets corridors are organically developing into neighborhood shopping centers. This is great progress that would be stifled by the addition of a business like Walmart, who have a long history hurting and shutting down locally owned businesses.

We have more than enough Walmarts and other big box stores to serve need for low priced and cheaply produced goods. While a box store most likely won't be built in the center city, our organization fears any weakening of the ordinance will threaten the diverse and growing appeal of small business in the area.

Sincerely,

A handwritten signature in cursive script that reads "Carlene DeMarco".

Carlene DeMarco
Chairperson
Terrace Park Neighborhood Association

Cc: Councilmember Steve Cohn
East Sac Chamber of Commerce
Scott Mende, Principal Planner



PO Box 19147
Sacramento, CA 95819
July 15, 2013

Scott Mende, Principal Planner
Community Development Department
300 Richards Blvd.
Sacramento, CA 95811

Re: Repeal of Superstore Ordinance (LR13-001)

The Board of Directors of the East Sacramento Improvement Association wishes to state its opposition to the repeal of the City's "superstore" ordinance. East Sacramento is a mixed-use community, with a broad array of small independently owned businesses that serve its residents. Big box superstores have been touted as catalysts to economic development, but the reality is that they siphon customers from existing businesses, which can result in a net loss of jobs. At best they replace jobs that pay a living wage and include benefits with low paying part time jobs.

Admittedly it is unlikely that we will see a superstore located in East Sacramento. Land costs and the unavailability of tracts large enough to contain such a store will probably protect us. However, we feel that other neighborhoods in Sacramento deserve the opportunity to develop their own networks of locally owned businesses like the ones we enjoy. The existing ordinance, which requires analysis of the economic impacts from new superstores, provides the protection that all Sacramento neighborhoods need. We urge that the current ordinance be retained.

Sincerely,

Paul Noble, President
East Sacramento Improvement Association

cc: Councilmember Steve Cohn
Councilmember Jay Schenirer, Chair
Law and Legislative Committee

From: murray b cohen [<mailto:mpaterson-cohen@att.net>]
Sent: Friday, July 19, 2013 2:59 PM
To: Planning
Subject: Big Box Store Ordinance

Scot Mende
Principal Planner
Community Development Department

Dear Scot:

The following is a letter I send to members of the City Council. I thought I should send it to you also.

Respectfully,
Murray Cohen

Dear Council member:

I'm writing to add this letter to those written by representatives of other neighborhood groups opposing Council's intention to gut its ordinance on Big Box stores like Walmart.

Few would argue that such stores and their heavy traffic infrastructure create the polluted, ugly, corporate wastelands characteristic of our "under-water" suburbs. City officials, however, seem blind to environmental degradation (physical as well as spiritual), and focus mainly on revenue from taxes from corporations that are staffed with experts at avoiding paying taxes and siphoning off city revenues paid by its real citizens--its working population.

The pittance in tax monies the City will receive from predators like Walmart is more than off-set by its destruction of local businesses and decent paying jobs, and the pauperization of sections of the city's working population. This process of corporate monopolization of the economy--of off-shoring and the attack on the living standard of the working population is, of course, our well known and documented recent history. Far from being a successful model for the country and its citizens, this neo-liberal model has resulted in the present mess the country and the world are in right now: the world-wide grab by financialized monopoly capitalism of public assets. In the digital age, Sacramento is really not very far from Athens, where the government has been reduced to a mere brokerage operation distributing the commonwealth to financiers. The Waltons have been very active in the billionaire movement to privatize schools, for example.

If you, personally, consider yourself a hard-boiled realist and find such concerns "quaint," given the overwhelming power of money, and view the Waltons as saviors rather than predators, think again. There is a growing tide of revulsion against the greed of those who enrich themselves pursuing job-and-commons destroying policies, and against the irresponsibility of those who enable them. "Winning" slavishly is to lose everything. Voting to keep the economic impact component of the Big Box ordinance would be a vote of integrity and intelligence. The ordinance at least identifies one of many powerful enemies of healthy democratic city governance.

Murray Cohen
East Sacramento Alhambra Corridor Neighbors Association



ECOS
ENVIRONMENTAL
♦ COUNCIL ♦
OF SACRAMENTO

909 12th Street, Suite 100 • Sacramento, CA • 95814 • (916) 444-0022

July 30, 2013

Scot Mende, AICP
Principal Planner, Community Development Dept.
300 Richards Blvd
Sacramento, CA 95811

Subject: The proposed repeal of the Superstore Ordinance (LR13-003)

The Environmental Council of Sacramento (ECOS) opposes the proposed repeal of the Superstore Ordinance.

The mission of ECOS is “to achieve regional and community sustainability and a healthy environment for existing and future residents.” We believe this is consistent with the city’s New Growth Section’s mission:

Through quality relationships with all stakeholders, the New Growth Section will direct new development consistent with the vision of the City, will finance and build the necessary infrastructure and community facilities, consistent with financing plans, and nurture community organizations.

and it’s intended legacy:

Creation of diverse, mixed use, smart growth communities empowered to sustain healthy neighborhoods.

ECOS believes that the proposed repeal is antithetical to these goals. We also believe that this change is intended primarily for the benefit of one corporation—Wal-Mart. Reasons for opposing repeal include, but are not limited to:

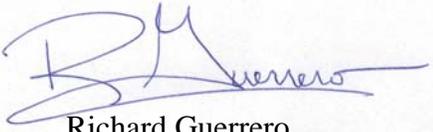
- Impact on the local economy: more superstores would only serve to undermine efforts to revive such areas as Del Paso, Stockton, and Franklin Boulevards and contribute to blight. Additionally, superstores generate more miles driven by customers, which mean increased air pollution.
- Wal-Mart’s many unsustainable practices, including: only four percent of energy from renewable sources, compared to much higher rates of usage by its competitors; international outsourcing of 80% of non-perishable goods, which, in turn means outsourcing of pollution. Studies have shown that low pricing leads to shorter useful life of products, which in turn means more “stuff” going to landfills.
- Business practices that squeeze the last possible dollar throughout the supply chain; with the expansion of Walmart into the grocery business this means continuing pressure on Bel-Air, Raley’s and Nugget markets; to the extent that Walmart secures locally grown food, its “bigger is better” model puts extreme pressure on small and medium-size

producers. We believe that these practices are at cross-purposes with Sacramento's Farm to Fork initiative as well as the vision of SACOG's Rural-Urban Connections Strategy.

- The many claims made by supporters of the repeal are long on rhetoric and short on specifics; studies show that depending on the circumstances the many claimed benefits do not stand up under scrutiny and are frequently more than offset by the unmentioned costs to the community.
- With the recent gutting of redevelopment agencies, and pressure building to change CEQA, this is no time for the city council to be weakening the tools at its disposal to ensure that the 'vision of the city' is realized. Additionally, the suggested reliance on discretionary review on a case-by-case basis is an open invitation to abuse.

To the extent that there are problems with the existing ordinance, it should be revised to strengthen it, while at the same time addressing any of the valid complaints. Elimination of this ordinance is not in the long-term interest of the City of Sacramento.

Sincerely,

A handwritten signature in blue ink, appearing to read "Richard Guerrero", with a stylized flourish at the end.

Richard Guerrero
President, ECOS Board

From: lorijab@surewest.net [<mailto:lorijab@surewest.net>]

Sent: Tuesday, July 30, 2013 9:52 AM

To: Jay Schenirer

Cc: Mayor Johnson; John F. Shirey

Subject: "Big Box" Ordinance

Dear Council Member Schenirer (Jay):

I'm writing to add my voice to the others urging you to reject the recent proposed "compromise" changes to the so-called Big Box Ordinance and preserve the ordinance as is.

A few things in particular bother me about this. First, the idea that the cost of an economic impact assessment, which measures both economic costs and benefits of very large big box stores, is somehow too onerous for major global corporations to absorb is a trope that I hope my local elected leaders will finally recognize. If the overall benefits of such a store are clear, then those will be apparent in such an assessment. Likewise, so will the costs. And both represent data our city planners, policymakers and citizens need to know to ensure responsible decision making in both the short and long term.

Second, the recent compromise actually threatens to divide this city more thoroughly than even the original ill-conceived proposal to eliminate the ordinance altogether. Requiring an economic impact analysis in two core neighborhoods, where these types of stores would have huge difficulty finding space anyway, is hardly a real compromise. Moreover, it sends the message--whether intended or not--that other parts of the city are somehow not worthy of such consideration. There is also a recognition that the impacts of siting a big box store in one area are not confined to the specific neighborhood--especially in a city like Sacramento, where neighborhoods flow easily into one another. That's why neighborhood associations around the city are now rallying around the banner of "one city."

Third, the elimination of the wage and benefit assessment language reportedly due to the claims by the big box store corporations that such information may be "sensitive" is foolish for exactly the reason the companies raise. At a time when there is growing recognition nationwide of the long-term (some would say permanent) economic stagnation associated with suppressed wages and benefits, it seems that Sacramento decision makers would be eager to better understand the dimensions of those issues here. Even more generally, when it comes to local government decision making transparency is always the correct course.

Which brings me to my final concern. The fact this ordinance change comes on the heels of what the Bee and others have reported as about \$3/4 million in mayor- and council-maintained behest donations from Walmart and Walton Foundation is, frankly, crummy. I understand this all is legal and that the causes seem worthy. But soliciting uncapped donations from large interests with business before the city (whether they be corporations or labor or whatever) for affiliated organizations that are not part of city government but are nevertheless operated out of city government institutions is a situation ripe for abuse and corruption, even if individuals see their own role as virtuous. I doubt this issue is going to go

away soon here in Sacramento. In the meantime, the push for this big box ordinance change is indeed attached to the behest donations, whether the mayor and council members believe it fair or not. The process appears tainted and when ethics are concerned that is often enough.

For these reasons, I once again respectfully urge you to preserve the Big Box Ordinance in its entirety.

Thank you for your time.

Lori Jablonski

**MARSHALL SCHOOL/NEW ERA PARK
NEIGHBORHOOD ASSOCIATION**

P. O. Box 162271, Sacramento, CA 95819
916-919-6656
marshall.newera@gmail.com

July 30, 2013

Mayor Kevin Johnson, Members of the City Council & City Manager Shirey
Sacramento City Hall
915 I Street
Sacramento, CA 95814

Re: Opposition to Repeal of the Superstore Ordinance (LR13-003)

Dear Mayor Johnson, Councilmembers and City Manager Shirey:

The Marshall School/New Era Park Neighborhood Association Board (MSNE) is not in favor of revisions to the City's "Superstore" Ordinance as proposed by City Staff. It is important to consider the economic impacts that stores like Wal-Mart cause to a community, as a whole. In Midtown, we are blessed with a diverse number of local, independent businesses. While I appreciate that City Staff has come around to our thinking on preserving the small business community in Midtown and East Sacramento, we still advocate for the superstore ordinance to remain a citywide ordinance. The small business communities in Oak Park, Tahoe Park, Hollywood Park, Land Park, and so on, are just as important as the small business community in the Central City and East Sacramento.

Businesses like Wal-Mart negatively impact these small, independent businesses. Those impacts should be studied and considered prior to bringing these businesses into our community. Businesses, like Wal-Mart, pay their workers a low wage and train their employees as to how to take advantage of government services such as WIC, Medicare, and other government programs (U.C. Berkeley Labor Center). According to an article on Truth-out.org "Many of these workers need welfare to survive. Thus you, the taxpayer, are paying part of Wal-Mart employees' incomes, to the tune of between \$900,000 and \$1.75 million per store, and about \$5,815 per employee."
<http://www.truth-out.org/news/item/16863-you-pay-walmarts-workers-as-company-keeps-its-money>. It is important to retain the wage and benefit analysis so that, as a community, we understand the true cost of doing business with a company like Wal-Mart. Therefore, we oppose the striking of the wage and benefit analysis from the ordinance.

July 30, 2013

Page 2

MSNE applauds the forethought of the City Council to enact the "Superstore" ordinance in 2006. It was the right thing to do in 2006 and it is the right thing to keep in place now. The City of Sacramento needs to seek out a diversity of business opportunities and not chase after low paying jobs that will only lower the overall economic base for our community.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Julie Murphy', with a long horizontal line extending to the right.

Julie Murphy
Co-Chair

cc: Scott Mende, Principle Planner
City of Sacramento

July 23, 2013

Mayor Kevin Johnson, Members of the City Council & City Manager Shirey
Sacramento City Hall
915 I Street
Sacramento, CA 95814

Re: Opposition to Repeal of the Superstore Ordinance (LR13-003)

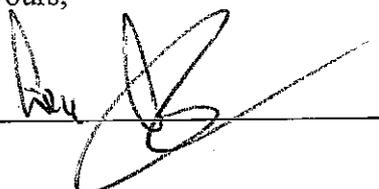
Dear Mayor Johnson, Councilmembers and City Manager Shirey:

As a business owner, I oppose the repeal of the Superstore Ordinance. The Superstore Ordinance is important to business owners because it requires an Economic Impact Analysis.

An Economic Impact Analysis protects small businesses and the community by studying the positive and negative effects of bringing a "Superstore/Big Box" store to our community. It studies how many jobs that will be created as well as the amount of jobs that will be lost. In essence, it gives local business owners an opportunity to have input into the process before a "Superstore" creates negative impacts on their business. It forecasts which sectors will lose the most sales. This is a tool so that individual business owners can decide what kind of an impact a "Superstore" will have on their future. An Economic Impact Analysis will also show a wage analysis which will tell us whether we are bringing enough jobs to our community to have a positive impact on small businesses. As a business owner, I value this information.

As a business owner, I want to preserve the safe and small-business friendly community and keeping the "Superstore/Big-Box" Ordinance intact will benefit our small businesses rather than eliminate them. We all strive for economic development that works for and with our community that maintains and enhances property values, and provides sensible, sustainable and safe development that best fits the needs of our residents and business community. Please do not repeal the Superstore Ordinance.

Very truly yours,



Signature

Print Name: _____

ERIC GEIGER

Business Name: _____

STYLLYES

Business Address: _____

2231 J St. Suite 102 Sacto 95816

cc: Scott Mende, Principle Planner
City of Sacramento