

Introduced by Senator Vargas

February 17, 2011

An act to add Section 65964.5 to the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

SB 469, as introduced, Vargas. Land use: development project review: superstores.

The Planning and Zoning Law sets forth various requirements relating to the review of development project permit applications, and the issuance of development permits for, particular, specified classes of development projects.

This bill would require an applicant to a local government for a permit to develop a superstore, as defined, to submit to that local government an economic and community impact analysis report, including various, specified assessments, prior to the review of the permit application.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 65964.5 is added to the Government
- 2 Code, to read:
- 3 65964.5. (a) It is the intent of the Legislature to do both of the
- 4 following:
- 5 (1) Encourage local governments to provide minimum standards
- 6 applicable to the review and approval of a permit to develop a
- 7 superstore.

1 (2) Assist local communities in assessing whether the
2 development of a superstore would cause adverse impacts on small
3 businesses, traffic congestion, and air quality by requiring that an
4 applicant to develop a superstore submit an economic and
5 community impact analysis report to the appropriate permitting
6 agency prior to the initiation of the review of the permit for
7 approval.

8 (b) (1) For purposes of this section, “superstore” means either
9 of the following:

10 (A) A single tenant retail establishment that exceeds 90,000
11 square feet gross floor area.

12 (B) A multiple tenant retail establishment that exceeds 90,000
13 square feet gross floor area, more than 10 percent of the sales floor
14 area is devoted to the sale of nontaxable merchandise, and the
15 multiple tenants share common check stands, a controlling interest,
16 storage areas, warehouses, or distribution facilities.

17 (2) “Superstore” does not include wholesale clubs or other
18 discount retail establishments that primarily sell bulk merchandise
19 and that charge membership dues or otherwise restrict merchandise
20 sales to customers paying a periodic assessment fee.

21 (c) An applicant to a local government for a permit to develop
22 a superstore shall submit to that local government an economic
23 and community impact analysis report prior to the review of the
24 permit application. The economic and community impact analysis
25 report shall include, but not be limited to, all of the following:

26 (1) An assessment of the extent to which the proposed superstore
27 will capture a share of retail sales in the economic and community
28 impact area.

29 (2) An assessment of how the construction and operation of the
30 proposed superstore will affect the supply and demand for retail
31 space in the economic and community impact area.

32 (3) An assessment of the number of persons employed in
33 existing retail stores in the economic and community impact area,
34 including, but not limited to, an estimate of the number of persons
35 who will likely be employed by the proposed superstore, an
36 analysis of whether the proposed superstore will result in a net
37 increase or decrease in employment in the economic and
38 community impact area, and a projection of the costs of public
39 services and public facilities that will result from the construction

1 and operation of the proposed superstore and a description of how
2 those services and facilities will be financed.

3 (4) An assessment of how the development of the proposed
4 superstore conforms to an applicable general plan and the goals
5 and policies of that general plan.

6 (5) An assessment of the effect that the construction and
7 operation of the proposed superstore will have on average total
8 vehicle miles traveled by retail customers in the same economic
9 and community impact area.

10 (6) An assessment of whether there will be any restrictions on
11 the subsequent use of the proposed superstore project site,
12 including, but not limited to, restrictions hindering or preventing
13 residential and small business uses.

14 (7) An assessment of whether the proposed superstore would
15 require the demolition of housing, or any other action or change
16 that results in a decrease in or negative impact on the creation of
17 extremely low, very low, low-, or moderate-income housing in the
18 jurisdiction.

19 (8) An assessment of whether the proposed superstore would
20 result in the destruction or demolition of park and other open green
21 space, playground, childcare facility, or community center.

22 (9) An assessment of whether the proposed superstore would
23 result in any other adverse or positive impacts to neighborhood
24 and small businesses.

25 (10) An assessment of whether any measures are available that
26 would mitigate any material adverse impact of the proposed
27 superstore.