

2011 Council Study Issue

CDD 11-04 Location and Operation of Stand-alone Firearm Sales Businesses

Lead Department Community Development

History 1 year ago None 2 years ago None

1. What are the key elements of the issue? What precipitated it?

The City of Sunnyvale zoning code allows retail uses in the city in specific zoning areas, some of which require no planning permits, others are subject to different types of planning permits or locational requirements. The type of permit depends on the type of use proposed. There are some retail uses, such as adult businesses, that have specific zoning requirements and locational restrictions. Other uses, such as the sales of liquor at service stations and drive-through restaurants require public hearings. Liquor stores in neighborhood commercial zones are prohibited when within 200 feet of public school sites. Other than those specific uses, the zoning code does not distinguish between types of retail sales.

Recently, a gun shop opened along Mary Avenue near El Camino Real, adjacent to a residential neighborhood. Residents of that neighborhood objected to the gun shop location, with concern for its proximity to residents and schools. Neighbors also were concerned because the store is on a route children use to get to and from school.

The zoning code does not have specific requirements for gun shops; therefore, no special planning or zoning permits are needed for firearm sales ("guns"). The sale of firearms is regulated by State and Federal laws. In Sunnyvale, a retailer of firearms must have several licenses and approvals, including: a Federal Firearms License (FFL); a valid Seller's Permit issued by the State Board of Equalization; and, a City of Sunnyvale business license. The Department of Public Safety reviews requests for firearms licensing by sending information on the proposed owner to the State and Federal licensing agencies. Public Safety also reviews the security of a building for the use. The subject gun store received the required City approvals for their use and is required to operate in accordance with the State and Federal regulations.

This study issue would consider how Federal and State laws regulate the sale of firearms, what zoning and other regulations are possible in the location and operation of firearm sales. Options to be considered include distance limitations from sensitive uses (such as schools, parks, and routes used to reach those locations), operating standards, and public safety review options.

There are large sporting goods stores in the city that sell a wide variety of products, including firearms. This study would not include those businesses, but would focus on stand-alone firearm stores, where the products sold are dedicated to firearms.

2. How does this relate to the General Plan or existing City Policy?

LAND USE AND TRANSPORTATION

GOAL C1 **Preserve and enhance an attractive community, with a positive image and a sense of place, that consists of distinctive neighborhoods, pockets of interest, and human-scale development.**

Action Statement C1.1.1 Prepare and update land use and transportation policies, design guidelines, regulations and engineering specifications to reflect community and neighborhood values.

GOAL C4 Sustain a strong local economy that contributes fiscal support for desired city services and provides a mix of jobs and commercial opportunities.

Action Statement C1.1.1 Prepare and update land use and transportation policies, design guidelines, regulations and engineering specifications to reflect community and neighborhood values.

Action Statement C4.1.3 Promote commercial uses that respond to the current and future retail service needs of the community.

Policy C4.3 Consider the needs of business as well as residents when making land use and transportation decisions.

3. Origin of issue

Board or Commission Planning Commission

4. Staff effort required to conduct study Major

5. Multiple Year Project? No **Planned Completion Year** 2011

6. Expected participation involved in the study issue process?

Does Council need to approve a work plan? No
Does this issue require review by a Board/Commission? Yes
If so, which? Planning Commission
Is a Council Study Session anticipated? No

7. Briefly explain cost of study, including consultant hours, impacted budget program, required budget modifications, etc. and amounts if known.

Study would be covered with the Planning (234) and Public Safety operating budgets. Major cost is over 300 staff hours.

8. Briefly explain potential fiscal impact of implementing study results (consider capital and operating costs, as well as potential revenue).

Additional permitting or operational requirements could impact DPS and CDD depending on the result.

9. Staff Recommendation

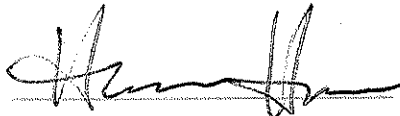
Staff Recommendation For Study

If 'For Study' or 'Against Study', explain

Staff feels this study could assist in providing zoning guidelines and restrictions in the placement of fire arms stores in the City, but acknowledges that it is not a high priority given the unlikely frequency of this land use.

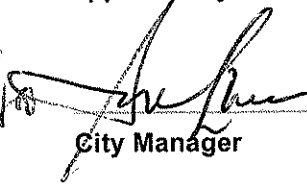
Reviewed by

Approved by



Department Director

10/27/10
Date



City Manager

10-29-10
Date