

Findings for Adding a Use To List of Permitted Uses

In accordance with BMC Section 10-1-1991, the City Council cannot add a use to the list of permitted uses without first making certain findings. The applicable findings can be made in conjunction with the addition of “Firearms and Ammunition Retailer” as a conditionally permitted use in certain zones, as identified in the Zoning Use List (Table 10-1-502 of the Burbank Municipal Code) as follows:

- 1. The addition of the use will be in accord with the purposes of the zone in which it is proposed to be listed.*

The inclusion of a “Firearm and Ammunition Retailer” as a conditionally permitted use in certain zones subject to approval of a Conditional Use Permit (CUP) is in accord with the purposes of the zones in which it is being proposed to be listed. Listed below are those zones with brief descriptions within which Firearm and Ammunition Retailer would be conditionally permitted.

- BCC-2: The Burbank Center Commercial Limited Business Zone is intended for the development of retail centers and commercial and professional office complexes in the Burbank Center Plan area serving the shopping and personal service needs of both the surrounding residential areas and the region.
- BCCM: The Burbank Center Commercial Manufacturing Zone is intended to combine selected provisions of the C-4 Commercial Zone and the M-1 Industrial Zone to provide for the development of mixed commercial and light industrial uses, such as office/industrial parks.
- C-3: The Commercial General Business Zone is intended for general business establishments and other commercial uses which are related directly to the highway for patronage.
- M-2: The General Industrial Zone is intended for the development of manufacturing process, fabrication and assembly of goods and materials.

The Zone Text Amendment (ZTA) introduces “Firearm and Ammunition Retailer” to the Zoning Use List in Title 10 (Zoning Regulations) of the BMC to differentiate the use from general “Retail store/sales.” The current regulations do not account for firearm and ammunition retailers as a separate use, and as result the City has been classifying firearm and ammunition retailers as “Retail store/sales.” “Firearm and Ammunition Retailer” would be conditionally permitted in commercial and industrial zones that meet certain distance separation requirements from residentially zoned property and sensitive uses. The “Firearm and Ammunition Retailer” use would generally allow for the retail sales of certain product, similar to numerous uses currently permitted in the City’s industrial and commercial zones. Further, the proposed ZTA would require that all new Firearm and Ammunition Retail uses comply with objective development standards and attain approval of a CUP. This discretionary review process provides an added layer of review that considers neighborhood compatibility. Therefore, the addition of the use will be in accord with the purposes of the zone(s) in which it is proposed to be listed. Further,

the addition of the use meets the purposes of the affected zones by allowing a proposed use that is similar to retail, specialty retail and/or wholesale currently permitted or conditionally permit in these zones.

2. *The proposed use is compatible with and has the same basic characteristics as the other permitted uses.*

Below are those zones in which Firearm and Ammunition Retailer would be conditionally permitted.

- BCC-2 Burbank Center Commercial General Business Zone
- BCCM Burbank Center Commercial Manufacturing Zone
- C-3 Commercial General Business Zone
- M-2 General Industrial Zone

The ZTA introduces “Firearm and Ammunition Retailer” to the Zoning Use List in Title 10 (Zoning Regulations) of the BMC to differentiate the use from general “Retail store/sales.” The current regulations do not account for firearm and ammunition retailers as a separate use, and as result of this the City has been classifying firearm and ammunition retailers as “Retail store/sales.” “Firearm and Ammunition Retailer” would be conditionally permitted in commercial and industrial zones that meet certain separation requirements from residentially zoned property and sensitive uses. The “Firearm and Ammunition Retailer” use would generally allow for the retail sales of certain product, similar to numerous uses currently permitted in the City’s industrial and commercial zones. Further, the proposed ZTA would require that all new Firearm and Ammunition Retail uses comply with relevant development standards and attain approval of a CUP. This discretionary review process provides an added layer of review that considers neighborhood compatibility.

Therefore, the proposed use would be compatible with and would have the same basic characteristics as the other permitted uses including retail, specialty retail and/or wholesale uses.

3. *The proposed use can be expected to conform with the required conditions for the zone.*

The inclusion of a “Firearm and Ammunition Retailer” as a conditionally permitted use in certain zones subject to approval of a CUP would be expected to conform with the required conditions of the underlying zone(s). Below are those zones in which Firearm and Ammunition Retailer would be conditionally permitted.

- BCC-2 Burbank Center Commercial General Business Zone
- BCCM Burbank Center Commercial Manufacturing Zone
- C-3 Commercial General Business Zone
- M-2 General Industrial Zone

All zoning regulations currently applicable to the underlying zone(s) would apply to “Firearm and Ammunition Retailers” (e.g. setbacks, floor area ration, height, etc.), with the added layer that there would be additional objective standards that also apply specifically to this new use including distance separation requirements from sensitive uses, storage requirements for firearms and building security requirements. The proposed use would require a CUP, and a discretionary review process would further ensure conformance with the relevant zone.

4. The proposed use will not be detrimental to the public health, safety or welfare.

The inclusion of a “Firearm and Ammunition Retailer” as a conditionally permitted use in certain zones will not be detrimental to public health, safety, or welfare.

Any future “Firearms and Ammunition Retailer” would have to comply with all applicable standards in the Zoning Regulations. In addition, they would also be subject to strict adherence to the latest California Building Code and California Fire Code, as well as a discretionary process that would provide an added layer of review that considers neighborhood compatibility, and potential impacts to the surrounding area. The new Ordinance will include objective standards with distance separation requirements from sensitive uses, storage requirements for firearms and building security requirements. Therefore, the proposed use will not result in a detrimental impact to public health, safety, or welfare.

5. The proposed use will not adversely affect the character of the zone.

The inclusion of a “Firearm and Ammunition Retailer” as a conditionally permitted use in certain zones subject to approval of a CUP will not adversely affect the character of the following zone(s) in which it would be conditionally permitted:

- BCC-2 Burbank Center Commercial General Business Zone
- BCCM Burbank Center Commercial Manufacturing Zone
- C-3 Commercial General Business Zone
- M-2 General Industrial Zone

The “Firearm and Ammunition Retailer” use would generally allow for the retail sales of certain product, similar to numerous uses currently permitted in the City’s industrial and commercial zones, and is similar to other uses in the commercial and industrial zones including retail, specialty retail and/or wholesale uses. Further, the proposed ZTA would require that all new Firearm and Ammunition Retailer uses comply with relevant development standards and obtain approval of a CUP. This discretionary process provides an added layer of review that considers neighborhood compatibility, distance separation requirements from sensitive uses, storage requirements for firearms and building security requirements. Therefore, the proposed use would not adversely affect the character of the zone(s).

6. *The proposed use will not create more vehicular or other traffic than the volume normally created by any of the uses permitted.*

The “Firearm and Ammunition Retailer” use would generally allow for the retail sales of certain product, similar to numerous uses currently permitted in the City’s industrial and commercial zones including retail, specialty retail, and/or wholesale uses. Vehicular traffic volumes are anticipated to be similar to those volumes generally seen with other retail, specialty retail, and/or wholesale uses already permitted within the relevant zones. Further, the proposed ZTA would require that all new Firearm and Ammunition Retail uses comply with relevant development standards and obtain approval of a CUP, which will provide an added layer of review that considers neighborhood compatibility and potential traffic impacts. Therefore, the proposed use would not create more vehicular or other traffic than the volume normally created by any of the uses permitted.

7. *The proposed use will not create more odor, dust, dirt, smoke, noise, vibration, illumination, glare, unsightliness, or any other objectionable influence than the amount, if any, normally created by any of the permitted uses.*

The ZTA introduces “Firearm and Ammunition Retailer” to the Zoning Use List in Title 10 (Zoning Regulations) of the BMC to differentiate the use from general “Retail store/sales.” The “Firearm and Ammunition Retailer” use would generally allow for the retail sales of certain product, similar to numerous uses currently permitted in the City’s industrial and commercial zones. In addition, the proposed ZTA would require that all new Firearm and Ammunition Retailer uses comply with objective development standards and obtain approval of a CUP, which will provide an added layer of review that considers neighborhood compatibility, separation requirements from sensitive uses, storage requirements for firearms and building security requirements.

Further, the use would be subject to strict adherence to the latest California Building Code and California Fire Code, which include building improvement and operational standards. Therefore, the proposed use would not create more odor, dust, dirt, smoke, noise, vibration, illumination, glare, unsightliness, or any other objectionable influence than the amount, if any, normally created by any of the permitted uses.

8. *The proposed use will not create any greater hazard of fire or explosion than the hazards normally created by any of the permitted uses.*

Below are those zones in which Firearm and Ammunition Retailer would be conditionally permitted.

- BCC-2 Burbank Center Commercial General Business Zone
- BCCM Burbank Center Commercial Manufacturing Zone

- C-3 Commercial General Business Zone
- M-2 General Industrial Zone

The “Firearm and Ammunition Retail” use would generally allow for the retail sales of certain product, similar to numerous uses currently permitted in the City’s industrial and commercial zones. In addition, the proposed ZTA would require that all new Firearm and Ammunition Retailer uses comply with objective development standards and obtain approval of a CUP, which will provide an added layer of review that considers neighborhood compatibility, distance separation requirements from sensitive uses, storage requirements for firearms and building security requirements. Further, the use would be subject to strict adherence to the latest California Building Code and California Fire Code, which include building improvement and operational standards. Therefore, the proposed use will not create any greater hazard of fire or explosion than the hazards normally created by any of the permitted uses.

9. The proposed use will not cause substantial injury to the values of property in the zone in which it is proposed to be listed or in any abutting zone.

The inclusion of a “Firearm and Ammunition Retailer” as a conditionally permitted use in certain zones subject to approval of a CUP would not cause substantial injury to the values of property in the zone in which it is proposed to be listed or in any abutting zone. Below are those zones in which Firearm and Ammunition Retailer would be conditionally permitted.

- BCC-2 Burbank Center Commercial General Business Zone
- BCCM Burbank Center Commercial Manufacturing Zone
- C-3 Commercial General Business Zone
- M-2 General Industrial Zone

The “Firearm and Ammunition Retailer” use would generally allow for the retail sales of certain product, similar to numerous uses currently permitted in the City’s industrial and commercial zones including retail, specialty retail and/or wholesale uses. Further, the proposed Zone Text Amendment would require that all new Firearm and Ammunition Retail uses comply with relevant development standards and obtain approval of a CUP, which will provide an added layer of review that considers neighborhood compatibility. Therefore, the addition of the use is not anticipated to cause substantial injury to the values of property in the zone(s) in which it is proposed to be listed or in any abutting zone.

Finding for Approval of a Zone Text Amendment

California Government Code Section 65860 requires that any zone text amendment be consistent with the objectives, policies, general land uses, and programs specified in the Burbank2035 General Plan. Staff's Burbank2035 General Plan consistency analysis is below.

Consistency with the Burbank2035 General Plan

In accordance with California Government Code Section 65860, the proposed ZTA and associated Ordinance have been determined to be consistent with the Burbank2035 General Plan and are compatible with the objectives, policies, general land uses and programs specified therein, and more specifically, the Land Use Element as described below.

As noted in the attached Resolution (Exhibit A), the proposed ZTA is consistent with the following Burbank2035 General Plan goals and policies:

LAND USE ELEMENT GOAL 1 QUALITY OF LIFE

Burbank maintains a high quality of life by carefully balancing the needs of residents, businesses, and visitors.

- *Policy 1.1 Accommodate a mix of residential and non-residential land uses in appropriate locations that support the diverse needs of Burbank residents, businesses, and visitors. Provide opportunities for living, commerce, employment, recreation, education, culture, entertainment, civic engagement, and socializing.*
- *Policy 1.3 Maintain and protect Burbank's residential neighborhoods by avoiding encroachment of incompatible land uses and public facilities.*
- *Policy 1.5 Carefully review and consider non-residential uses with the potential to degrade quality of life.*

The proposed ZTA furthers Goal 1 and its underlying policies by including regulations and procedures to ensure that the proposed firearm and ammunition retailers have adequate distance separation from residential uses, schools, and places of public assembly. Prior to the proposed ZTA, firearm retail uses were reviewed as other general retail uses and did not have tailored land use and zoning regulations. The ZTA includes objective land use and zoning regulations for this type of use (existing and new), which include, safe storage of firearms and ammunition, exterior lighting, physical barriers, and video surveillance. Further, the proposed ZTA would require that all new Firearm and Ammunition Retailers attain approval of a CUP. This discretionary process provides an added layer of review that considers neighborhood compatibility. These regulations are proposed to ensure that existing firearm retailers do not adversely impact the long-term viability of sustainable and vibrant commercial corridors with diverse neighborhood serving uses that include complementary general retail, service commercial, office, and restaurant uses that meet the needs of the surrounding neighborhoods, which are

essential to protecting against degraded quality of life for residents, businesses, and visitors in the community.

LAND USE ELEMENT GOAL 3 COMMUNITY DESIGN AND CHARACTER

Burbank's well-designed neighborhoods and buildings and enhanced streets and public spaces contribute to a strong sense of place and "small town" feeling reflective of the past.

- *Policy 3.11 Carefully consider the evolution of community character over time. Evaluate projects with regard to their impact on historic character, their role in shaping the desired future community character, and how future generations will view today's Burbank.*

The proposed ZTA furthers Goal 3 and its underlying policy by establishing regulations, development standards, and procedures to ensure compatibility with surrounding zones and uses. The ZTA would require that future firearm retail uses require the approval of a CUP and conditions of approval that would ensure the use is conforming in the zone. Existing firearm retailer uses would be designated as legal non-conforming uses and would be required to maintain conformity to all federal, state, and local regulations. The ZTA considers the community character of the City by providing separation requirement that would ensure that future businesses that engage in the sale of firearms or ammunitions would not be located in areas that could be detrimental to community character over time or future generations.