

STAFF REPORT



COMMUNITY DEVELOPMENT

DATE: June 4, 2024

TO: Justin Hess, City Manager

FROM: Patrick Prescott, Community Development Director
VIA: Fred Ramirez, Assistant Community Development Director - Planning
Scott Plambaeck, Planning Manager
Daniel Villa, Principal Planner
BY: Xjvirr Thomas, Associate Planner

SUBJECT: Adoption of an Ordinance Amending Title 10, Chapter 1, of the Burbank Municipal Code to Establish Regulations and Development Standards for Firearm and Ammunition Retail Uses

RECOMMENDATION

Adopt AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURBANK AMENDING TITLE 10, CHAPTER 1, ARTICLE 5 AND 11, OF THE BURBANK MUNICIPAL CODE ESTABLISHING REGULATIONS AND DEVELOPMENT STANDARDS FOR FIREARM AND AMMUNITION RETAIL USES (Attachment 1).

SUMMARY

On May 21, 2024, the City Council (Council) introduced AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURBANK AMENDING TITLE 10, CHAPTER 1, ARTICLE 5 AND 11, OF THE BURBANK MUNICIPAL CODE ESTABLISHING REGULATIONS AND DEVELOPMENT STANDARDS FOR FIREARM AND AMMUNITION RETAIL USES. The Ordinance was introduced with amendments. Council Members Anthony, Takahashi, Vice-Mayor Perez, and Mayor Schultz were present.

Vote at Introduction:

AYES: Anthony, Takahashi, Perez, and Schultz.
NOES: None.
ABSENT: Mullins.

This Ordinance is now presented for adoption with the following amendments as requested at the May 21, 2024, meeting:

Amendment No. 1

Council requested updates to the distance separation¹ from Residential Zones and Sensitive Uses. To incorporate these updates to the Ordinance, “Paragraphs 2 and 3 of Section F. LOCATION” have been updated as identified in redline below:

2. *Firearm and Ammunition Retailers of all types shall maintain a distance separation from Residential Zones, as defined, of at least ~~500-feet~~ 1,000-feet. This distance shall be measured in accordance with the requirements as set forth in this Code section.*
3. *Firearm and Ammunition Retailers of all types must maintain a distance separation from Sensitive Uses, as defined, of at least ~~500-feet~~ 1,000-feet. This distance shall be measured in accordance with the requirements as set forth in this Code section.*

Amendment No. 2

Council asked staff to work with existing firearm retailers to update the standard requirements in “Section I. BARRIERS” to be easier to implement and understand. After meeting with several existing firearm and ammunition retailers, the following updates to the Ordinance have been incorporated to an excerpt from “Section I. BARRIERS”.

All new ~~or~~ and existing Firearm and Ammunition Retailers ~~that are located at ground level~~ shall install protective barriers to protect the business establishment’s ~~front~~ entrances, any floor-to-ceiling windows, and any other doors or openings that could be breached by a vehicle. For the purposes of this barrier requirement, protective barriers shall only be installed to protect those entrances, floor-to-ceiling windows, and other doors or openings that are positioned less than 20-inches from the abutting grade. This requirement shall not apply to elevated loading docks.

Protective barriers may include steel rolldown doors, security gates, or ~~other similar features.~~ that are capable of stopping a vehicle from breaching the establishment. Barriers shall not be located within the public right-of-way or obstruct accessible routes or accessible means of ingress or egress in compliance with the Building Code, and state and federal law. Barriers may be placed within the interior of the building, so long as the barriers are within 3 inches of the entrance, floor-to-ceiling windows, and/or any other doors or openings.

Amendment No. 3

When Staff met with an existing firearm and ammunition retailer, they expressed an interest having easier implement lighting standards that would not be overly restrictive.

¹ The City Council also requested that Staff provide updated maps that include sensitive uses that are outside of the City, yet because of their proximity to City property borders, might impact future firearm retailer location. The updated maps are provided as Attachment 2.

The following updates to the Ordinance have been incorporated to an excerpt from “Section J. LIGHTING” to make the standards easier to implement.

2. Each lighting fixture shall provide ~~between a minimum of 100 and~~ 200 lumens.

Amendment No. 4

After the Council Meeting on May 21, 2024, staff received an inquiry about how the regulations in the proposed Ordinance would apply to home occupation firearm businesses. The proposed regulations are not intended to apply to home occupation firearm businesses.

Home occupations involving firearms are regulated by Sections 10-1-673 and 10-1-673.1 of the Burbank Municipal Code, which in 1993 prohibited new home occupations involving firearms but allowed existing home occupations to continue so far as they are legally and continuously operated by the same person at the same location pursuant to a business permit.

To clarify that these new land use regulations do not apply to home occupations involving firearms, the definition of Firearm and Ammunition Retail Activity in “Section B. DEFINITIONS” has been updated as identified below.

“Firearm and Ammunition Retail Activity” means any person or establishment engaging in the business of selling, leasing, or transferring of any firearm or ammunition, or to hold oneself out as engaged in the business of selling, leasing, or otherwise transferring any firearm or ammunition, or to sell lease, or transfer firearms or ammunition in quantity, in series, or in individual transactions, or in any other manner indicative of trade. This shall not include home occupations involving firearms which are governed by Burbank Municipal Code Section 10-1-673 and 10-1-673.1.

ENVIRONMENTAL REVIEW

The proposed Zone Text Amendment (ZTA) has been reviewed for compliance with the California Environmental Quality Act (CEQA). It is staff’s assessment that the ZTA is exempt from review under CEQA, pursuant to CEQA Guidelines Section 15061(b)(3). The activity is covered by the common-sense exemption that CEQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. No unusual circumstances exist that would preclude the use of this exemption. This proposed ZTA is an administrative activity of the City, which will have no potential significant environmental effect on existing firearm retailers. Furthermore, pursuant to CEQA Guidelines Section 15378, this ZTA is not considered a “project” subject to the requirements of CEQA because the ZTA has no potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.

FISCAL IMPACT

There is no fiscal impact to the City's General Fund by adopting the proposed ZTA. Approval of the Ordinance and future applications regarding firearm and ammunition retailers would be processed through the City's existing planning and building plan check and permitting process, which includes the payment of associated processing and development fees. Any unforeseen fiscal impacts and required fee adjustments that may result from adoption of the Ordinance would be brought forth later for Council consideration.

ATTACHMENTS

Attachment 1 – Ordinance

Attachment 2 – Distance Separation Maps With Sensitive Uses in Surrounding Cities