

# STAFF REPORT



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**DATE:** April 8, 2024

**TO:** City Planning Commission

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

**SUBJECT: Project No. 22-0003897, A Proposed Zone Text Amendment (ZTA) to Establish Development Standards and Regulations for Firearm and Ammunition Retail Uses**

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## **RECOMMENDATION**

Adopt A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF BURBANK RECOMMENDING THE CITY COUNCIL ADOPT AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURBANK AMENDING TITLE 10, CHAPTER 1 (ZONING REGULATIONS) OF THE BURBANK MUNICIPAL CODE ESTABLISHING REGULATIONS AND DEVELOPMENT STANDARDS FOR FIREARM AND AMMUNITION RETAIL USES. (Exhibit A)

## **EXECUTIVE SUMMARY**

City Staff is recommending the City Council adopt an Ordinance to add Firearm and Ammunition Retailer as a use along with relevant regulations and development standards to the Burbank Municipal Code (BMC) Title 10, Chapter 1, Zoning Regulation through a Zone Text Amendment (ZTA). A Planning Commission recommendation that City Council approve the ZTA would facilitate their consideration of a ZTA to establish regulations and development standards for existing and new firearm and ammunition retailers in the City.

It is Staff's assessment that the required findings of fact can be made, therefore Staff recommends that the Planning Commission recommend approval of the ZTA to the City Council to establish regulations for Firearm and Ammunition Retailers in the BMC subject to the Findings of Fact in the attached Resolution (Exhibit A).

## **BACKGROUND**

On July 26, 2022, City Council approved an Urgency Ordinance (Ordinance No. 22-3,977) imposing a temporary moratorium on the establishment of new or replacement retail businesses selling firearms or ammunition (Exhibits B & C)<sup>1</sup>. The Urgency Ordinance and its subsequent extensions on August 23, 2022, and July 18, 2023, have allowed City Staff time to develop a comprehensive regulatory framework for firearms and ammunition retailers that includes updates to both the business license requirements and the zoning regulations. The moratorium is set to expire on July 26, 2024 (Exhibit D).

Since the establishment of the moratorium, City staff has been actively working on developing objective land use and zoning regulations to regulate firearms and ammunition retail uses. On December 5, 2023, City staff held a study session with the City Council to review a draft of the land use and development standards for firearms and ammunition retail uses to solicit policy direction and input before presenting the items to the community (Exhibit E) and the Planning Commission. City Council provided comments on the legal nonconforming status of the existing firearm retail uses resulting from the proposed zoning regulations, the proposed distance separation requirements for new firearm retail uses from sensitive uses, and the development standards for security requirements and lighting. A summary of their comments is provided in (Exhibit F).

Separately, on June 6, 2023, City staff introduced an ordinance to amend Title 3, Chapter 4 of the BMC to establish comprehensive administrative business license requirements for firearms and ammunition businesses (Exhibit G). On June 27, 2023, the City Council adopted the Ordinance, which clarified existing practice and established new licensing requirements for all businesses in the City selling firearms and ammunition (Exhibit H). The business license Ordinance went into effect on July 29, 2023.

## **DISCUSSION**

As mentioned above, the City Council directed staff to prepare a ZTA that considers comprehensive land use and zoning regulations for firearms and ammunition retail uses. Specifically, regulations that establish separation requirements from residential zones and sensitive uses, and a discretionary review process. In response, City staff convened an internal working group with participants from the City Manager's Office, City Attorney's Office, the Police Department, and the Community Development Department's Planning and Building and Safety Divisions to review the City's existing regulations, research best practices instituted by other California cities, and develop a package of land-use and zoning regulations to be considered by the Planning Commission and the City Council. The following is a summary of (1) the City's existing zoning regulations governing firearms and ammunition retail uses, and (2) recommended proposed regulations for Planning Commission and City Council consideration.

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<sup>1</sup> Along with the imposition of the moratorium, Council directed staff to research and report back on short, medium, and long-term options to address community concerns regarding firearms and ammunition retailers. Specifically, the following: (1) a gun buy-back program; (2) engagement of the community through continued education programs; (3) further research into a local ghost gun ordinance; and (4) potential amendments to the Burbank Municipal Code's (BMC) business license and zoning regulations. Each of these items has since been completed.

### Existing City Regulations

The City’s existing zoning regulations allow firearms and ammunition retail uses as a by-right use in all commercial zones that allow general retail uses. The regulations in the BMC concerning land use or licensing requirements for this type of use do not sufficiently address the specific nature of such businesses and therefore allow new firearm retailers to be established in any commercially zoned location within the City. This has resulted in an increased concentration of firearm and ammunition retail businesses along commercial corridors, such as Magnolia Boulevard and Burbank Boulevard. The current by-right process and resulting concentration of these uses along commercial corridors has raised concerns regarding neighborhood compatibility and may not adequately promote sustainable and economically diverse retail areas in the community.

### Proposed Zone Text Amendment (ZTA)

To develop local regulations for firearms and ammunition retail uses, staff secured the services of a planning services consultant (Dudek Consultants) to collaborate with City staff in the research and preparation of city-tailored objective standards. Throughout the preparation of the proposed ZTA, the project team (1) researched best practices and lessons learned from other jurisdictions; (2) considered feedback received from stakeholder and community meetings; and (3) worked closely with the City Attorney’s Office to ensure consistency with State and Federal Law.

Based upon the project team’s research, staff has identified a series of recommended regulations for Planning Commission and City Council consideration. They focus on the establishment of land use and development standards for new and existing firearm and ammunition retail uses. The regulations would require amendments to Title 10 (Zoning Regulations), Chapter 1 (Zoning) of the BMC. These amendments generally include:

1. *Updates to the Zoning Use List* – The Zoning Use List (BMC Section 10-1-502) would be updated to identify “Firearm and Ammunition Retailer” as a use. It would also establish that the use is only conditionally permitted, subject to approval of a Conditional Use Permit, in certain zones.
2. *New Objective Standards for Firearm and Ammunition Retail Uses* – The new objective standards establish definitions, and development standards that all Firearm and Ammunition Retailers shall comply with.

The recommended amendments are further summarized in the tables below.

<b><u>Summary of Recommended Amendments to the BMC, Zoning Use List</u></b>	
<b><u>Code Section</u></b>	<b><u>Overview of Proposed Amendment</u></b>
<b>10-1-502: Uses in All Zones (except Residential Zones)</b>	Land Use Table 10-1-502 that identifies permitted uses in all zones, except residential zones, would be amended to include “Firearm and Ammunition Retailer” as a use. The use would only be permitted in certain zones, subject to approval of a conditional use permit.

<b><u>Summary of Recommended Amendments to the BMC, New Objective Standards</u></b>	
<b><u>Code Section</u></b>	<b><u>Overview of Proposed Amendment</u></b>
<b>10-1-1119(A): Purpose</b>	Establishes the purpose for the Zone Text Amendment.
<b>10-1-1119(B): Definitions</b>	Defines key terms.
<b>10-1-1119(C): Permitting Process</b>	Establishes that firearm and ammunition retailers need to secure certain permits before operating in the City.
<b>10-1-1119(D): Prohibition</b>	Establishes that firearm and ammunition retail activity is prohibited on City property.
<b>10-1-1119(E): Compliance By Existing Firearm Retailers</b>	Establishes that all existing firearm and ammunition retailers shall comply with certain provisions within 180 days of the effective date of this Ordinance.
<b>10-1-1119(F): Location</b>	Establishes that new firearm and ammunition retailers must maintain minimum distance separation requirements from (1) sensitive uses and (2) other firearm and ammunition retailers.
<b>10-1-1119(G): Video Surveillance System</b>	Establishes video surveillance system requirements for existing and new firearm and ammunition retailers.
<b>10-1-1119(H): Secure Storage of Firearms</b>	Establishes secure storage of firearms requirements for existing and new firearm and ammunition retailers.
<b>10-1-1119(I): Barriers</b>	Establishes security requirements for existing and new firearm and ammunition retailers. Specifically, physical barriers.
<b>10-1-1119(J): Lighting</b>	Establishes perimeter lighting requirements for existing and new firearm and ammunition retailers.

**Distance Separation Requirements**

Per City Council direction, the draft Ordinance includes firearm and ammunition retailer separation requirements from (1) residential zones<sup>2</sup> and sensitive uses<sup>3</sup>, and (2) other firearm and ammunition retailers. These requirements would apply to all new firearm and ammunition retailers looking to locate in the City. Based upon researched best practices and lessons learned from other jurisdictions, City staff identified options pertaining to

<sup>2</sup> “Residential Zones” include properties zoned as R-1, R-2, R-3, R-4, MDR-3, MDR-4, and MDR-5.

<sup>3</sup> Sensitive uses include schools, public libraries, religious institutions, and public parks and open space as defined in the draft Ordinance.

distance separation requirements (Exhibit I). Staff recommendations included in the draft Ordinance are listed below:

1. Distance Separation of 500-feet from “Residential Zones” and 500-feet from “Sensitive Uses.”
2. Distance Separation of 500-feet from any other “Firearm and Ammunition Retailer.”

The recommended distance separation requirements would allow for adequate distance separation between Residential Zones and Sensitive Uses and prevent clustering of firearm and ammunition retailers, while still allowing an adequate number of properties in the City that may be suitable for new firearm and ammunition retailers subject to approval of a conditional use permit.

Staff also considered alternative distance separations<sup>4</sup>, but found that these standards would limit the number of properties available for new firearm and ammunition retailers and could create an undue burden on potential firearm and ammunition retailers.

Based on the analysis conducted by Staff, when the draft distance separation requirements are applied, the following zones are available for potential new firearm and ammunition retailers: BCC-1 Burbank Center Commercial Retail-Professional Zone, BCC-2 Burbank Center Commercial General Business Zone, BCCM Burbank Center Commercial Manufacturing Zone, C-3 Commercial General Business Zone, and M-2 General Industrial Zone. Staff recommends that a new firearm and ammunition retailer be conditionally approved in all the zones listed above, excluding BCC-1 Burbank Center Commercial Retail-Professional Zone. The BCC-1 Zone is identified as allowing commercial retail and office uses that are geared towards a downtown village concept, including an allowance for residential uses above commercial uses on the same property. The addition of firearm and ammunition retail uses would not be compatible with the intent and purpose of the village concept designated in the zone, nor match the basic characteristics of other uses in that zone. Therefore, the findings required for the ZTA could not be made in that zone, and it is excluded from the draft Ordinance.

## **ANALYSIS**

Pursuant to Title 10 (Zoning Regulations) of the BMC, amendments to the Land Use Table in BMC Section 10-1-502 and amendments to the zoning regulations require that the City Council make a series of findings. An analysis of the required findings is included below.

### **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:

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<sup>4</sup> Specifically, Staff reviewed Distance Separation of 1,000-feet from “Residential Zones” and 500-feet from “Sensitive Uses,” as well as Distance Separation of 1,000-feet from “Residential Zones” and 1,000-feet from “Sensitive Uses.”

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 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 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 conditional use permit. 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.*

The inclusion of a “Firearm and Ammunition Retailer” as a conditionally permitted use in certain zones subject to approval of a CUP is compatible with and has the same basic characteristics as the other permitted uses. Listed 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. Listed 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 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

ensure further conformance with the relevant zone. Therefore, the proposed use can be expected to conform with the required conditions for the zone(s).

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 the general welfare of the public.

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 of the latest California Building Code and California Fire Code. Further, they would be subject to a discretionary review process that would provide an added layer of review that considers neighborhood compatibility, and potential impacts to the surrounding area. In addition, 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 zone(s). Listed 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, 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 attain 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 inclusion of a “Firearm and Ammunition Retailer” as a conditionally permitted use in certain zones subject to approval of a CUP will not create more vehicular or other traffic than the volume normally created by any of the uses currently permitted. Listed 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. 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 attain approval of a CUP. This discretionary process provides 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 inclusion of a “Firearm and Ammunition Retailer” as a conditionally permitted use in certain zones subject to approval of a CUP 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. Listed 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 “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 attain approval of a CUP.

This discretionary process provides 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 also 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.*

The inclusion of a "Firearm and Ammunition Retailer" as a conditionally permitted use in certain zones subject to approval of a CUP would not create any greater hazard of fire or explosion than the hazards normally created by any of the permitted uses. Listed 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 attain approval of a Conditional Use Permit.

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. 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. Listed 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 attain approval of a CUP. This discretionary process provides 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.

## **TECHNICAL WORKING GROUP REVIEW**

The proposed ZTA for new regulations and development standards were researched, discussed, and evaluated by a technical working group of City staff from the City Manager's Office, City Attorney's Office, Police Department, Community Development Department's Planning Division, Business License Division, and the Code Enforcement Division. The technical working group evaluated the proposed land use and zoning regulations to ensure the standards were objective, feasible, and practical (Exhibit A).

## **PUBLIC NOTICE AND OUTREACH**

To ensure members of the public had an opportunity to learn about the ZTA and provide feedback and suggestions, City staff held a community meeting on March 11, 2024. A summary of the community meeting is provided in Exhibit J. Notifications for the community meeting were distributed via the City's social media, the City Calendar, the Planning Division website, and an announcement during a City Council meeting. In addition, City staff held a stakeholder meeting with the existing firearm retailers to gain their feedback on the proposed draft development standards on August 26, 2023. Staff will be hosting an additional stakeholder meeting between the April 8, 2024 Planning Commission and future City Council public hearings. All information received from stakeholders will be included in the staff report and recommendations provided to City Council.

If Planning Commission recommends approval of this ZTA to Council, Staff anticipates that the City Council will consider the proposed ZTA at a public hearing on May 21, 2024. In lead up to the public hearing, Staff will be preparing required public notifications inviting, residents, members of the community, and existing stakeholders to participate and provide comments about the proposed ZTA at the hearing.

Finally, in conformance with BMC Section 10-1-1994, Staff provided public notice in a newspaper of general circulation in the City on March 20, 2024, for the proposed ZTA to be heard by the Planning Commission at their regular meeting of April 8, 2024.

## **ENVIRONMENTAL ASSESSMENT**

The proposed 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.

## **CONCLUSION**

Based on previous City Council direction, Staff prepared the proposed Ordinance (Exhibit A) to amend the BMC and incorporate land use and zoning regulations for future business that wants to engage in the sale, lease, or transfer firearms or ammunition in the City. By regulating firearms and ammunition retail sales within the City through the proposed Ordinance, we are acting in accordance with the California Constitution to make and enforce all local, police, and other ordinances and regulation not in conflict with general laws. Finally, the proposed Ordinance would allow the City to proactively address land use incompatibilities that could arise when approving new firearm retail uses.

<b>List of Exhibits</b>	
<b>Exhibit</b>	<b>Title</b>
<b>A</b>	Planning Commission Resolution with Draft Ordinance
<b>B</b>	July 26, 2022, Staff Report on Urgency Ordinance and Regulatory Framework
<b>C</b>	Interim Urgency Ordinance No. 22-3,977, Adopted July 26, 2022
<b>D</b>	Interim Urgency Ordinance No. 22-3,998, Adopted July 18, 2023
<b>E</b>	December 5, 2023, Staff Report update on Zone Text Amendment Establishing Zoning Regulations for Firearm and Ammunition Retail Uses
<b>F</b>	Summary of City Council Discussion on December 5, 2023
<b>G</b>	June 6, 2023, Staff Report Introducing an Ordinance to Amend Title 3, Chapter 4 to Establish Administrative Business License Requirements for Firearms and Ammunition Businesses
<b>H</b>	Ordinance No. 23-3,997, Adopted June 27, 2023
<b>I</b>	Proposed Maps for Distance Separation from Sensitive Uses and Residential Zones
<b>J</b>	Summary of Community Meeting Discussion on March 11, 2024