

**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 RETAILER USES.**

(PROJECT NO. 22-0003897, ZONE TEXT AMENDMENT)

THE PLANNING COMMISSION OF THE CITY OF BURBANK FINDS:

A. The Planning Commission of the City of Burbank at its regular meeting of April 8, 2024, held a public hearing on Project No. 22-0003897, a proposed Zone Text Amendment (ZTA) to establish regulations and development standards for firearm and ammunition retail uses.

B. Said hearing was properly noticed in accordance with the provisions of Burbank Municipal Code Section 10-1-1994.

C. The Planning Commission considered the report and recommendations of the City Planner and the evidence presented at such hearing.

D. 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. 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. As such, the adoption of the proposed ZTA is exempt from CEQA and no further analysis under the CEQA is required.

E. 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 General Plan Land Use Element.

F. Furthermore, all findings required under Burbank Municipal Code (BMC) Section 10-1-1991 can be made as outlined herein.

G. The documents and other materials that constitute the record of proceedings, upon which the decision to recommend approval of the proposed ZTA (Project No. 22-0003897) and associated environmental assessment that the project

qualifies for a commonsense exemption under CEQA, is located in the Planning Division of the City of Burbank and the custodian is the City Planner.

THE PLANNING COMMISSION OF THE CITY OF BURBANK RESOLVES:

Section 1. Project No. 22-0003897, is a ZTA as described above and in the staff report dated April 8, 2024, and as reflected in the attachment hereto, which would result in amendments and additions to the zoning text of Title 10, Chapter 1, Articles 5 and 11 of the BMC to establish land use and zoning regulations for firearm and ammunition retail uses. Attachment A (Draft Ordinance) to this Resolution, reflects the Commission's recommendation to Council.

Section 2. The Commission recommends that the following findings required by BMC Section 10-1-1991 be made in conjunction with the proposed ZTA adding Firearm Retailer Activity as a permitted use in certain zones:

a. 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.

b. 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.

c. 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).

d. 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.

e. 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).

f. 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.

g. 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.

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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.

h. 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.

i. 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.

Section 3. The Planning Commission recommends that the proposed ZTA and associated Ordinance are consistent with the Burbank2035 General Plan and are compatible with the objectives, policies, general land uses and programs specified therein in accordance with California Government Code Section 65860.

FINDING FOR 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 and the provisions of Title 10, Chapter 1 (Zoning) of the Burbank Municipal Code. The proposed ZTA is consistent with the following Burbank 2035 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

Section 4. The Planning Commission authorizes any changes deemed necessary by the City Attorney to the proposed ZTA and Ordinance to address any editorial changes deemed necessary to maintain consistency with applicable State Laws and City regulations and procedures.

Section 5. The Secretary of the Planning Commission shall forward a signed copy of this Resolution with the Planning Commission's report and decision to the City Council in accordance with BMC Section 10-1-1993.

PASSED AND ADOPTED this 8 day of April, 2024.

CITY PLANNING COMMISSION



Christopher Rizzotti, Chairperson

**STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF BURBANK**

I, Fred Ramirez, Secretary of the Planning Commission of the City of Burbank, certify that this Resolution was adopted by the City Planning Commission at its regular meeting 8 day of April, 2024 by the following vote:
held on the

AYES: Rizzotti, Wick, Monaco. Mkrtooumian

NOES:

ABSENT:

ABSTAINED:



Fred Ramirez, Secretary

**ATTACHMENT A:
DRAFT CITY COUNCIL ORDINANCE**

ORDINANCE NO. _____

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

(PROJECT NO. 22-0003897, ZONE TEXT AMENDMENT)

City Attorney's Synopsis

This Ordinance amends the Burbank Municipal Code, Title 10, Chapter 1, Articles 5 and 11, by establishing regulations and development standards specific to firearm and ammunition retail uses.

THE COUNCIL OF THE CITY OF BURBANK FINDS, DETERMINES, AND DECLARES THAT:

A. On July 26, 2022, the City Council considered options to encourage firearm safety and ensure thriving commercial corridors such as land use regulations for firearm and ammunition retailers, advocacy for gun safety, a gun buyback program and regulations pertaining to retail ammunition or firearms establishments. In addition, they heard public comment, which included oral and written comments, that expressed concerns about the volume of firearm and ammunition retailers; their locations throughout the community in high traffic commercial corridors and near schools and residences; the overall absence of local inspections or safety regulations pertaining to firearm and ammunition retail establishments; the effect of firearms and ammunition retailers on public safety; and the security of such establishments; and

B. On July 26, 2022, pursuant to Government Code Section 65858 and Burbank Municipal Code 10-1-1996, the Burbank City Council adopted Urgency Ordinance No. 22-3,977, implementing a temporary moratorium on the establishment of new or replacement retail uses selling firearms or ammunitions. The Urgency Ordinance was thereafter extended on August 23, 2022, and July 18, 2023. The interim regulations adopted under the Urgency Ordinance and extensions will expire on July 26, 2024.

C. There are fourteen (14) Federal Firearm Licenses (FFL) in the City, of which, nine (9) are retail establishments which sell firearms and ammunition currently operating in the City of Burbank, while neighboring cities of Glendale, Pasadena and Los Angeles have Ten (10), Three (3), Thirty-Six (36), respectively, making Burbank the City with one of the most retailers of firearms and ammunition per capita than any of these nearby municipalities at a rate of 1 firearms retail store per every 11,666 residents (Population size determined by Claritas Data Source) .

D. Many of the commercial zones where existing firearms and ammunition retailers are located are adjacent to residential neighborhoods and other uses that

include amongst other things, schools, child day care facilities, and places of public assembly including places of worship, public parks and libraries.

E. The City Council desires to update existing City regulations to ensure that future locations of firearm and ammunition retail establishments do not detrimentally impact the health, safety and welfare of residential neighborhoods and other, specific uses.

F. By adopting land use and zoning regulations for firearm and ammunition retail uses, the City seeks to preserve and encourage thoughtful neighborhood development.

G. The City is authorized by Article XI, Section 7 of the California Constitution and Burbank City Charter Section 200 to make and enforce all local, police, and other ordinances and regulations not in conflict with the general laws of the state or the City Charter.

H. On April 8, 2024, the Planning Commission held a duly noticed public hearing on this Ordinance (Project No. 22-0003897), and at such hearing recommended that the City Council of the City of Burbank ("Council") approve the Zone Text Amendment.

I. On * _____, the Council at its regular meeting, held a public hearing on Project No. 22-0003897, a Zone Text Amendment.

j. Said hearing was properly noticed in accordance with the provisions of Burbank Municipal Code (BMC) Section 10-1-1994.

K. The Council considered the report and recommendations of the City Planner, the action and recommendations of the Planning Commission as evidenced by its Resolution * _____, and the evidence presented at such hearing.

L. The Zone Text Amendment and proposed Ordinance is consistent with BMC Section 10-1-1991 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 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
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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.

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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.

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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.

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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 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 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.

M. In accordance with California Government Code Section 65860, the proposed Zone Text Amendment 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 General Plan Land Use Element.

N. This Ordinance is not subject to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) ("CEQA"). 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. 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.

THE COUNCIL OF THE CITY OF BURBANK DOES ORDAIN AS FOLLOWS:

Section 1. Findings. All the findings set forth above are true and correct and are incorporated herein as if restated in their entirety.

Section 2. Amendment to Burbank Municipal Code (“BMC”) Section 10-1-502 (Uses in All Zones, except Residential Zones). A portion of the table in BMC Section 10-1-502 is hereby amended to add “Firearm and Ammunition Retailer,” pursuant to the development standards in new Section 10-1-1119, as shown in Exhibit 1 to this Ordinance, attached and incorporated herein.

Section 3. Amendment to BMC Title 10, Chapter 1, Article 11. One new Section, 10-1-1119, titled “Firearm and Ammunition Retail Use Regulations” is hereby added to the BMC and replaces in its entirety Section 10-1-1119. The new Section is added to the BMC as shown in Exhibit 2 to this Ordinance, attached and incorporated herein.

Section 4. Severability. If any provision of this Ordinance or its application is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, sections, or applications of the Ordinance, which can be given effect without the invalid provision or application, and to this end each phrase, section, sentence, or word is declared to be severable.

Section 5. Environmental Assessment This Ordinance is not subject to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.) (“CEQA”). 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. 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. The City Clerk or City Planner shall file a Notice of Exemption with the Los Angeles County Clerk and the State Clearinghouse, within 5 days of the City Council’s approval.

Section 6. Effective Date and Expiration of Urgency Ordinance. This Ordinance shall become effective at 12:01 a.m. on the thirty-first (31st) day after the date of adoption. Upon that effective date, Urgency Ordinance No. 23-3,998 shall automatically expire, and the interim development standards adopted therein will automatically be repealed and replaced by the standards adopted in this Ordinance.

PASSED AND ADOPTED this ____ day of _____, 20__.

Nick Schultz
Mayor of the City of Burbank

Attest:

Approved as to Form
Office of the City Attorney

Kimberley Clark, City Clerk

Jill Vander Borght
Senior Assistant City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF BURBANK)

I, Kimberley Clark, City Clerk of the City of Burbank, do hereby certify that the foregoing Ordinance No. _____ was duly and regularly passed and adopted by the Council of the City of Burbank at its regular meeting held on the ____ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

I further certify that said Synopsis was published as required by law in a newspaper of general circulation in the City of Burbank, California within 14 days following its _____, 2024 adoption.

Kimberley Clark, City Clerk

EXHIBIT 1 TO ATTACHMENT A

10-1-502: USES IN ALL ZONES (EXCEPT RESIDENTIAL ZONES):

P = permitted (blank) = prohibited			CUP = Conditional Use Permit required [CUP] = CUP required if residentially adjacent as defined in <u>10-1-203</u>										AUP = Administrative Use Permit required [AUP] = AUP required if residentially adjacent as defined in <u>10-1-203</u>													
[PRH] = prohibited if residentially adjacent as defined in <u>10-1-203</u>					S = When required by State preemption law																					
Land Use	C-2	C-3	C-4	M-1	M-2	MD M-1	MDC -2	MDC -3	MD C-4	NB	GO	RC	C-R	RBP	BCC- 1	BCC- 2	BCC- 3	BCC M	MPC -1	MPC -2	MPC -3	OS	AP	RR	AD	
RETAIL SALES AND DINING																										
Firearm and Ammunition Retailer		CUP			CUP													CUP		CUP						

Above, a portion of the table in BMC Section 10-1-502 is hereby amended by adding "Firearm and Ammunition Retailer," pursuant to the development standards in new Section 10-1-1119.

EXHIBIT 2 TO ATTACHMENT A

Title 10: Zoning Regulations

Chapter 1: Zoning

Article 11: General Property Development Regulations

Section 1119: Firearm and Ammunition Retail Use Regulations

A. PURPOSE

It is the purpose and intent of this Section to establish local development and location standards for the permitting of facilities engaging in the sale, lease, or transfer of firearms or ammunition. The requirements of this section apply in addition to all applicable licensing, building, zoning, and site development standards of the Code. The provisions of this Section are not intended to contradict any applicable state or federal law.

B. DEFINITIONS

The following definitions shall have the following meanings and shall apply only to this Section.

“Ammunition” as defined in § 921(a)(17) of Title 18 of the United States Code and as defined in Article 7 of Chapter 4 of Title 3 of the City’s Business and Licenses regulations, means ammunition or cartridge cases, primers bullets, or propellant powder designed for use in any firearm, and any component thereof, but shall not include blank cartridges or ammunition that can be used solely in an “antique firearm” as that term is defined in § 921(a)(16) of Title 18 of the United States Code.

“Firearm” means any device, designed to be used as a weapon or modified to be used as a weapon, from which is expelled through a barrel a projectile by the force of explosion or other means of combustion, provided that the term “firearm” shall not include an “antique firearm” as defined in § 921(a)(16) of Title 18 of the United States Code.

“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.

“Firearm and Ammunition Retailer” means any person or establishment engaged in firearm or ammunition retail activity.

“Gun Shows or Events” means a function sponsored by any national, state, or local organization, devoted to the sale of firearms for the collection, competitive use, or other

sporting use of firearms, or an organization or association that sponsors functions devoted to the sale of firearms for the collection, competitive use, or other sporting use of firearms in the community.

“Person” means any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

“Residential Zones” means properties zoned as R-1, R-2, R-3, R-4, MDR-3, MDR-4, and MDR-5.

“Sensitive Uses” means schools, public libraries, religious institutions, and public parks and open space, as further defined below.

1. “School” means any educational institution as defined by the California Department of Education and appearing on the County of Los Angeles Management System database. This definition includes public, private, and charter schools, primary and secondary schools, adult education, colleges, and universities under the jurisdiction of the California Department of Education. The location of schools can be found in the County of Los Angeles Management System “Location of schools, colleges, and universities in Los Angeles County” database.
2. “Public library” means a library that is operated by a public jurisdiction as defined by the State of California and appearing on the County of Los Angeles Management System database. This definition includes public libraries operated by the County of Los Angeles and the City of Burbank. The location of libraries can be found in the County of Los Angeles Management System “Location of libraries” database.
3. “Religious institution” means an institution owned, controlled, and operated and maintained by a bona fide church, religious denomination, or religious organization composed of multid denominational members of the same well-recognized religion, lawfully operating as a nonprofit religious corporation pursuant to Part 4 (commencing with Section 9110) of Division 2 of Title 1 of the State of California Corporations Code and appearing on the County of Los Angeles Management System database. The location of religious institutions can be found in the County of Los Angeles Location Management System “Location of churches in Los Angeles County” database.
4. “Public Park and open space” means any dedicated park and open space maintained by a public jurisdiction, such as the County of Los Angeles, City of Burbank, or State of California, and includes privately-owned open space that is available for public use and appearing on the County of Los Angeles Management System database. The location of parks and open spaces can be found in the County of Los Angeles Location Management System “Location of parks in Los Angeles County” database.

C. PERMITTING PROCESS

1. No person or establishment may engage in Firearm and Ammunition Retail Activity unless a conditional use permit has been approved to operate a Firearm and Ammunition Retailer at the subject location, in accordance with Chapter 1, Article 19, Division 4, of Title 10 of the City of Burbank Municipal Code.
2. No person shall engage in or operate as a Firearm and Ammunition Retailer without first obtaining and maintaining a valid firearm retailer's license for each location at which Firearm and Ammunition Retail Activity is to occur pursuant to all applicable federal, state, and local laws.
3. Notwithstanding any other provision, Gun Shows or Events must comply with all the development standards outlined in this Section. In addition, a Conditional Use Permit shall be approved prior to the hosting of any Gun Show or Event at a subject location.

D. PROHIBITION

1. Notwithstanding any other provision, Firearm and Ammunition Retail Activity on property owned by the City of Burbank is prohibited.

E. COMPLIANCE BY EXISTING FIREARM AND AMMUNITION RETAILERS

An establishment or person engaged in Firearm and Ammunition Retail Activity on the effective date of this Code section shall, within 180 days of the effective date, comply with this Code section.

1. Any Firearm and Ammunition Retailer that on the effective date of this Code section is located in any location that makes them ineligible to obtain a conditional use permit, is eligible to continue as a nonconforming use, provided that they comply with all other applicable regulations.
2. Any Firearm and Ammunition Retailer that is considered to be a nonconforming use shall continue to be subject to those provisions of the Code that govern nonconforming uses to the extent that those provisions do not conflict with the provisions of this Code section.
3. Whenever a nonconforming Firearm and Ammunition Retailer files an out of business license or upon termination, expiration, surrender or other expiration of the Federal Firearm License, such Firearm and Ammunition Retail Activity shall not be resumed.

F. LOCATION

1. Firearm and Ammunition Retail Activity is permitted subject to approval of a conditional use permit in accordance with the use table in Code section 10-1-502.

2. Firearm and Ammunition Retailers of all types shall maintain a distance separation from Residential Zones, as defined, of at least 500-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. This distance shall be measured in accordance with the requirements as set forth in this Code section.
4. Firearm and Ammunition Retailers of all types must maintain a distance separation from other Firearm and Ammunition Retailers of at least 500-feet. This distance shall be measured in accordance with the requirements as set forth in this Code section.
5. Distance separation shall be measured horizontally in a straight line between the two closest points of the properties. This distance shall be measured without regard to topography or structures that would interfere with a straight-line measurement.
6. Distance separation requirements in accordance with this section shall be based on the zones and uses that are in place at the time the applicant has submitted a completed conditional use permit application.

G. VIDEO SURVEILLANCE SYSTEM

Firearm and Ammunition Retail Activity shall comply with the video surveillance system requirements identified in Article 7, Chapter 4, of Title 3 of the Burbank Municipal Code. The video surveillance system shall meet all requirements of California Penal Code 26806 when applicable. And in any instance of inconsistent standards, the Firearm and Ammunition Retailer Activity shall comply with the stricter of the two.

H. SECURE STORAGE OF FIREARMS

When a Firearm and Ammunition Retailer is not opened for business, all Firearms on inventory shall be stored in the licensed location consistent with the requirements of California Penal Code 26890, as may be updated from time to time.

I. BARRIERS

All new or existing Firearm and Ammunition Retailers that are located at ground level shall install protective barriers to protect the business establishment's front entrance, any floor-to-ceiling windows, and any other doors or openings that could be breached by a vehicle. This requirement shall not apply to elevated loading docks.

Protective barriers may include steel rolldown doors, security gates, or 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.

Protective barriers may also include vertical protective barriers such as bollards, security planters, or other barriers with a similar structural integrity. Vertical protective barriers shall meet the following requirements:

1. Vertical protective barriers shall be fixed protective structures made of concrete, steel, or cast iron.
2. Vertical protective barriers shall include but are not limited to, bollards or planters. Barriers shall not include wheel stops, jersey barriers, or similar traffic barriers.
3. Vertical protective barriers shall be placed no less than 3-feet apart, and no more than 5-feet apart, from one another.
4. Vertical protective barriers shall be between 20 inches and 47 inches in height.
5. Vertical protective barriers shall be placed in a manner that prevents vehicle collisions from the street into the location's front entrance, any floor-to-ceiling windows, or any other doors or openings that could be breached by a vehicle.
6. 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 that could be breached by a vehicle.

J. LIGHTING

Lighting shall be provided to illuminate building entries, facades, and the immediate surrounding area of the Firearm and Ammunition Retailer facility, including any parking lots, adjoining sidewalks, and alleys that provide access into the facility.

1. Outdoor lighting fixtures shall be installed in a manner that minimizes negative impacts from light pollution including light trespass, spillover, and glare and shall provide lighting that is hooded, shielded, and/or oriented to deflect light away from adjacent properties.
2. Each lighting fixture shall provide between 100 and 200 lumens.

Planning Commission Minutes

April 8, 2024

CALL TO ORDER 6:01 p.m.

INVOCATION Mr. Monaco gave the invocation.

FLAG SALUTE Mr. Rizzotti led the flag salute.

ROLL CALL

Present- - - - Planning Board Members: Chair, Christopher Rizzotti; Vice Chair, Samantha Wick; Members, Narek Mkrtoumian, and Robert Monaco.

Absent- - - -
Also Present-

Senior Assistant City Attorney, Jill Vander Borgh; Assistant Community Development Director, Fred Ramirez; Planning Manager, Scott Plambaeck; Principal Planner, Daniel Villa; Associate Planner, Xjvirr Thomas; Assistant Planner, Sara Hrynik; Clerical Worker, Diana Arias

ANNOUNCEMENTS None.

HEARINGS

1. Project No. 23-0003001 | A Request for a Conditional Use Permit to allow the operation of an Adult Day Care Facility

PROJECT DESCRIPTION:

A request for a Conditional Use Permit to allow for the operation of a new 8,600 square foot Adult Day Care Facility located at 607 South Glenoaks Boulevard. No exterior improvements are being proposed to the commercial structure. Minor alterations to the existing covered parking area are proposed. The Project site is zoned C-3 (General Commercial Business).

ENVIRONMENTAL REVIEW:

The Project qualifies for an exemption from the California Environmental Quality Act (CEQA) pursuant to Section 15301,

located at
607 South
Glenoaks
Boulevard.

Class 1 of the State CEQA Guidelines pertaining to operation, permitting, and minor alteration of existing facilities, involving negligible or no expansion of existing or former use. This exemption is applicable because the project involves minor interior alterations to the existing commercial building and the associated parking structure, with negligible expansion of use compared to the former professional office use, and there are no unusual circumstances that would preclude the use of this exemption.

Meeting Disclosures:

None.

Notices Given:

Mr. Ramirez confirmed for the Commission that notices were given per the Burbank Municipal Code requirements.

Written Communication:

Mr. Ramirez stated there are but was given to the Commission before the meeting.

Staff Report:

Sara Hrynik presented the project to the Commission.

Applicant Presentation:

Mr. Armik Shahnazarian, project coordinator, represented the applicant and agreed with the City staff proposed Conditions of Approval.

Public Comment:

Matt K., resident, asked for more information on how staff can advocate for projects and how much the cost is.

Response to Public Comment:

Ms. Hrynik stated adult day cares are permitted within the City in the C-3 zone with a Conditional Use Permit that would have to be presented to the Commission.

Mr. Villa elaborated that this went through typical Conditional Use Permit process, which consists of staff and other departments review of the project request. Once staff completes its review then staff prepares the report, findings and recommendation to present to the Commission for their consideration at a noticed public hearing.

Mr. Ramirez answered the public concerns regarding potential project advocacy by City staff and the question regarding the CEQA

determination. Mr. Ramirez provided an overview of the applicability of the zoning regulations that facilitate the Commission’s review of the proposed CUP and also noted that staff gives the same level of analysis and consideration for any project request processed by the City under its discretionary review process.

Commission/ Staff Q&A

Mr. Monaco asked what the property will be used for from 3:00 p.m. to 8:00 p.m.

Applicant’s representative answered there will be no other use than for an adult day care center.

Mr. Ramirez clarified that during afterhours administrative and facility maintenance tasks will be performed.

Deliberation:

Mr. Monaco expressed support for the project.

Mr. Mkrtoumian thanked staff and supports approval.

Ms. Wick added her support for the project and knows it will benefit the seniors of the city.

Mr. Rizzotti stated this would be the third adult day care center that he’s been involved in considering and that he did not see any issues with the CUP request. He noted that the project is a good use of the site and helps the community’s senior population.

Mr. Monaco made a motion to approve Project No. 23-0003001 | A request for a Conditional Use Permit to allow the operation of an Adult Day Care Facility located at 607 South Glenoaks Boulevard, seconded by Ms. Wick.

Motion carried by 4-0 vote. Motion passes.

- 2. Project No. 22-0003897 | A Zone Text Amendment to Establish Regulations and Development Standards for Firearm and

PROJECT DESCRIPTION:

The Planning Commission will consider making a recommendation to the City Council regarding a request for a Zone Text Amendment (ZTA) to update Title 10, Chapter 1 (Zoning) of the Burbank Municipal Code to establish regulations and development standards for Firearm and Ammunition Retailers

ENVIRONMENTAL REVIEW:

Ammunition
Retailers.

The project qualifies for an exemption from the California State Environmental Quality Act (CEQA) pursuant to 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.

Meeting Disclosures:

None.

Notices Given:

Mr. Ramirez confirmed for the Commission that notices were given per the Burbank Municipal Code requirements.

Written Communication:

Mr. Ramirez stated all written communication was given to the Commission before the meeting.

Staff Report:

Xjvirr Thomas presented the project to the Commission.

Public Comment:

Daemian Garrd, resident, stated that if the zoning proposal is approved, the Commission will be using zoning to eliminate gun stores from the City. Per Mr. Garrd, he noted that the City Council has stated their intention to close gun stores through a slow attrition. Further, he noted that the area being proposed for zoning will force gun stores to move to industrial buildings causing the store to run out of business due to the high rent. He also urged the Planning Commission to not use zoning as a political remedy by remaining unbiased and that the city was risking litigation from multiple organizations if this zone text amendment is approved. In closing, he noted that the Planning Commission should not be used as a political tool of the City Council.

Linda Bessin, resident, thanked and acknowledged staff for their diligence and dedication to this project. She noted that the zone changes being presented are legal and court tested. She went on to say that many use the argument that this will hurt small business owners and will restrict the tax revenue received by the city but if this argument is used in good faith, then it is also expected to be more advocates for marijuana dispensaries. Further, she noted that threats of lawsuits have been heard however there are no legal grounds for this threat. In addition, she noted that zone changes are allowed and should be made as time passes based on the needs of the community. She also stated that she was in support of the project and the Commission's recommendation for approval to the City Council .

Debra Leanitt-Gilmore, parent, and worker of Burbank Unified School District pointed out that in a half a mile walk she took realized there were four gun stores close to each other all walking distance of John Burroughs High School and two other elementary schools. She also noted that there is an unrestricted availability of gun shops in our city that needs to stop by not allowing anymore and finding a way to get rid of the ones that are already here. She urged the Commission to not vote on this proposal.

Judith Annozine, resident, inquired why distance separation, Option 1 was chosen rather than Option 3. She stated she lives around the corner from Gun World and was surprised that when the Target was getting developed many notices went out however with the gun store it appeared with no announcement. She explained her impression of what was being proposed is a moratorium on gun shops, but all she has seen with this proposal is places where more gun shops can enter. She disagreed with the proposed regulations.

Matt K., resident, noted that Chief Michael Albanese and the Police Department provided a report that surveyed the calls of services and activity around the existing gun stores and found that those locations were safer than the average retailers in the city.

Brooke, resident, and business owner for 24 years, stated that guns are the leading killer of children and the fact that Burbank is the second largest per capita gun retailer in the United States is a horrible moniker for the city. She stated that she understands this zoning ordinance is just a step to reduce the number of gun stores.

Phone Caller (not identified) warned the Commission to be careful of emotional residents. He noted that it has been previously mentioned that guns are the number one killer of children that was

off a CDC report that has been proven false by their own admission. He stated that all gun stores act in good faith and expect the city to do the same by its citizens. Thanked the Commission for taking his call.

Staff Response:

Mr. Thomas addressed the first comment regarding the language of firearm retailers being eliminated through attrition by explaining the City Council obtained the language exclusively from the City's non-conforming section from the Burbank Municipal Code and the intent is that any non-conforming use over attrition will no longer be in the city. He noted that City staff did a comprehensive evaluation of all firearms related regulations across the State looking into the potential for caps. Staff and the City Attorney's Office worked together to see if this would open the city to any legal challenge. Analysis was also undertaken by staff to determine if other cities have done such a thing and it has not. Further, he noted that the proposed regulations were evaluated to determine any legal implications with any potential proposed cap on these types of retailers.

Mr. Thomas explained why staff proposed Option 1. He also noted that originally, Option 2 was going to be recommended but in December staff attended the City Council study session where Council directed staff to look at applying an anti-clustering provision to the distance separation analysis. The anti-clustering analysis involved evaluating the potential of a 500 ft buffer of individual retailers from each other. Staff and Dudek agreed that the best approach was proposed Option 1 with the added buffering resulting from the anti-clustering provision as this approach would provide many parcels for future retailers to consider.

Commission/ Staff Q&A:

Mr. Monaco asked if there are currently any restrictions or enforcement review of the business operations especially storage of weapons and ammo.

Mr. Thomas explained that firearm retailers are regulated by the state and federal government and recently City Council adopted a business license ordinance that also instituted local inspections by the Police Department that would look at the secure storage of firearms.

Mr. Monaco asked if there are currently any restrictions or enforcement review of gun ranges.

Mr. Thomas stated that gun ranges will all fall under the same business ordinance and zoning restrictions.

Mr. Ramirez clarified that the zoning code regulation being presented focuses on the city's ability to use its police power to regulate land use within the commercial corridors and as understood by staff that the public's primary concerns are over the concentration of this land use in certain commercial corridors. Further, he noted that staff understood City Council to also have staff evaluate the impact of this use in maintaining community character along the corridors and the adjacent neighborhoods that they serve.

Mr. Monaco inquired why Option 1 was chosen over Option 3.

Mr. Thomas explained that staff initially picked Option 2. However, after City Council's meeting where the anti-clustering provision was introduced further limiting the number of parcels available to future firearm retailers, staff shifted to Option 1.

Ms. Wick asked if firearm retailers get a 90-day window as in the Drive Thru ordinance.

Mr. Thomas explained there will be a carve out from the general BMC non-conforming use cessation section and there will be no 90-day window. He also noted that going forward they would have 180 days to follow any of the other City adopted development standards, but their legal non-conforming designation would remain.

Mr. Villa elaborated that in the regulation the language states that the 90-day provision will not apply to firearm retailers, the moment the business closes it will immediately no longer be able to open.

Ms. Wick asked if staff knew the percent of businesses of the current firearm retailers that are compliant.

Mr. Thomas answered staff does not have that information.

Mr. Villa noted there are 14 Federal Firearm Licensees in the City but only 9 of them sell firearms via retail. If any versions of the options are adopted, it would result in the legal non-conformity of all firearm retail businesses meaning if they were ever to close business, they will not be able to reopen in the same place because all existing firearm licensees are outside of the zoning area which would allow the use with a CUP as noted in Option 1.

Mr. Rizzotti asked whether a firearm store could transfer it to someone else and remain as that business.

Mr. Thomas answered yes, a federal firearm license can be transferred however whenever that license is surrendered or revoked, or ceased, then the legal non-conformity ends.

Mr. Rizzotti asked the Dudek consultant how accurate the report is when identifying where potential firearm retailers can be without sensitive areas.

Ms. Catherine Tang Saez explained the maps and location of the residential zones are based on city provided data and are up to date. The sensitive uses were based on data obtained from County of Los Angeles public database.

Deliberation:

Mr. Monaco believes it is the communities' right to determine which way the quality of life goes and what Burbank retail corridors look like but would like to vote for Option 3.

Mr. Wick agreed that Option 3 would be the best. Reiterated that the Commission's objective is to make a recommendation on land uses. The City has many conditional use permits for various other businesses throughout the city.

Mr. Mkrtoumian supported moving forward with approving the Zone Text Amendment especially if the City must decide on this before July 26th when the City's urgency ordinance is set to expire.

Mr. Rizzotti trust in staff's, City Council's, and City Attorney's suggestion to implement Option 1 with the 500-ft buffer from similar firearms retailers as the best case to move this forward without being legally challenged and ending up with no land use regulations.

Mr. Mkrtoumian made a motion to approve Project No. 22-0003897 |A Zone Text Amendment to Establish Regulations and Development Standards for Firearm and Ammunition Retailers, seconded by Ms. Wick.

Motion carried by a 4-0 vote. Motion passes.

[REPORTS TO COMMISSION](#)

None.

ORAL
COMMUNICATIONS

None.

APPROVAL OF
MINUTES

Ms. Wick made a motion to approve the minutes from the Planning Commission meeting of March 24, 2024. Seconded by Mr. Monaco, carried by a vote of 4-0.

INTRODUCTION
OF ADDITIONAL
AGENDA ITEMS

None.

CITY PLANNER
COMMENTS

None.

ADJOURNMENT
TO THE PLANNING
COMMISSION
MEETING OF
APRIL 22, 2024

Respectfully Submitted,

Secretary of the Planning Commission