



CITY OF GLENDALE, CALIFORNIA REPORT TO THE CITY COUNCIL

AGENDA ITEM

Report: Extension of Interim Urgency Ordinance No. 6011 Prohibiting Issuance of Entitlements and/or Permits for Establishment of New or Replacement Retail Uses Selling Firearms or Ammunition.

1. Introduction of Ordinance Extending, by an Additional One Year, Interim Urgency Ordinance No. 6011 Prohibiting Issuance of Entitlements and/or Permits for Establishment of New or Replacement Retail Uses Selling Firearms or Ammunition

COUNCIL ACTION

Item Type: Public Hearing

Approved for July 16, 2024 **calendar**

EXECUTIVE SUMMARY

Following an initial examination regarding the permitting of retailers that sell firearms or ammunition, staff has determined that there will be a need for additional time to provide a complete analysis and recommendations regarding their future permissibility. As such, an extension to the moratorium is necessary to complete the analysis and provide alternatives. The extension of the moratorium would be for a period of 12 months, but can be terminated prior to that time if the City Council adopts Glendale Municipal Code amendments related to the establishment of retailers of firearms or ammunition.

RECOMMENDATION

That the City Council adopt the one-year extension of the existing firearm and ammunition retailer moratorium, temporarily prohibiting the issuance of entitlements.

ANALYSIS

The City Council enacted a 45-day moratorium on August 15, 2023 regarding new or replacement permits for retail uses that sell firearms or ammunition. This was in response to local events involving firearms and the consideration of the overall number of firearm and ammunition retailers within the City. The City Council subsequently extended the moratorium for an additional 10 months and 15 days, until August 15, 2024.

Over the past year, staff has reviewed and analyzed current standards for retail establishments that sell firearms and ammunition in the City and, following such study, determined that additional studies are warranted that may require consultation with

experts and the retention of various consultants. Additionally, staff has been limited in their ability to fully analyze the consequences of the existing regulations and potential alternatives going forward, largely because of the necessity of focusing on planning initiatives that have been time sensitive with respect to State regulations or funding deadlines. Until this additional policy study is complete, and any new regulations are adopted, there is a significant risk that some individuals or entities may make investments in and/or obtain approval to develop new gun stores that would soon thereafter be illegal, nonconforming, or subject to an amortization program. As such, staff will need additional time to conduct a complete analysis and develop alternatives for the Council to review.

Under California Government Code § 65858, a city may adopt an interim ordinance to temporarily prohibit certain land uses that may be in conflict with a contemplated general plan, specific plan, or zoning proposal that the city council is considering or intends to study within a reasonable time. The purpose of such an interim ordinance is to give the City time to maintain the status quo and prohibit the issuance of entitlements or permits that would be in conflict with new contemplated standards. The rationale for an urgency ordinance that takes immediate effect is to prevent a “rush to the counter” of applications to establish new uses before standards can be put in place. The delay in permits allows the city to subject all new uses to the new standards.

Urgency ordinances under Government Code § 65858 require adoption by 4/5ths vote of the Council and expire within 45 days, unless extended in the manner described below. An urgency ordinance may only be adopted if the Council finds that there is a current and immediate threat to the public health, safety and welfare, and that the approval of additional entitlements, permits and other approvals would result in a threat to that public health, safety or welfare. On August 15, 2023, the Council adopted Interim Urgency Ordinance No. 6009, with the required findings, that imposed a 45-day moratorium on new firearms and ammunition retailers. This ordinance would have automatically expired on September 29, 2023, unless extended prior to that date. Council then elected to extend the moratorium for a period of 10 months and 15 days by adopting Interim Urgency Ordinance No. 6011 on September 19, 2023.

Unless extended, Interim Urgency Ordinance No. 6011 will expire on August 15, 2024. It may be extended one more time for an additional year following a noticed public hearing, which is before the Council now. This extension also requires a 4/5ths vote of Council. The ordinance for consideration contains the same language as Interim Urgency Ordinance No. 6011.

STAKEHOLDERS/OUTREACH

Stakeholder and public outreach may be conducted during policy studies. Council may provide any additional direction regarding outreach methods.

FISCAL IMPACT

There is no fiscal impact associated with this report.

ENVIRONMENTAL REVIEW (CEQA)

Staff has evaluated the potential environmental effects of adopting a one-year extension of Interim Urgency Ordinance No. 6011 related to a moratorium on new or replacement retail uses selling firearms or ammunition within the City of Glendale within the meaning of and pursuant to CEQA, and have determined this action is exempt from further review under the California Environmental Quality Act (CEQA), pursuant to sections 15061(b)(3) and 15308. 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. Moreover, this action of extending the moratorium will prevent changes to the existing physical environment within the city, and therefore, will not result in significant environmental impacts under CEQA, which are made in comparison to existing physical conditions. Therefore, it is the City's determination that this ordinance will not have a significant effect on the environment and is not subject to further CEQA review.

CAMPAIGN DISCLOSURE

This item is exempt from campaign disclosure requirements.

ALTERNATIVES TO STAFF RECOMMENDATION

1. Decline to introduce an ordinance extending, for one-year, a moratorium on new firearms and ammunitions retailers.
2. Choose any other alternative not proposed by staff.

ADMINISTRATIVE ACTION

Submitted by:

Bradley Calvert, Director of Community Development

Prepared by:

Bradley Calvert, Director of Community Development

Approved by:

Roubik R. Golanian, P.E., City Manager

EXHIBITS/ATTACHMENTS

Exhibit 1: Interim Urgency Ordinance No. 6011