

Adopted
09/26/23
Asatryan/Devine
Noe: Najarian

ORDINANCE NO. 6011

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GLENDALE,
CALIFORNIA, EXTENDING, BY 10 MONTHS AND 15 DAYS, INTERIM URGENCY
ORDINANCE NO. 6009 PROHIBITING ISSUANCE OF
ENTITLEMENTS AND/OR PERMITS FOR ESTABLISHMENT OF NEW OR
REPLACEMENT RETAIL USES SELLING FIREARMS OR AMMUNITION
AND DECLARING THE URGENCY THEREOF**

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF GLENDALE,
CALIFORNIA, DOES HEREBY FIND, DETERMINE AND DECLARE AS FOLLOWS:**

WHEREAS, Governments at all levels have a substantial interest in protecting the people from those who acquire guns lawfully or illegally and then use them to commit crimes resulting in injury or death of their victims, or who use them in the commission of other crimes such as robbery, sexual assault or homicide, particularly mass shootings such as those that have occurred since 2017 in Chicago, Illinois; Thousand Oaks, California; Pittsburgh, Pennsylvania; Perryman, Maryland; Bakersfield, California; Cincinnati, Ohio; Annapolis, Maryland; Santa Fe, Texas; Nashville, Tennessee; Parkland, Florida; Melcroft, Pennsylvania; Rancho Tehama, California; Sutherland Springs, Texas; Boulder, Colorado; Edgewood, Maryland; Las Vegas, Nevada; El Paso, Texas; Buffalo, New York; Uvalde, Texas, as well as the many other mass shootings over the past several years; and

WHEREAS, seven (7) retail establishments that are licensed to sell firearms and ammunition currently operate in the City of Glendale [1 per 27,480 residents], while neighboring cities of Pasadena and Los Angeles have three (3) [1 per 47,339 residents] and thirty-six (36) [1 per 110,277 residents], respectively; the City of Glendale has a much higher concentration of firearms/ammunition retailers than these two neighboring cities, second only to the City of Burbank (a city that imposed a similar firearms/ammunition retailer moratorium), that has fourteen (14) retail establishments that are licensed to sell firearms and ammunition [1 per 7,386 residents]; and

WHEREAS under the City's current zoning regulations retail firearm stores are allowed by-right in the Commercial Districts of C2, C3, CR, and CH zone, and Mixed-Use Districts of IMU and IMU-R, and firearm retailers simply require a business registration certificate and a permit from the Chief of Police, neither of which have a mechanism to impose distancing requirements or other land use conditions related to health and safety; and

WHEREAS, many of the commercial zones where existing and future retail firearm stores are located are adjacent to residential neighborhoods and other uses that include amongst other things, schools, child day care facilities, places of public assembly including places of worship, public parks and libraries; and

WHEREAS, the City is authorized by Article XI, Section 7 of the California Constitution to make and enforce all local, police, and other ordinances and regulations not in conflict with general laws; and

WHEREAS The City Council finds and declares that it has questions and concerns about the proliferation of this type of land use in the City, adjacent to residential neighborhoods and in proximity to schools, child day care facilities and places of public assembly and seeks to analyze the current regulations and alternative regulations and administrative procedures to ensure the future locations of retail establishments that sell firearms and ammunitions do not detrimentally impact the health, safety and welfare of residential neighborhoods and other, specific uses; and

WHEREAS, the City Council finds that it is necessary for the City staff to study, develop, and propose for review by the Planning Commission and adoption by the City Council regulations within a reasonable time regarding the disallowance of a land use for the retail sales of firearms and ammunition, a conditional use permit requirement for such use, and/or additional land use regulations for the use in the City of Glendale; and

WHEREAS, the City Council finds that given the potential deleterious effect an otherwise lawful but unregulated business selling ammunition or firearms can have on other incompatible neighboring uses, passage of this Interim Urgency Ordinance will provide City staff sufficient time to research this issue and present a comprehensive zoning proposal to help ensure that the establishment of a retail sales use engaged in the sale of firearms or ammunition within the City will not be located as to be detrimental to the public health, safety and welfare; and

WHEREAS, the City Council finds that other California cities have adopted zoning ordinances and business regulations that govern the sales of ammunition and firearms, and several municipalities, have adopted moratoria on an urgency basis prohibiting new commercial sales of ammunition or firearms while such ordinances or regulations are studied and considered; and

WHEREAS, in the absence of a moratorium, there is no way to study and consider the appropriate location of retail establishments that sell firearms in the City, and the nature and extent of health and safety regulations that could be imposed on such businesses due to the nature of the products they sell in relation to neighboring uses, thus impairing the City's substantial interests in economically sustainable development, health, public safety, vitality, and image of the City; and

WHEREAS, on July 28 and August 15, 2023, the City evaluated the potential environmental effects of adoption of Interim Ordinance No. 6009 temporarily barring new or replacement retail uses selling firearms or ammunition in the City of Glendale within the meaning of the California Environmental Quality Act ("CEQA"), and the Council found that the adoption of Interim Ordinance No. 6009 was consistent with classes of projects that do not have a significant effect on the environment and thereby approved a Categorical Exemption pursuant to CEQA Guidelines Section 15061(b)(3), 15307, and

15308, and certified that Interim Ordinance No. 5994 was exempt from additional environmental review, including from the preparation of an environmental impact report; and

WHEREAS, on August 15, 2023, the City Council, by a fourth-fifths vote, adopted Interim Ordinance No. 6009 imposing a 45-day moratorium on the approval of any new or replacement retail uses selling firearms or ammunition in the City; and

WHEREAS, on or before September 19, 2023, the City issued a "10-day report" describing the measures taken to alleviate the conditions that led to the adoption of Interim Ordinance No. 6009 which date was at least 10 days prior to expiration of Interim Ordinance No. 6009, as required by Government Code Section 65858(d); and

WHEREAS, in order to protect the public health, safety and welfare, it is now necessary for the City to undertake action to review and revise applicable provisions of the City's Zoning Code (Title 30 of the Glendale Municipal Code) and/or other sections of the Code, in order to provide for the reexamination within a reasonable time, of development and entitlement standards and requirements for new or replacement retail uses selling firearms and ammunition; and

WHEREAS, maintaining the status quo with respect to retail uses selling firearms or ammunition in the City by assuring that no applications for such uses are accepted, processed or approved, and no permits for such uses are issued while the City conducts a study on such uses, is consistent with good planning; and

WHEREAS, until the study on retail uses selling firearms or ammunition is complete, and any new regulation are adopted, there is a significant risk that some individuals or entities may make investments in and/or obtain approval for such use, that would soon thereafter be illegal, nonconforming, or subject to an amortization program; and

WHEREAS, during this process, the City will be thoroughly studying and examining the potential physical, social and environmental impacts of retail uses selling firearms or ammunition in the City, and how these impacts can be ameliorated or addressed by new regulations regarding, among other things, the location of land uses engaging in the retail sales of firearms and ammunition, a conditional use permit requirement for such use, and/or additional land use regulations for the use in the City of Glendale; and

WHEREAS, the potential exists that applications for proposed retail uses selling firearms or ammunition that are inconsistent and in conflict with any new development policies, zoning, or revised standards of property development may be filed during the term that the City is studying potential revisions to such uses; and

WHEREAS, any approval of new or converted retail uses selling firearms or ammunition in the City has the potential to contravene future revised use, development and entitlement standards and requirements, while such revisions are being studied,

which will result in a threat to the health, safety and general welfare of residents in the City; and

WHEREAS, Government Code Section 65858 provides that a city council may adopt by a four-fifths vote as an urgency measure an interim ordinance prohibiting any uses or development standards that may be in conflict with a general plan or zoning measure that the city is considering or studying, or intends to study within a reasonable time, for 45 days, and may extend such moratorium following notice and public hearing for an additional 10 months and 15 days; and

WHEREAS, the moratorium and extension of Interim Ordinance No. 6009 on new or replacement retail uses selling firearms or ammunition within the City of Glendale 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 (CEQA Guidelines Sections 15125(a) and 15126.2(a)); and

WHEREAS, notice of the date, time and place of the public hearing for this Ordinance to extend Interim Ordinance No. 6009 for 10 months and 15 days was given pursuant to Government Code Sections 65090 and 65858, by publication in Glendale Independent on September 7, 2023, and by posting and making available the written report referenced herein, which notified the public the City would be considering a 10 month and 15 day extension of the adopted Interim Ordinance No. 6009 imposing a moratorium on all new or replacement retail uses selling firearms or ammunition, together with issuance of a written report describing the measures taken to alleviate the condition which led to the adoption of Interim Ordinance No. 6099.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GLENDALE, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Findings.

The City Council finds, determines, and declares that:

1. The above recitals are true and correct and are incorporated herein by reference as if set forth in full.

2. The City's Community Development Department staff have fully evaluated the potential environmental effects of adoption of this Interim Ordinance temporarily barring new or replacement retail uses selling firearms or ammunition within the City of Glendale within the meaning of and pursuant to CEQA, and the City Council finds that this action is consistent with classes of projects that do not have a significant effect on the environment and thereby approves a Categorical Exemption pursuant to CEQA Guidelines Sections 15061(b)(3) and 15308, and certifies that this Interim Ordinance is exempt from the requirement of further environmental review or the preparation of an environmental document.

3. The City has an overriding interest in planning and regulating land uses and other projects within the City. Implicit in any plan or regulation is the City's interest in maintaining the quality of urban life and the character of the City's neighborhoods, as well as maintaining compatibility of uses with surrounding land uses, and promoting economically sustainable development, community health, and perceptions of safety and public image.

4. Without stable, well-planned neighborhoods, areas of the City can quickly deteriorate, with negative consequences to social, environmental, and economic values.

5. The City has adopted a General Plan and various specific plans, to ensure a well-planned and safe community.

6. The City does not have adequate regulations concerning the land use or licensing requirements for the retail sale of firearms and ammunition, allowing this use as a permitted use in several zones, without consideration of location and/or proximity to other affected land uses or other conditions, and subject only to a business registration certificate and a revokable permit for the Retail Sales of Concealable Weapons.

7. Maintaining the status quo zoning regulations has the potential to result in the further proliferation of new or replacement retail uses that sell firearms or ammunition without the proper analysis of any potential impacts to public health, safety, and welfare. By studying and analyzing our local land use regulations for the retail sale of firearms and ammunition during the moratorium, the City will be able to best tailor future regulations to the needs of our community in order to protect public health, safety, and welfare.

8. The current regulations, have the potential to result in new or replacement gun or ammunition retail stores that can displace other neighborhood-serving retail and service commercial uses from tenant spaces and therefore create a threat to critical commercial corridors and the City's effort to preserve aesthetically inviting storefronts and pedestrian-friendly retail, restaurants and offices in such spaces, which have historically been the lifeblood of the community and a beacon to visitors.

9. In Suter v. City of Lafayette, 57 Cal. App. 4th 1109 (1997), the California Court of Appeal held that State law authorizes local governments to impose additional licensing requirements on firearms and ammunition dealers.

10. This moratorium is necessary to prevent irreversible issuance of permits, business licenses, and developments that could have a detrimental effect on the health, safety and welfare of the community. Without it, the potential exists that establishment of new or replacement commercial operations engaged in the retail sale of firearms or ammunition within the City without addressing appropriate regulation could result in incompatibility of land uses and adverse impacts on residents, businesses and neighborhoods that present a current and immediate threat to the public health, safety, and welfare.

SECTION 2. Moratorium.

1. There is hereby imposed a 10 month and 15 day extension of Interim Ordinance No. 6009, imposing a moratorium that prohibits the establishment of new or replacement stores, shops, establishments or other locations throughout the City that engage in "Firearms, weapon sales", as defined in Glendale Municipal Code section 30.70.070 ["Firearms, weapon sales' means the retail sales of guns, ammunition, and related products and accessories."] (hereinafter, "New or Replacement Gun Store Project"). For purposes of this moratorium the following definitions apply:

- a. "Firearm" shall mean any pistol, revolver, rifle, shotgun or other device, designed to be used as a weapon, from which a projectile is expelled through a barrel by the force of an explosion or other form of combustion, or any device which is capable of being altered so as to expel a projectile in such manner.
- b. "Ammunition" shall mean any projectile designed to be expelled through the barrel of a firearm by the force of an explosion or other form of combustion.

2. Any application(s) for approval(s) of a New or Replacement Gun Store Project which has been accepted as complete may continue to be processed and reviewed, but shall not be finally approved during the pendency of this moratorium or any extensions thereof.

3. Said moratorium shall not apply to any New or Replacement Gun Store Project that has received all land use entitlements prior to the effective date of this Ordinance, and shall not apply to any subsequent approvals or project modifications to a project previously approved by the City.

4. It is the intent of the City Council that any proposal for a New or Replacement Gun Store Project in the City during the period of the moratorium shall be considered inconsistent with this Ordinance and with the City's land use policies and zoning regulations for all purposes, and by all agencies charged with reviewing any application for such use except as specifically exempted in Section 3 above.

5. City staff is directed to undertake a comprehensive study, as described above, and recommend new or amended policies, Zoning Code amendments, and/or other Code amendments with respect to uses and development of new or replacement retail uses selling firearms or ammunition for consideration by the City Council.

6. Violations of this interim moratorium may be charged as a misdemeanor as set forth in Glendale Municipal Code Section 1.20.010, may be the subject of administrative code enforcement remedies as set forth in Chapter 1.24 of the Glendale Municipal Code, or may be deemed a public nuisance and may be enforced by an action

for injunction or civil penalties as provided in the Glendale Municipal Code, or by any other remedy authorized by law.

7. The Glendale City Manager is hereby authorized to direct all City Departments, including the Community Development Department, the Police Department, and City Attorney, to facilitate compliance with the purpose and intent of this Interim Ordinance using the enforcement powers described in the preceding paragraph.

SECTION 3. Urgency.

By the City Council's making the findings and determinations of fact which the Council declares to constitute an urgency for the immediate preservation of the public health, safety or welfare, the City Council hereby declares that this Ordinance is an urgency measure pursuant to City of Glendale Charter Article 6, Section 7 and Government Code Section 65858, which becomes effective immediately upon adoption by an affirmative vote of at least four-fifths (4/5^{ths}) of the members of the City Council.

SECTION 4. Severability.

This Ordinance's provisions are severable. If any portion of this Ordinance or its application to any person or circumstance is held invalid or unconstitutional, that decision does not affect the validity of the Ordinance's remaining portions and the Ordinance's application to other persons and circumstances. The City Council declares that it would have passed the remainder of this Ordinance without the invalid or unconstitutional provision.

SECTION 5. Adoption and Incorporation.

The findings and information contained in the City Council staff report dated July 25, 2023, August 15, 2023, and September 19 and 26, 2023, are hereby adopted and incorporated by reference as though fully set forth herein.

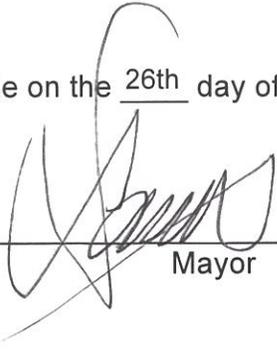
SECTION 6. Effectiveness.

This Ordinance shall go into effect upon the expiration of Interim Ordinance No. 6009 and shall be of no further force and effect 10 months and 15 days from the expiration date of Interim Ordinance No. 6009, unless timely extended by further action of the City Council.

SECTION 7. Certification.

The City Clerk shall certify this Ordinance's adoption and cause the Ordinance to be published in a manner consistent with the requirements of applicable state and local law.

Adopted by the Council of the City of Glendale on the 26th day of September, 2023.



Mayor

ATTEST:


City Clerk

APPROVED AS TO FORM:



CITY ATTORNEY
DATE 10/3/23

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF GLENDALE) SS.

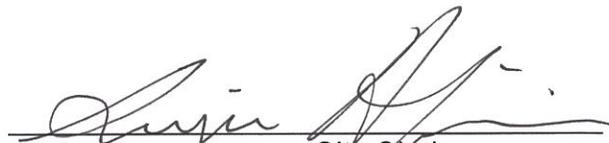
I, SUZIE ABAJIAN, Ph.D., City Clerk of the City of Glendale, certify that the foregoing Urgency Ordinance No. 6011 was adopted by a 4/5^{ths} vote of the Council of the City of Glendale, California, at a regular meeting held on the 26th day of September, 2023, and that the same was adopted by the following vote:

Ayes: Asatryan, Devine, Kassakhian, Brotman

Noes: Najarian

Absent: None

Abstain: None



City Clerk