


**PLANNING COMMISSION  
STAFF REPORT**

**TO:** Planning Commission

**FROM:** Douglas Spondello, Principal Planner 

**DATE** May 2, 2019

**SUBJECT:** Planning & Zoning (PZ) Permit No. 19-580-02 (Zone Text Amendment) – An Amendment to the Oxnard City Code, Chapters 11 (Permits) and 16 (Zoning Code) Pertaining to the Permitting and Development of Firearm Ranges and Businesses Engaged in the Sale of Firearms and Ammunition. The proposed regulations would apply Citywide and pertain to the General Commercial (C-2) and Limited Manufacturing (M-L) zoning districts.

- 1) Recommendation:** That the Planning Commission adopt a resolution recommending that the City Council approve Planning & Zoning Permit No. 19-580-02 (Zone Text Amendment) establishing regulations to address firearm ranges and the sales of firearms and ammunition.
- 2) Project Description and Applicant:** The proposed Zone Text Amendment (ZTA) modifies Oxnard City Code (OCC) Chapters 11 (Permits) and 16 (Zoning Code) to establish permitting and development requirements related to firearm ranges and businesses engaged in the sale of firearms and ammunition. Proposed modifications include OCC Chapter 11, Article VIII (Permits to Sell Concealable Firearms), OCC Section 16-10 (Definitions), OCC Chapter 16, Article V (Specific Use Requirements), and modifications to the conditionally permitted uses within the General Commercial (C-2), Limited Manufacturing (M-L), and Community Reserve (C-R) zoning districts. Filed by the City of Oxnard, Community Development Department, 214 South C Street, Oxnard, California 93030.
- 3) Background:** In 2018, Oxnard residents expressed concerns to both the Police Department and City Council about a business proposing the retail sales of firearms that was planning to open in the 800 block of West Wooley Road. This location is within the General Commercial – Planned Development (C-2-PD) zoning district. The subject property is also located less than 100 feet from a residential neighborhood and less than 500 feet from Haydock Academy of Arts & Sciences, a public middle school (grades 6 through 8). While the proposed use was ultimately not pursued by the operator, the inquiry drew attention to the fact that neither the OCC, nor state or federal law currently includes health and safety standards or location restrictions (e.g., proximity to churches, parks, and schools - i.e., sensitive uses) for gun stores and other firearm related businesses. In contrast, the City has well-established siting, permitting, and operational requirements for businesses engaged in the sale of alcohol, cannabis (proposed), and adult businesses.

- a) Existing City Regulations:** Currently, the retail sale of firearms and ammunition is considered a “general retail” use and permitted within the following zoning districts: General Commercial (C-2), Central Business District (CBD), Commercial Manufacturing (C-M), Coastal Neighborhood Commercial (CNC), and Coastal Visitor-Serving Commercial (CVC) zoning districts and as an ancillary use within the Limited Manufacturing (M-L), Light Manufacturing (M-1), Heavy Manufacturing (M-2), and Coastal Dependent Industrial (CDI) zoning districts. Additionally, City regulations regarding home occupations prohibit the sale of firearms and ammunition which involve the storage of such items within a structure (OCC Section 16-404). With the adoption of the proposed ZTA, gun and ammunition sales will no longer be defined as general retail uses.

Firearm Ranges are also not defined and regulated in the OCC. Generally, this use would be characterized as “recreation commercial”, which can be permitted subject to issuance of a Special Use Permit (SUP) in the C-2, M-L, and M-1 zoning districts. Similarly, “rod and gun clubs” are permitted within the Commercial Recreation (C-R) zoning district with a SUP. While an SUP would be required to operate a firearm range within the C-R zoning district, the zoning ordinance does not establish any operating parameters, siting criteria, or other considerations for evaluating such a request.

Staff receives requests from the public to initiate firearm related uses very infrequently and no such requests are currently pending with the City. The City of Oxnard currently has six establishments that sell firearms, ammunition, or both, and one firearm range. These businesses are outlined below:

- **Dick’s Sporting Goods**, 231 W Esplanade Drive (Firearms and Ammunition Sales)
- **Big 5 Sporting Goods**, 2361 N Oxnard Boulevard (Firearms and Ammunition Sales)
- **Turner’s Outdoorsman**, 2051 N Rose Avenue, Suite 280 (Firearm and Ammunition Sales)
- **B&G Guns / Shooter’s Paradise**, 1910 Sunkist Circle (Firearm Range, including Firearms and Ammunition Sales)
- **Zev Technologies**, 1051 Yarnell Place (Firearm Sales)
- **Walmart Supercenter**, 2001 N Rose Avenue (Ammunition Sales)

If the proposed ZTA is adopted, the existing, legally established businesses engaged in the sale of firearms and ammunition or firearm ranges may continue to operate as non-conforming uses, in accordance with OCC Chapter 16, Article VI (Non-conforming Uses).

The OCC requires individuals seeking to sell concealable firearms to obtain a concealable weapons permit from the Police Chief during the business licensing process, pursuant to OCC Chapter 11, Article VIII. These existing regulations do not establish criteria regarding the business operation, permitted locations, or specific provisions for



suspension or revocation of the license.

- b) Urgency Ordinance – Moratorium on Firearm Retailers:** On November 27, 2018, the City Council voted 5-0 to adopt an Ordinance (No. 2950), pursuant to Government Code Section 65858, to impose a 45 day moratorium on the establishment of new retail uses selling firearms and ammunition; this action allowed the City sufficient time to study the issues and land use implications and to make recommendations to the Planning Commission and City Council. The moratorium would have expired on January 11, 2019.

On January 8, 2019, the City Council voted 7-0 to adopt an Ordinance (No. 2953) to extend the temporary moratorium for a period of eight months, from the date Ordinance No. 2950 would otherwise expire. The moratorium will expire on September 11, 2019 unless repealed with the approval of the proposed ZTA.

Following research into best practices, Community Development Department staff drafted a preliminary outline for the siting criteria and permit structure with representatives from the Police Department and City Attorney's Office. The proposed ZTA has been tailored to reflect the input resulting from these interdepartmental coordination meetings.

During both hearings to consider the moratorium and extension, a total of 20 individuals provided public comments. Generally, comments included several expressions of support for the proposed moratorium, concerns regarding the preservation of constitutional rights, concerns regarding the timing to develop and enact the resulting ZTA, and concerns that the proposed ZTA would effectively result in a "ban" on firearm retailers.

- c) Federal and State Regulations:** Firearm dealers are regulated by a number of existing federal and state laws. These laws establish requirements for the licensing of individuals operating the businesses, in addition to certain site-specific security features. California generally has adopted stricter regulations than the federal government. For example, California requires all gun sellers to be licensed (the federal government allows unlicensed gun sales at gun shows and online). California has also established criteria for "assault rifles" and regulated the sales and transfer of these firearms. California had also banned the sale of high-capacity magazines (i.e. capacity in excess of 10-rounds) however this issues and other regulations are currently being litigated. There is currently no limit to the amount of ammunition a purchaser may buy.

The State of California Department of Justice regulates the sales, ownership and transfer of firearms and safety training. There is a 10-day waiting period before the firearms dealer releases the weapon to the purchaser, and a purchaser must provide an application to purchase a firearm. The application also includes certification that the purchaser has passed a written test and submittal of the purchaser's thumbprint. The purchaser must also fulfill a safe handling demonstration requirement. During the 10-day waiting period,

the Department of Justice conducts a firearms eligibility background check to ensure that the purchaser is not prohibited from lawfully possessing firearms. Factors which may prohibit possession include felony convictions, persons with mental disorders, probation restrictions, drug addiction, and persons subject to protective orders. California also prohibits the public, open carry of loaded firearms by the general public.

As the proposed ZTA is discussed, it is as important to distinguish that the California Legislature has expressly preempted the ability of local governments to regulate certain areas of firearm law that are administered at the state level. Generally, the Legislature preempts local government in matters related to: 1) the licensing or registration of commercially manufactured firearms (Cal. Gov't Code Section 53071); 2) the licensing or permitting with respect to the purchase, ownership, possession or carrying of a concealable firearm in the home or place of business [Cal Penal Code Section 25605(b)]; and 3) regulation of the manufacture, sale or possession of imitation firearms (Cal Gov't Code Section 53071.5). A local government is granted with the ability to "...make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general [State] laws" (California State Constitution, Article XI, Section 7). The proposed ZTA is consistent with the legislation defining the scope of authority of local governments to regulate zoning and land use. The proposed ZTA also does not infringe on the protections granted by the Second Amendment of the United States Constitution. Recent case law, including the 2017 Ninth Circuit Court of Appeals decision of *Teixeira v. County of Alameda* has also affirmed that zoning requirements related to the commercial sales firearms do not constitute a violation of the Second Amendment.

- 4) Analysis – Proposed Amendments to the City Code:** Several jurisdictions within California have established land use regulations related to the sale of firearms and ammunition. These include the cities of Ventura and San Carlos, County of Alameda, and others.

The proposed ZTA is comprised of four components: a) modifications to OCC Chapter 11 (Permits), Article VIII (Permits to Sell Concealable Firearms); b) modifications to OCC Section 16-10 (Definitions) to establish definitions for ammunition, firearm range, firearm, and firearm & ammunition sales; c) amendments to establish and/or modify land uses related to these activities within the General Commercial (C-2), Limited Manufacturing (M-L) and Community Reserve (C-R) zoning districts; and d) regulations establishing siting criteria, operational considerations, and the content and process for review of SUP applications related to these uses. The full text of the ZTA is included with Attachment A.

- a) OCC Chapter 11, Article VIII (Permits to Sell Concealable Firearms):** Currently, a business proposing to sell concealable firearms must obtain a permit from the Police Chief, prior to operation. The Police Department has incorporated additional requirements and best practices with the proposed ZTA. The ZTA expands and clarifies elements of the existing permit for the sale of all firearms, not just those which are



concealable. The proposed ZTA adds provisions to OCC Section 11-222 (Investigation of Applicant) to clarify details related to a background investigation of potential retailers by the Police Chief. Additional modifications to this Section allow the Police Chief to impose conditions on these licenses related to operation of the business and safety practices. Finally, OCC Section 11-223 (Suspension, Revocation or Modification of Permit) is supplemented with new language granting the Police Chief the ability to suspend a license upon receiving credible information that the permittee has committed any crime of violence, suffered a mental health crisis, or has been diagnosed with a condition that identifies the permittee as a potential danger to themselves or others. These regulations mirror existing provisions within the state penal code that authorize the Police Department to seize firearms when specific, potentially hazardous conditions exist. Specifically, Section 18250 of the Penal Code, Section 8102 of the Welfare and Institution Code, and other State and Federal Statute, or court order which authorizes the confiscation of deadly weapons

**b) Modifications to OCC 16-10 (Definitions section of the Zoning Ordinance):**

The following definitions will be established within the zoning ordinance:

- **Ammunition** - Any cartridge or encasement containing a bullet or projectile, propellant, or explosive charge and a primer that is used in the operation of a firearm.
- **Firearm** - Any device designed to be used as a weapon or modified to be used as a weapon that expels a projectile by the force of an explosion or some other form of combustion, including any projectile which carries or contains its own fuel and is propelled by reaction. This definition does not include model rockets, airsoft guns, Nerf-type guns or paintball guns.
- **Firearm and Ammunition Sales** - A retail business that engages in the sale of firearms and/or ammunition.
- **Firearm Range** - Any public or private establishment that operates an area designated for the discharge or other use of firearms within a controlled shooting environment. Also referred to as firing or shooting range.

**c) Regulation of Land Uses within Specific Zoning Districts:** With the proposed ZTA, firearm and ammunition sales will be added as related uses requiring a SUP within the C-2 and M-L zoning districts. Firearm ranges will be added as related uses requiring an SUP within the M-L zoning district. An existing reference listing "rod and gun clubs" as a related use within the C-R zoning district will be removed.

**d) Regulations Establishing Siting Criteria, Operational Considerations, and the Content and Process for the Review of Special Use Permit Applications:**

The proposed ZTA will amend OCC Chapter 16, Article V (Specific Use Requirements) to add Division 19 (Firearm and Ammunition Sales) and Division 20 (Firearm Ranges). Each Division establishes separation requirements from specific sensitive uses,

application material required with submittal of an SUP, as well as specialized findings that the Planning Commission must determine for approval of a SUP and factors that may be addressed as conditions of approval.

#### Separation from Sensitive Uses

Proposed changes to Chapter 16, Article V (Specific Use Requirements) establish two new Divisions, 19 (Firearm and Ammunition Sales) and 20 (Firearm Ranges). These Divisions define specific separations required between firearm/ammunition sales and firearm range uses and nearby sensitive uses. These buffers are recommended for the safety and security of the public. Police Department response to incidents at facilities that handle firearms and ammunition are inherently high-risk and demand a number of additional resources versus conventional calls for service. In these cases, potential suspects would likely have access to weapons and ammunition. Police responses to these facilities are likely to evolve into evacuations of properties within several hundred feet.

Required separations between proposed firearm and ammunition sales businesses, as well as firearm ranges, are outlined in the table below. The identification of sensitive uses and requirement for separations are strategies currently proposed for cannabis related businesses:

Sensitive Use	Required Separation
Non-Residential Day Care (Child or Adult)	500 feet
Park	500 feet
Church	500 feet
School (private or public)	500 feet
Any Residentially Zoned Property	500 feet
Another legally-authorized firearm and ammunition sales business or firearm range	200 feet

\*The required separation is the distance between the closest exterior wall of the firearm range/firearms and ammunition retail business and the nearest property line of the identified sensitive use.

Staff prepared a detailed survey of all properties within the C-2 and M-L zoning districts in order to identify the number of sites within the City where firearms/ammunition sales, and firearm ranges could be located pursuant to the proposed ZTA. This information is included as Attachment B. Based on this analysis, it was determined that a total of 368 acres or 2.12% of the City would comply with the locational criteria for firearm and ammunition sales set forth in the proposed ordinance. Similarly, 221 acres or 1.27% of the City would comply with the locational criteria for firearm ranges. The number of parcels where these uses could potentially be accommodated is legally sufficient; no additional zones would be required.



**Special Use Permit (SUP) Requirement – Application Materials, Findings, and Condition of Approval**

Proposed changes to Chapter 16, Article V (Specific Use Requirements), Division 19 (Firearm and Ammunition Sales) and Division 20 (Firearm Ranges) outline specific application materials that are required to be submitted with a SUP request. SUP requests for firearm and ammunition sales must include details regarding the construction of exterior walls of the building, the placement and of exterior windows and doors, location of exterior hearing ventilation, air conditioning equipment, and skylights. The intent is to identify and address any vulnerabilities of the building to reduce the potential for burglary, vandalism, and other crimes. This information will assist staff in evaluating the request relative to Crime Prevention Through Environmental Design (CPTED) best practices. CPTED strategies are internationally recognized measures for crime prevention and advocate for clear sightlines, quality of lighting, access control systems, and other elements that reduce the potential for problem activities.

SUP requests for firearm ranges must also provide building construction details. Additional information required to evaluate firearm ranges includes an acoustical survey, detailed business plan, summary of hazardous materials (gunpowder, solvents, etc.), and parking study.

Divisions 19 and 20 also establish special findings that must be determined by the Planning Commission in order to approve a SUP request for firearm and ammunition sales or firearm ranges. In addition to the standard findings for approval of a SUP defined in OCC 16-531, the Commission must determine that: 1) The establishment has incorporated adequate security so as to reduce the likelihood that the use will aggravate policing issues; and 2) the proposed operational procedures are sufficient to mitigate issues related to facility security, staff and customer safety, and first responder events.

Finally, Divisions 19 and 20 also establish additional factors for which conditions of approval may be imposed on an SUP. These factors establish the broad categories under which Staff may condition the approval of individual projects. In addition to the standard factors for conditions imposed on an SUP defined in OCC 16-532, conditions of approval may be imposed to address the following:

**Firearm and Ammunition Sales - Factors for Conditions of Approval:**

- Safety and security related to the design and operation of the proposed use, security and access control systems, etc.;
- Site and building target hardening;
- Inspections to ensure compliance with conditions of approval and applicable laws;
- Weapons and ammunition storage;
- The maintenance of all required state, federal and local licenses; and
- Copies of a live-scan for all applicants for employment submitted to the Chief of Police or his/her designee; and
- Liability and risk management.

**Firearm Range - Factors for Conditions of Approval:**

- Safety and security related to the design and operation of the proposed use, security and access control systems, etc.;
- Site and building target hardening;
- Inspections to ensure compliance with conditions of approval and applicable laws;
- Weapons and ammunition storage;
- The maintenance of all required state, federal and local licenses;
- Copies of a live-scan for all applicants for employment submitted to the Chief of Police or his/her designee;
- Liability and risk management;
- Mitigations of potential environmental issues (noise, ventilation, cleaning, etc.); and
- Health, safety, and trauma procedures and equipment for employees.

Police Department staff have assembled a draft list of proposed conditions of approval for special use permit requests for individual establishments (see Attachment C - Draft Conditions of Approval for Individual Establishments). While all of these conditions may not apply to each firearm SUP request, these individual approvals would be adapted and modified on a project-by-project basis. These draft conditions are provided to the Commission for added context and in order to detail how the overarching factors may be addressed on individual projects.

**5) General Plan Consistency:** The proposed ZTA is consistent with a number of goals and policies included in the 2030 General Plan. Consistency with the 2030 General Plan is defined by the relationship between 2030 General Plan policies and the proposed Project. The three consistency classification levels are:

- I. Direct Applicability to a Proposed Project or Program (full text of the policy and an explanation).
- II. Related or Indirect Applicability to the Proposed Project or Program (policy title and an explanation for each or groups of related or indirectly related policies).
- III. No or Distant Applicability to the Proposed Project or Program (all policies not listed as Level I and II are assumed to be consistent).

POLICY	LEVEL	POLICY OR TITLE	EXPLANATION
CD-5.2	I	Compatible Land Use	The proposed ZTA is designed to ensure adequate separation between sensitive land uses to minimize land use incompatibility.
SH-7.4	I	Limiting High Risk Land Uses	The proposed ZTA is designed to mitigate the high risk to health, safety, and welfare of residents, visitors, and workers presented by businesses involving firearms and ammunition.
ICS-19.2	I	Police Review of Development Projects	The proposed ZTA will incorporate Police Department review of proposed SUP applications and conditions.



ICS-19.4	II	Crime Prevention Device Requirements	The proposed ZTA will assist the City in requiring crime prevention devices through the SUP process.
ICS-19.5	II	Incorporating Security Design Principles	The proposed ZTA will assist the City in creating regulations designed to encourage crime prevention and defensible space through design principles such as those employed through the National Crime Prevention Through Environmental Design Program (CPTED), and other methods to enhance public safety.
SH-6.5	II	Land Use Compatibility with Noise	The proposed ZTA will allow for the City to evaluate and mitigate noise associated with firearm ranges through the SUP process.
SH-7.11	II	Hazardous CUPA Materials Inventory	The proposed ZTA will enable project-level evaluation of hazards and hazardous material through the SUP process.
ALL OTHERS	III	All policies not listed above	No or Distant Applicability to the Proposed Project.

- 6) Environmental Determination:** Pursuant to Sections 15060(c)(2) and (3) and 15061(b)(3) of the California Environmental Quality Act (CEQA), regulatory actions which will not result in direct or reasonably foreseeable indirect physical change in the environment and when it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment are not subject to CEQA. The proposed ZTA is a regulatory action. Furthermore, any resulting foreseeable development following approval of the ZTA is anticipated to be less intense than what is allowed by the existing regulations pertaining to firearm sales, ammunition sales, and firearm range uses within the City. In light of the analysis above, Staff has determined that there is no possibility that the project will have a significant effect on the environment and a Notice of Exemption (Attachment D) will be filed upon approval of the ZTA by the City Council.
- 7) Community Outreach:** A Community Workshop meeting was held on April 15, 2019. A notice of this meeting was distributed Citywide to neighborhood chairs. Staff also mailed notice of this meeting directly to all six existing firearms and ammunition retailers within the City. No one attended the Community Workshop meeting and no communications regarding the ZTA were received by Staff.
- 8) Next Steps:** The Planning Commission's action on this matter is advisory to the City Council. The Planning Commission's recommendation will be forwarded to the City Council for consideration. Planning staff has tentatively scheduled this item for consideration at the June 4, 2019 City Council meeting.

**Attachments:**

- A. Planning Commission Resolution, Draft Council Ordinance and Zone Text Amendment
- B. Firearm Related Use Map
- C. Draft Conditions of Approval for Individual Establishments
- D. Notice of Exemption

## **ATTACHMENT "A"**

Planning Commission Resolution, Draft City Council Ordinance, and  
Zone Text Amendment



## RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING TO THE CITY COUNCIL THE ADOPTION OF ZONE TEXT AMENDMENT NO. PZ 19-580-02 TO AMEND OXNARD CITY CODE (OCC) CHAPTERS 11 (PERMITS) AND 16 (ZONING CODE) TO ESTABLISH PERMITTING AND DEVELOPMENT REQUIREMENTS RELATED TO FIREARM RANGES AND BUSINESS ENGAGED IN THE SALE OF FIREARMS AND AMMUNITION. SUCH AMENDMENTS INCLUDE OCC CHAPTER 11, ARTICLE VIII (PERMITS TO SELL CONCEALABLE FIREARMS), OCC SECTION 16-10 (DEFINITIONS), OCC CHAPTER 16, ARTICLE V (SPECIFIC USE REQUIREMENTS), AND REVISIONS TO THE CONDITIONALLY PERMITTED USES WITHIN THE C-2, M-L, AND C-R ZONING DISTRICTS. FILED BY THE CITY OF OXNARD, COMMUNITY DEVELOPMENT DEPARTMENT, 214 SOUTH C STREET, OXNARD, CALIFORNIA 93030.

WHEREAS, the Planning Commission of the City of Oxnard has considered zone text amendment PZ No. 19-580-02, filed by the City of Oxnard Community Development Department, to amend Chapters 11 and 16 of the Oxnard City Code concerning the permitting and development requirements related to firearm ranges and businesses engaged in the sale of firearms and ammunition; and

WHEREAS, on May 2, 2019, the Planning Commission of the City of Oxnard conducted a duly noticed public hearing to consider Planning and Zoning Permit No. 19-580-02 (Zone Text Amendment) (the "Project") in accordance with the Oxnard City Code; and

WHEREAS, the Planning Commission finds that the proposed Zoning Text Amendment is in the public interest and reflect the input from residents, decisionmakers, and other stakeholders in the community. There are no changes recommended under the proposed zoning text amendments that would reduce or compromise existing standards that protect the health, safety or general welfare of the City; and

WHEREAS, the proposed Zone Text Amendment does not involve any direct physical changes to the environment. There are no changes in landforms or land uses are proposed as a part of the proposed Zone Text Amendment and all public services for existing land uses will remain as-is, with no changes and no diminishment of service or safety; and

WHEREAS, the adoption of Zone Text Amendment would be a reasonable exercise of the City's police powers to ensure the continued health, safety, and welfare of the public by establishing regulations related to the siting, permitting, and operation of firearm and ammunition sales businesses and firearm ranges within the City of Oxnard; and

WHEREAS, pursuant to California Environmental Quality Act (CEQA) Sections 15060(c)(2) and (3) and 15061(b)(3), regulatory actions which will not result in direct or reasonably foreseeable indirect physical change in the environment and when it can be seen with

certainty that there is no possibility that the activity in question may have a significant effect on the environment are not subject to CEQA; and

WHEREAS, it is in the public interest, consistent with the 2030 General Plan and will further protect the public health, safety, and general welfare to establish special zoning regulations governing firearm and ammunition sales and firearm ranges.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby recommends to the City Council adoption of the ordinance attached hereto as Exhibit A.

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard on this 2nd day of May, 2019.

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Vincent Stewart, Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held on the 2nd day of May, 2019, and carried by the following vote:

AYES: Commissioner(s):

NOES: Commissioner(s):

ABSENT: Commissioner(s):

ABSTAIN: Commissioner(s):

ATTEST:

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Kathleen Mallory, AICP, Secretary



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING CHAPTER 11 (PERMITS) AND 16 (ZONING CODE) OF THE OXNARD CITY CODE (OCC) TO ESTABLISH PERMITTING AND DEVELOPMENT REQUIREMENTS RELATED TO FIREARM RANGES AND BUSINESSES ENGAGED IN THE SALE OF FIREARMS AND AMMUNITION. SUCH AMENDMENTS INCLUDE OCC CHAPTER 11, ARTICLE VIII (PERMITS TO SELL CONCEALABLE FIREARMS), OCC SECTION 16-10 (DEFINITIONS), OCC CHAPTER 16, ARTICLE V (SPECIFIC USE REQUIREMENTS) AND REVISIONS TO THE CONDITIONALLY PERMITTED USES WITHIN THE C-2, M-L, AND C-R ZONING DISTRICTS. FILED BY THE CITY OF OXNARD, COMMUNITY DEVELOPMENT DEPARTMENT, 214 SOUTH C STREET, OXNARD, CALIFORNIA 93030.

WHEREAS, on April 15, 2019, a public community workshop meeting was held for the community and the general public to receive community input on the proposed zone text amendment; and

WHEREAS, on May 2, 2019, the Planning Commission of the City of Oxnard conducted a duly noticed public hearing to consider Planning and Zoning Permit No. 19-580-02 (Zone Text Amendment) (the “**Project**”) in accordance with the Oxnard City Code and recommended approval to the City Council; and

WHEREAS, on \_\_\_\_\_, 2019, the City Council of the City of Oxnard conducted a duly noticed public hearing to consider the Applicant’s request to approve Planning and Zoning Permit No. 18-580-02 (Zone Text Amendment) in accordance with the Oxnard City Code, and

WHEREAS, the proposed Zoning Text Amendment is in the public interest and reflect the input from residents, decision-makers, and other stakeholders in the community. There are no changes recommended under the proposed zoning text amendments that would reduce or compromise existing standards that protect the health, safety or general welfare of the City; and

WHEREAS, the proposed Zone Text Amendment does not involve any direct physical changes to the environment. There are no changes in landforms or land uses are proposed as a part of the proposed Zone Text Amendment and all public services for existing land uses will remain as-is, with no changes and no diminishment of service or safety; and

WHEREAS, the adoption of Zone Text Amendment would be a reasonable exercise of the City’s police powers to **ensure** the continued health, safety, and welfare of the public by

establishing regulations related to the siting, permitting and operation of firearm and ammunition sales businesses and firearm ranges within the City of Oxnard; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) Sections 15060(c)(2) and (3) and 15061(b)(3), regulatory actions which will not result in direct or reasonably foreseeable indirect physical change in the environment and when it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment are not subject to CEQA; and

WHEREAS, it is in the public interest, consistent with the 2030 General Plan and will further protect the public health, safety, and general welfare to establish special zoning regulations governing firearm and ammunition sales and firearm ranges.

NOW, THEREFORE, the City Council of the City of Oxnard does ordain as follows:

**Section 1. Amend Oxnard City Code Chapter 11, Article VIII "Permit to Sell Concealable Firearms"**. Existing Article VIII, Chapter 11 of the City Code shall be amended as shown below wherein strikeout indicates removed text and underline indicates added text:.

ARTICLE VIII. PERMITS TO SELL FIREARMS ~~CONCEALABLE FIREARMS~~

SEC. 11-220. ~~CONCEALABLE~~ FIREARM SALES PERMIT REQUIRED; BUSINESS TAX CERTIFICATE REQUIRED.

- (A) No person shall offer for sale, sell, transfer, or advertise any firearm ~~capable of being concealed upon the person~~ without first obtaining a ~~concealable~~ firearm sales permit ("permit") from the police chief.
- (B) A business tax certificate shall be obtained pursuant to Article I of Chapter 11 of this code before a permit is issued unless the person, organization, or entity applying for the permit is exempt from paying business tax fees pursuant to section 11-9 of this code.

SEC. 11-221. APPLICATION.

- (A) The application for a permit shall be on a form approved by the police chief. An applicant for a permit shall file the application with the chief of police with payment of the appropriate fee as established by resolution of the city council.
- (B) The fee shall not be returned whether the application is approved, conditioned or denied.

SEC. 11-222. INVESTIGATION OF APPLICANT.

- (A) By filing an application, the applicant consents to the police chief undertaking an investigation of the applicant and a review of the information contained in the application. Thereafter, the police chief shall approve, conditionally approve or deny the permit.
- (B) The application shall include sufficient information to facilitate the investigation by the police chief, including but not limited to: the applicant's name and identifying information.



- personal references, prior business and residential addresses, prior law enforcement contacts, arrests or citations.
- ~~(C)~~ An application which is incomplete or contains false or misleading statements will be grounds to deny the permit.
- ~~(D)~~ The police chief's investigation shall include the review of the application, police sources, private sources, as well as the applicant's references to determine if the applicant has any history of poor or ineffective business practices, violence questionable temperament, or mental health issues which would support a denial of the permit.
- ~~(E)~~ If the application is approved or conditionally approved, the police chief shall issue the permit.
- ~~(F)~~ If the application is denied, the police chief shall promptly notify the applicant, in writing, of the denial by certified or registered mail. The applicant may request a hearing as provided for herein, to review the conditions or denial of a permit.
- ~~(G)~~ The police chief shall include conditions upon issuance of the permit. The permit conditions shall include but not be limited to: the times, locations, and conditions under which the permit may be used; specific

SEC. 11-223. SUSPENSION, REVOCATION OR MODIFICATION OF PERMIT.

- ~~(A)~~ The police chief may revoke or modify a permit for failure of the permittee to comply with laws, regulations, or permit conditions.
- ~~(B)~~ The police chief shall mail to the permittee a notice that the permit is proposed for suspension, revocation or modification. The notice shall state the reasons for the proposal.
- ~~(C)~~ The police chief may suspend the permit upon receiving credible information that the permittee has committed any crime of violence or has suffered a mental health crisis or has been diagnosed by a mental health professional with a condition which identifies the permittee as a potential danger to self or other persons. Credible information shall include circumstances which would justify the confiscation of deadly weapons as outlined in Section 18250 of the Penal Code, Section 8102 of the Welfare and Institution Code, or any other state or federal statute, or court order which authorizes the confiscation of deadly weapons.
- ~~(D)~~ The permittee may request a hearing, as provided herein, to review the proposed revocation or modification. If such a request for hearing is not timely received, the police chief shall mail to the permittee a notice that the proposed revocation or modification is in effect. Such notice shall constitute an exhaustion of the administrative remedies available to the permittee.

**Section 2. Amend Oxnard City Code Section 16-10 "Definitions".** Existing City Code Section 16-10 shall be amended as shown below to add the following definitions and reorganize the existing definitions accordingly:

- ~~(X)~~ AMMUNITION – Any cartridge or encasement containing a bullet or projectile, propellant, or explosive charge and a primer that is used in the operation of a firearm.
- ~~(X)~~ FIREARM – Any device designed to be used as a weapon or modified to be used as a weapon that expels a projectile by the force of an explosion or some other form of combustion.

including any projectile which carries or contains its own fuel and is propelled by reaction. This definition does not include model rockets, airsoft guns, Nerf-type guns or paintball guns.

(X) FIREARM AND AMMUNITION SALES – A retail business that engages in the sale of firearms and/or ammunition.

(X) FIREARM RANGE – Any public or private establishment that operates an area designated for the discharge or other use of firearms within a controlled shooting environment. Also referred to as firing or shooting range.

**Section 3. Amend Oxnard City Code Section 16-136 “Related Uses”, C-2 General Commercial Zone.** Existing City Code Section 16-136 shall be amended as shown below to add the following and reorganize the existing uses accordingly:

(#) Firearm and ammunition sales;

**Section 4. Amend Oxnard City Code Section 16-164 “Industrial Land Use Matrix”.** Existing City Code Section 16-164 shall be amended as shown below to add the following and reorganize the existing uses accordingly:

Land Use	Zone District					NOTES
	CM	BRP	M-L	M-1	M-2	
<u>Firearm and ammunition sales</u>			<u>SUP</u>			<u>Refer to OCC Chapter 16, Division 19</u>
<u>Firearm range</u>			<u>SUP</u>			<u>Refer to OCC Chapter 16, Division 20</u>

**Section 5. Amend Oxnard City Code Section 16-257 “Related Uses”, C-R Community Reserve Zone.** Existing City Code Section 16-257 shall be amended as shown below to remove the following and reorganize the existing uses accordingly:

(K) Rod and gun club;

**Section 6. Amend Oxnard City Code Chapter 16, Article V “Specific Use Requirements”.** Existing City Code Chapter 16, Article V shall be amended as shown below:



Division 19. FIREARM AND AMMUNITION SALES

SEC. 16-504.1. PURPOSE AND INTENT.

- (A) Firearm and ammunition sales may be established, subject to all other provisions of this Chapter and Division, only in the General Commercial (C-2) and Limited Manufacturing (M-L) zoning districts. For the purposes of this Division, the establishment of any business engaged in firearm and ammunition sales shall include the locating and opening of such a business as a new business, the relocation of such business, the conversion of an existing business location to any firearm and ammunition sales use, or the expansion of an existing firearm an ammunition sales use.
- (B) Locational Criteria: In the C-2 and M-L zoning districts, no firearm and ammunition sales use may be established within the following proximity to the sensitive uses identified below:
- (1) Within 500 feet of any residentially zoned property;
  - (2) Within 500 feet of any day care center. For the purposes of this Division, 'day care center' includes any child or adult day care facility other than a family day care home and includes infant center, preschools, extended day care facilities for adults and/or children which involve the supervision of more than 14 persons for a period of less than 24 hours per day;
  - (3) Within 500 feet of any park. For the purposes of this Division, 'park' includes any land or easements owned or leased by the City of Oxnard which, by ordinance, resolution, regulation or agreement, is dedicated to or operated by the City for purposes of public recreation, be it active or passive. This term does not apply to trails, bikeways, or similar facilities;
  - (4) Within 500 feet of any church, as defined by Section 16-10 – A building primarily operated for worship or for promotion of religious activities excluding other buildings or activities maintained by religious organizations such as educational institutions, hospitals, homeless shelters, and day care centers or operations that are commercial in nature;
  - (5) Within 500 feet of any school. For the purposes of this Division, 'school' includes any child day care facility or educational institution for minors, whether public or private, offering instruction in those courses of study required by the California Education Code and maintained pursuant to standards set by the state Board of Education. This definition includes nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education for grades K through 12. This definition does not include tutoring centers, a professional or commercial school, or an institution of higher education, including a community or junior college, college, or university; and
  - (6) Within 200 feet of another legally authorized firearm and ammunition sales business or firearm range.
- (C) Measurement: All locational criteria outlined in this Division shall be calculated using the distance between the closest exterior wall of the firearm and ammunition sales business and the nearest property line of the identified sensitive use in a straight line extended between two points, without regard for intervening structures.
- (D) Permit Requirements and Conditions: The establishment of a firearm and ammunition sales

use is permitted only on approval of a special use permit, as provided in Sections 16-530 through 16-553.

(1) In addition to the application materials described in Section 16-553, the following information shall be provided within an application for a special use permit:

(a) Plans shall indicate the nature of construction of exterior walls, placement, and size of exterior windows and doors, and location of exterior heating, ventilation, air conditioning equipment, and skylights.

(b) A business proposal detailing the proposed operation, what types of firearms and ammunition will be sold and stored on-site, an account of the quantities, types, storage, and handling of any hazardous materials, and any ancillary services performed, including firearm repair and maintenance.

(c) Staff positions and responsibilities.

(2) In addition to the factors described in Section 16-532, conditions of approval involving the following factors may be imposed by the Planning Commission on a special use permit for firearm and ammunition sales:

(a) Safety and security related to the design and operation of the proposed use, security and access control systems, etc.;

(b) Site and building target hardening;

(c) Inspections to ensure compliance with conditions of approval and applicable laws;

(d) Weapons and ammunition storage;

(e) The maintenance of all required state, federal and local licenses;

(f) Copies of a live-scan for all applicants for employment, submitted to the Chief of Police or his/her designee; and

(g) Liability and risk management.

(E) Requirements for Granting: In addition to those findings listed in Section 16-531, the applicant must demonstrate and the Planning Commission must find that the proposed use is in conformance with the following, prior to granting a special use permit for the sale of firearms and ammunition:

(1) The establishment has incorporated adequate security so as to reduce the likelihood that the use will aggravate policing issues; and

(2) The proposed operational procedures are sufficient to mitigate issues related to facility security, staff and customer safety, and first responder events.

## Division 20. FIREARM RANGES

### SEC. 16-504.1. PURPOSE AND INTENT.

(A) Firearm ranges may be established, subject to all other provisions of this Chapter and Division, only in the Limited Manufacturing (M-L) zoning district. For the purposes of this Division, the establishment of any firearm range shall include the locating and opening of such a business as a new business, the relocation of such business, the conversion of an existing business location to a firearm range, or the expansion of an existing firearm range.

(B) Locational Criteria: In the M-L zoning district, no firearm range may be established within the following proximity to the sensitive uses identified below:



- (1) Within 500 feet of any residentially zoned property;
- (2) Within 500 feet of any day care center. For the purposes of this Division, 'day care center' includes any child or adult day care facility other than a family day care home and includes infant center, preschools, extended day care facilities for adults and/or children which involve the supervision of more than 14 persons for a period of less than 24 hours per day;
- (3) Within 500 feet of any park. For the purposes of this Division, 'park' includes any land or easements owned or leased by the City of Oxnard which, by ordinance, resolution, regulation or agreement, is dedicated to or operated by the City for purposes of public recreation, be it active or passive. This term does not apply to trails, bikeways, or similar facilities;
- (4) Within 500 feet of any church, as defined by Section 16-10 – A building primarily operated for worship or for promotion of religious activities excluding other buildings or activities maintained by religious organizations such as educational institutions, hospitals, homeless shelters, and day care centers or operations that are commercial in nature;
- (5) Within 500 feet of any school. For the purposes of this Division, 'school' includes any child day care facility or educational institution for minors, whether public or private, offering instruction in those courses of study required by the California Education Code and maintained pursuant to standards set by the state Board of Education. This definition includes nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education for grades K through 12. This definition does not include tutoring centers, a professional or commercial school, or an institution of higher education, including a community or junior college, college, or university; and
- (6) Within 200 feet of another legally authorized firearm and ammunition sales business or firearm range.
- (C) Measurement: All locational criteria outlined in this Division shall be calculated using the distance between the closest exterior wall of the firearm and ammunition sales business and the nearest property line of the identified sensitive use in a straight line extended between two points, without regard for intervening structures.
- (D) Permit Requirements and Conditions: The establishment of a firearm range is permitted only on approval of a special use permit, as provided in Sections 16-530 through 16-553.
  - (1) In addition to the application materials described in Section 16-553, the following information shall be provided within an application for a special use permit:
    - (a) Plans shall indicate the nature of construction of exterior walls, placement, and size of exterior windows and doors, and location of exterior heating, ventilation, air conditioning equipment, and skylights.
    - (b) A business proposal detailing the proposed operation including the number of shooters to be accommodated, whether the range will emphasize training or competitive activities, what types of firearms and ammunition will be used, any special uses proposed (e.g., advanced training, special weapons, or explosives), individual customer storage facilities, an account of the quantities, types, storage, and handling of any hazardous materials, and any ancillary services performed, including firearm repair and maintenance.



- (c) Details regarding proposed ventilation systems for the building, including any filtration systems.
    - (d) Staff positions and responsibilities.
    - (e) A parking study, prepared pursuant to Section 16-651.
  - (2) In addition to the factors described in Section 16-532, conditions of approval involving the following factors may be imposed by the Planning Commission on a special use permit for firearm ranges:
    - (a) Safety and security related to the design and operation of the proposed use, security and access control systems, etc.;
    - (b) Site and building target hardening;
    - (c) Inspections to ensure compliance with conditions of approval and applicable laws;
    - (d) Weapons and ammunition storage;
    - (e) The maintenance of all required state, federal and local licenses;
    - (f) Copies of a live-scan for all applicants for employment, submitted to the Chief of Police or his/her designee; and
    - (g) Liability and risk management.
    - (h) Mitigations of potential environmental issues (noise, ventilation, cleaning, etc.).
    - (i) Health, safety and trauma procedures and equipment for employees.
- (E) Requirements for Granting: In addition to those findings listed in Section 16-531, the applicant must demonstrate and the Planning Commission must find that the proposed use is in conformance with the following, prior to granting a special use permit for the sale of firearms and ammunition:
  - (1) The establishment has incorporated adequate security so as to reduce the likelihood that the use will aggravate policing issues; and
  - (2) The proposed operational procedures are sufficient to mitigate issues related to facility security, staff and customer safety, and first responder events.

**Section 7.** If any section, sentence, clause or phrase of this Ordinance is determined to be invalid, illegal or unconstitutional by a decision or order of any court of competent jurisdiction, then decision or order shall not affect the validity and enforceability of the remaining portions of this Ordinance. The City Council declares that it would have passed and adopted this Ordinance, and each section, sentence, subsection, clause, phrase, part or portion thereof, regardless of the fact that any one or more sections, sentences, subsections, clauses, phrases, be declared invalid or unconstitutional.

**Section 8.** Cumulative Ordinance. Nothing in this Ordinance shall be interpreted to allow any land use which is not expressly listed as permitted or conditionally permitted within the City's Zoning Code.

**Section 9.** Exempt from CEQA. The City Council determines and finds that the adoption of this Ordinance is exempt from review under the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) and (3) and 15061(b)(3) of the Guidelines to the California Environmental Quality Act because the activity is covered by the general rule 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. Therefore, CEQA does not apply to this action.

**Section 10.** Pursuant to Government Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk published, a summary of this Ordinance, and a certified copy the Ordinance was posted in the Office of the City Clerk a minimum of five days before the City Council's adoption of the Ordinance.

**Section 11.** The City Clerk shall certify as to the adoption of this Ordinance and shall cause summary thereof to be published within fifteen calendar (15) days of the adoption and shall post a certified copy of this Ordinance, including for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36933. Ordinance No. \_\_\_\_\_ was first read on \_\_\_\_\_ 2019, to become effective thirty (30) days thereafter.

PASSED AND ADOPTED this \_\_th day of \_\_\_\_\_, 2019 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Tim Flynn, Mayor

ATTEST:

\_\_\_\_\_  
Michelle Ascencion, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Stephen M. Fischer, City Attorney

## **ATTACHMENT “B”**

### **Firearm-Related Land Use Map**



# CITY OF OXNARD FIREARM-RELATED USE AREAS





## **ATTACHMENT “C”**

Draft Conditions for Individual Establishments



## Police Department

Scott Whitney, Chief of Police

### Firearm and Ammunition Sales / Firearm Range - Draft Conditions (Updated: 4/8/19)

#	Type	Draft Condition	Comments
	Target Hardening	Permittee shall install bollards or similar barriers in all areas where there is a potential for vehicles to ram vulnerable areas. Bollards shall be separated by no more than 48". Bollard placement shall allow for ADA access. Alternatives to bollards may be used as long as the system clearly protects vulnerable areas as well or better than bollards.	Car ramming is a common means to breach entrances to businesses possessing high value assets.
	Target Hardening	Roll down barriers shall be placed as a defensive screen to protect interior contents if large windows or similar areas which are vulnerable. Roll down barriers which allow for natural surveillance are preferred.	To provide natural surveillance
	Target Hardening	A substantial barrier between the gun business and any neighbor is required. Drywall divisions between neighboring businesses are considered an insufficient barrier. The design and nature of the supplemental barrier shall be approved by the Chief of Police or his/her designee.	Drywall dividing walls are easily breached. A neighboring business may provide an easy access point for a point of entry.
	Target Hardening	All access points (windows and vents) wider than 12-inches shall have enhanced security features. This shall include but not be limited to: walls, doors, windows, vents, HVAC Systems	Any opening in a wall, floor or roof measuring more than 12-inches across could act as a point of entry.
	Alarms	Alarms shall be periodically tested by the designee of the Chief of Police.	To ensure compliance
	Alarms	An alarm system is required. It shall consist of a dual technology burglary alarm and a silent robbery alarm. The burglary alarm sensors shall be capable of differentiating between human and non-human motion inside the business. The robbery alarm shall have activation buttons placed in various locations throughout the business as approved by the Chief of Police or his/her designee.	Dual technology alarms greatly reduce the occurrence of false alarms.
	Weapons Storage	All firearms shall be secured during the hours the business is closed. The manner in which firearms are secured will ensure that bolt cutters or similar easily obtained tools cannot free a weapon. Padlocks may be used to secure firearms as long as the padlock shackle is protected by a cover.	To deter easy access
	Ammunition Storage	All ammunition shall be secured during the hours the business is closed.	To deter easy access



Lighting	Interior lighting shall operate during the hours the business is closed to enhance natural surveillance into the business.	Natural surveillance during hours of darkness
Security Camera System	The permittee shall cooperate with the Oxnard Police Department during any investigation. In the event a criminal event occurs at or near the business, the business shall provide access to video recordings in a timely manner.	To capture images criminal behavior and to deter criminal behavior
Security Camera System	A security camera system is required and shall meet current minimum standards. The camera system shall be linked to the Internet so that the owners/managers may monitor the business at any time.	To ensure quality equipment
Security Camera System	The security cameras shall, at a minimum, monitor the following: a) Each exterior doorway capturing the head and shoulder images b) Any exterior area that serves an approach to any exterior door of the business. c) Each room, except bathrooms, shall have a minimum of one camera that shall capture the general activity in the room.	To capture images criminal behavior and to deter criminal behavior
Security Camera System	The Internet address and passcode for the security camera system shall be provided to the Oxnard Police Department pursuant to a Memorandum of Understanding between the Police Department and the Business Owner.	The intent is to provide the PD a live video feed in the event of a critical incident in the business.
Inspections	The business is subject to inspection to ensure compliance with the requirements of this permit. Such inspections shall occur during regular business hours.	To ensure compliance
Other	The business' address shall be clearly marked on the surface of the roof in 3-foot numbers.	For location identification from the air
Other	The business' address shall be clearly visible from any adjacent public right of way.	For location identification from the street/alley
Other	The electrical power meter shall be secured. Any padlock shall have a protective cover over the shackle.	To protect lighting and alarm systems.
Other	A "Height Strip" shall be installed on the interior door frame of every exterior door.	To estimate the height of anyone passing through the doorway.
	<p>"As used in this division, and in any other provision listed in Section 16580, "dealer," "licensee," or "person licensed pursuant to Sections 26700 to 26915, inclusive" means a person who satisfies all of the following requirements:</p> <p>(a) Has a valid federal firearms license.</p> <p>(b) Has any regulatory or business license, or licenses, required by local government.</p> <p>(c) Has a valid seller's permit issued by the State Board of Equalization.</p>	Pursuant to §26700 PC

	<p>(d) Has a certificate of eligibility issued by the Department of Justice pursuant to Section 26710.</p> <p>(e) Has a license issued in the format prescribed by subdivision (c) of Section 26705.</p> <p>(f) Is among those recorded in the centralized list specified in Section 26715.”</p>	
State Requirement	<p>“(a) Except as provided in subdivisions (b) and (c) of Section 26805, any time when the licensee is not open for business, all inventory firearms shall be stored in the licensed location. All firearms shall be secured using one of the following methods as to each particular firearm:</p> <p>(1) Store the firearm in a secure facility that is a part of, or that constitutes, the licensee’s business premises.</p> <p>(2) Secure the firearm with a hardened steel rod or cable of at least one-eighth inch in diameter through the trigger guard of the firearm. The steel rod or cable shall be secured with a hardened steel lock that has a shackle. The lock and shackle shall be protected or shielded from the use of a bolt-cutter and the rod or cable shall be anchored in a manner that prevents the removal of the firearm from the premises.</p> <p>(3) Store the firearm in a locked fireproof safe or vault in the licensee’s business premises.</p> <p>(b) The licensing authority in an unincorporated area of a county or within a city may impose security requirements that are more strict or are at a higher standard than those specified in subdivision (a).</p> <p>(c) Upon written request from a licensee, the licensing authority may grant an exemption from compliance with the requirements of subdivision (a) if the licensee is unable to comply with those requirements because of local ordinances, covenants, lease conditions, or similar circumstances not under the control of the licensee.</p> <p>(d) Subdivisions (a) and (b) shall not apply to a licensee organized as a nonprofit public benefit corporation pursuant to Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the Corporations Code, or as a mutual benefit corporation pursuant to Part 3 (commencing with Section 7110) of Division 2 of Title 1 of the Corporations Code, if both of the following conditions are satisfied:</p> <p>(1) The nonprofit public benefit or mutual benefit corporation obtained the dealer’s license solely and exclusively to assist that corporation or local chapters of that corporation in conducting auctions or similar events at which firearms are auctioned off to fund the activities of that corporation or the local chapters of the corporation.</p> <p>(2) The firearms are not handguns.”</p>	<p>Pursuant to §26890 PC (applies to firearms business required to have a local business license)</p>



<p>State Requirement</p>	<p>“(a) A licensee shall maintain and make available for inspection during business hours to any peace officer, authorized local law enforcement employee, or Department of Justice employee designated by the Attorney General, upon the presentation of proper identification, a firearm transaction record, as defined in Section 16550. (b) A licensee shall be in compliance with the provisions of subdivision (a) if the licensee maintains and makes available for inspection during business hours to any peace officer, authorized local law enforcement employee, or Department of Justice employee designated by the Attorney General, upon the presentation of proper identification, the bound book containing the same information referred to in Section 478.124a and subdivision (e) of Section 478.125 of Title 27 of the Code of Federal Regulations and the records referred to in subdivision (a) of Section 478.124 of Title 27 of the Code of Federal Regulations.</p>	<p>Pursuant to §26900 PC (local law enforcement inspection during regular business hours)</p>
<p>State Requirement</p>	<p>“All perimeter doorways are designed in one of the following ways: 1) A windowless steel security door equipped with both a deadbolt and a doorknob lock. 2) A windowed metal door equipped with both a dead-bolt and a doorknob lock. If the window has an opening of five inches or more measured in any direction, the window is covered with steel bars of at least one-half inch diameter or metal grating of at least nine-gauge affixed to the exterior or interior of the door. 3) A metal grate that is padlocked and affixed to the licensee’s premises independent of the door and doorframe. 4) Hinges and hasps attached to doors by welding, riveting, or bolting with nuts on the inside of the door. 5) Hinges and hasps installed so that they cannot be removed when the doors are closed and locked. d) Heating, ventilating, air-conditioning, and service openings are secured with steel bars, metal grating, or an alarm system. e) No perimeter metal grates are capable of being entered by any person. f) Steel bars used to satisfy the requirements of this section are not capable of being entered by any person. g) Perimeter walls of rooms in which firearms are stored are constructed of concrete or at least 10-gauge expanded steel wire mesh utilized along with typical wood frame and drywall construction. If firearms are not stored in a vault, the facility</p>	<p>Pursuant to §29141 PC (sites for manufacture of firearms)</p>



	<p>shall use an exterior security-type door along with a high security, single-key deadbolt, or other door that is more secure. All firearms shall be stored in a separate room away from any general living area or work area. Any door to the storage facility shall be locked while unattended.</p> <p>h) Perimeter doorways, including the loading dock area, are locked at all times when not attended by paid employees or contracted employees, including security guards.</p> <p>Except when a firearm is currently being tested, any ammunition on the premises is removed from all manufactured guns and stored in a separate and locked room, cabinet, or box away from the storage area for the firearms. Ammunition may be stored with a weapon only in a locked safe.</p>	
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## **ATTACHMENT “D”**

Notice of Exemption



## NOTICE OF EXEMPTION

### ***Project Description:***

PLANNING AND ZONING PERMIT NO. 19-580-02 (Zone Text Amendment) a request to modify Chapters 11 (Permits) and 16 (Zoning Code) of the City Code (OCC) to establish permitting and development requirements related to firearm ranges and businesses engaged in the sale of firearms and ammunition. Proposed modifications include OCC Chapter 11, Article VIII (Permits to Sell Concealable Firearms), OCC Section 16-10 (Definitions), OCC Chapter 16, Article V (Specific Use Requirements), and revisions to the conditionally permitted uses within the C-2, M-L and C-R zoning districts. The proposed project is categorically exempt from environmental review pursuant to Sections 15060(c)(2) and (3) and 15061(b)(3) of the California Environmental Quality Act Guidelines. Filed by the City of Oxnard, Community Development Department, 214 South C Street, Oxnard, California 93030.

### ***Finding:***

The Planning Division of the Community Development Department of the City of Oxnard has reviewed the proposed project and found it to be exempt from the provisions of the California Environmental Quality Act (CEQA).

- ☐ Ministerial Project
- ☐ Categorical Exemption
- ☐ Statutory Exemption
- ☐ Emergency Project
- ☐ Quick Disapproval [CEQA Guidelines, 14 Cal. Code of Regs. 15270]
- ☒ No Possibility of Significant Effect [CEQA Guidelines, 14 Cal. Code of Regs. 15060 (c)(2) and (3), and 15061(b)(3)]

***Supporting Reasons:*** Pursuant to Sections 15060(c)(2) and (3) and 15061(b)(3) of the California Environmental Quality Act, regulatory actions which will not result in direct or reasonably foreseeable indirect physical change in the environment and when it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment are not subject to CEQA. The proposed zone text amendment is a regulatory action. Furthermore, any resulting foreseeable development following approval of the ZTA is anticipated to be less intense than what is allowed by the existing regulations pertaining to the firearm sales, ammunition sales, and firearm range uses within the City. In light of the analysis above, Staff has determined that there is no possibility that the project will have a significant effect on the environment.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Douglas Spondello, Principal Planner