

FFLGUARD[®]

PROGRAM DIRECTED BY:

THE CHIAFULLO GROUP, LLP
ATTORNEYS-AT-LAW

WRITER'S E-MAIL:
CHRIS@FFLGuard.COM

April 1, 2014

Via Electronic Mail and Fax

PLEASANT HILL PLANNING COMMISSION
100 Gregory Land
Pleasant Hill, CA 94523

**Re: Proposed Zoning Ordinance Amendment - Firearms and Ammunition Sales -
OPPOSITION**

Honorable Members of the Planning Commission:

I write on behalf of *FFLGuard*, a cooperative legal program dedicated to representing the interests of its hundreds of federal firearms licensee ("FFL") clients nationwide to oppose zoning requirements on the sale of firearms and ammunition to be considered by the Commission on April 1, 2014. The proposal is a costly solution in search of a problem, and it will drive legitimate businesses out of the City.

When the City of Sunnyvale considered similar provisions affecting firearms dealers, it conducted an in-depth study on the impact of firearm businesses on the public. Sunnyvale staff noted that "there ha[d] been no evidence of increased crime, property devaluation or land use incompatibilities as the result of the businesses."¹ And the city ultimately concluded that "there is no correlation between gun-related crimes and the location of firearms businesses."²

Mayor Harris and Councilmember Durant, who initially proposed the zoning requirements currently before you, admitted that all of the City's existing firearms dealers "have operated without creating problems for the City." Memorandum from Mayor Michael Harris and City

¹ See 2011-7071 Location and Operation of Firearm Sales Businesses (Study Issue) Staff Report, available at <http://sunnyvale.ca.gov/Portals/0/Sunnyvale/NonCouncilReports/pc/2011/pc-2011-7071.pdf> at 1 (last visited Sept. 25, 2013).

² See 2011-7071 Location and Operation of Firearm Sales Businesses (Study Issue) Report to Mayor and Council, available at <http://sunnyvale.ca.gov/Portals/0/Sunnyvale/Council Reports/2011/11-209.pdf> at 5 (last visited Sept. 25, 2013).

Planning Commission Members
City of Pleasant Hill, CA
April 1, 2014

Councilmember David Durant Re: Firearms-Related Ordinance at 2 (Aug. 15, 2013). Surely, this is unsurprising as licensed firearm dealers are generally some of the most upstanding members of society. They are subject to multiple background checks and operate in an industry already heavily regulated at both the state and federal levels.

While the proposal will do little to promote public safety, it will do great harm to the City's businesses. Significantly, the proposed zoning scheme raises the possibility of forcing these companies out of the city entirely. Mandating that firearms dealers operate only in locations sufficiently far from residences, day cares, public or private schools, public parks, or a number of other establishments increases the probability that, eventually, there will be *no* location suitable for a firearms dealer to open and operate. By leaving increasingly few spaces for firearms businesses, such requirements effectively legislate the affected businesses out of existence.

Certainly, Pleasant Hill is interested in maintaining a healthy and vibrant economic environment, both for the benefit of its native businesses and citizens as well as for future entrepreneurs looking to partake in the City's growth. This proposal endangers the long-term viability of the City by imposing a zoning framework that could potentially see the wholesale loss of all businesses that require an FFL. Instead of meeting its stated goals of improving the overall quality of life for Pleasant Hill residents, the proposal will have the opposite effect if it allows businesses to be zoned out of the city.

The firearms industry and law-abiding gun owners in California are the most heavily regulated population in the country. The burden increases with each new measure, making it nearly impossible for FFLs to earn a livelihood or to create jobs and revenue for the city and state. We oppose the proposal because it will only increase the burden on law-abiding retailers and their customers, while serving no real public safety purpose.

If you have any questions or concerns concerning the content of this correspondence, please feel free to contact me at your convenience.

Sincerely,



By: Christopher M. Chiafullo
for The Chiafullo Group, LLP
FFLGuard
National Coordinating Counsel