

RESOLUTION PC 16-4511

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A ZONING ORDINANCE TEXT AMENDMENT TO ADD "INDOOR FIREARM SHOOTING RANGES" AS A CONDITIONALLY PERMITTED USE IN THE INDUSTRIAL (I) ZONE AND ESTABLISH OPERATIONAL AND DEVELOPMENT STANDARDS FOR INDOOR FIREARM SHOOTING RANGES

TA 15-001 (P15-0031)
North County Shooting Center, Inc.

WHEREAS, on April 27, 2015 an application was received from North County Shooting Center Inc. to amend the text of Title 20 (Zoning Ordinance) of the San Marcos Municipal Code (SMMC) to add firearm shooting ranges (indoor) as a conditionally permitted use in the Industrial (I) zone in SMMC 20.230; insert an off-street parking requirement for firearm shooting ranges (indoor) in SMMC 20.340; establish operational and development standards for firearm shooting ranges (indoor) in SMMC 20.400 (Specific Use Standards); and insert definitions for "firearm" "firearm shooting range (indoor)," and "firing line" in San SMMC 20.600 ("F" Definitions), as outlined in "Attachment A" of this resolution;

WHEREAS, the Development Services Department did study said request and recommends approval of said request; and

WHEREAS, the required public hearing held on January 19, 2016, was duly advertised and held in the manner prescribed by law; and

WHEREAS, the Planning Commission did consider a Mitigated Negative Declaration (ND 15-008) for said request pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, the Planning Commission's decision is based on the following findings and determinations:

1. The proposed text amendment to Title 20 (Zoning Ordinance) of the San Marcos Municipal Code will not adversely affect the implementation of the General Plan in that the text amendment does not conflict with any goal, objective, or policy of the General Plan. The amendment is consistent with the General Plan in that the allowance of such uses in the Industrial (I) zone helps to achieve a balanced distribution and compatible mix of land uses to meet the future and present needs of all residents and the business community (Land Use & Community Design Element Goal LU-1) and helps to maintain a supportive business climate and a healthy, sustainable economy creating additional employment opportunities (Land Use &

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Community Design Element Goal LU-6). Furthermore, the amendment is consistent with General Plan policies that relate to noise and hazardous materials (Noise Element Policies N-1.1 – N-1.5 and Safety Element Policy S-4.3).

2. The proposed amendment to Title 20 (Zoning Ordinance) of the San Marcos Municipal Code will not be detrimental to the public health, safety, morals, and welfare in that the text amendment will establish standards and requirements to permit indoor firearm shooting ranges in the Industrial (I) Zone and will establish operational standards (e.g., distance requirements, noise mitigation, parking, etc.) that will ensure the use is located and operated in a manner that is safe and avoids impacts to surrounding uses and the environment.

NOW, THEREFORE, the Planning Commission resolves as follows:

1. The foregoing recitals are true and correct.
2. Mitigated Negative Declaration (ND 15-008) is hereby recommended to City Council for approval.
3. This Zoning Ordinance Text Amendment, as specified in Attachment "A", is hereby recommended to the City Council for approval.
4. This Zoning Ordinance Text Amendment (TA 15-001) is approved in conjunction with the submitted Conditional Use Permit (CUP 15-007) and all conditions of approval specified in Resolution PC 16-4512 are hereby incorporated by reference herein.
5. To the extent permitted by law, the Applicant shall defend and hold the City of San Marcos ("City"), its agents and employees harmless from liability from: (i) any and all actions, claims, damages, injuries, challenges and/or costs of liabilities arising from the City's approval of any and all entitlements or permits arising from the project as defined in the conditions of approval, or issuance of grading or building permits; (ii) any damages, liability and/or claim of any kind for any injury to or death of any person, or damage or injury of any kind to property which may arise from or be related to the direct or indirect operations of the Applicant or its contractors, subcontractors, agents, employees or other persons acting on Applicant's behalf which relate to the project; and (iii) any and all damages, liability and/or claims of any kind arising from operation of the project. Applicant further agrees that such indemnification and hold harmless shall include all defense related fees and costs associated with the defense of City by counsel selected by the City. This indemnification shall not terminate upon expiration of the conditions of approval or completion of the project, but shall survive in perpetuity.

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 19th day of January 2016, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Eric Flodine, Chairman
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

Lisa Kiss, Office Specialist III
SAN MARCOS CITY PLANNING COMMISSION

Attachment: Attachment "A" Proposed Changes to Title 20 of the San Marcos Municipal Code (SMMC) are underlined

ATTACHMENT A

Proposed Changes to Title 20 of the San Marcos Municipal Code (SMMC) are underlined

Amendment to Chapter 20.230 Industrial Zone

Table 20.230-2 (Industrial District Permitted Uses) is proposed to be amended by the addition of the following:

Land Use	L-I	B-P	I	I-2	Additional Use Regulations
Services					
<u>Firearm Shooting Range (Indoor)</u>	--	--	<u>CUP</u>	--	<u>Section 20.400.240 (Firearm Shooting Range (Indoor)), 5.60 (Firearms)</u>

Amendment to Chapter 20.400 Specific Use Standards

Chapter 20.400 (Specific Use Standards) is proposed to be amended by the addition of a new subsection as follows:

Section 20.400.240 Firearm Shooting Range (Indoor)

The purpose and intent of this section is to provide standards for the location and operation of indoor firearm shooting ranges by locating such facilities in appropriate areas with minimal adverse impact on the community and its resources, and providing operational standards that will protect the public health, safety, and general welfare of the community.

- A. **Permit Required.** Indoor firearm shooting ranges are a conditionally permitted use within the Industrial (I) zone with Conditional Use Permit (CUP) approval provided the business conforms with all applicable Federal, State, and County standards, as well as all applicable requirements of the San Marcos Municipal Code. Indoor Firearm shooting ranges are prohibited in all other zones of the City.
- B. **Distance Requirements.** The exterior walls of an indoor firearm shooting range shall not be located within five-hundred (500) feet of a child care facility, K-12 public school, public park, residential zoning district, bar, or any another indoor firearm shooting range.
- C. **Noise.** The proposed indoor firearm shooting range must be properly designed, constructed, and equipped to completely contain all firearm discharge noise within the building and/or tenant space. The maximum allowable exterior noise level shall comply with San Marcos Municipal Code (SMMC) 20.300.070.F as measured at the property line. Where a property is occupied by more than one use (whether within the same building or in separate buildings) the noise level shall not exceed forty-five (45) dBA as measured within the interior space of the neighboring establishment. Noise caused by motor vehicles traveling to and from the site are exempt from this standard.

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- D. **Interior Building Design.** The proposed indoor firearm shooting range must be properly designed, constructed, and equipped to contain all firearm ammunition within the building and/or tenant space.
- E. **Hours.** Indoor firearm shooting ranges shall be permitted to operate during the hours of 7:00 a.m. to 10:00 p.m., unless otherwise approved through the Conditional Use Permit.
- F. **Retail Firearm Sales.** Retail firearm sales and repair services are permitted in conjunction with indoor firearm shooting range operations. The applicant must comply with all Federal and State requirements for such sales and services as well as all requirements in San Marcos Municipal Code (SMMC) Chapter 5.60 (Firearms).
- G. **Public Safety.** As part of the Conditional Use Permit process, additional submittal and operational requirements may be imposed or added as conditions of approval as deemed necessary by the San Diego County Sheriff's Department.

Amendment to Chapter 20.340 Off-Street Parking & Loading

Table 20.340-1 (Parking Requirements by Land Use) is proposed to be amended by the addition of the following use under general category Service Uses:

Land Use	Minimum Parking Requirement	Additional Use Regulations
Service Uses		
<u>Firearm Shooting Range (Indoor)</u>	<u>1.25 parking spaces/shooting lane, plus 1 parking space for every 250 square feet of retail and office area, plus 1 parking space for every 4,000 square feet of storage/warehouse area</u>	

Amendment to Chapter 20.600 Definitions

Chapter 20.600.080 ("F" Definitions) is proposed to be amended by the addition of the following definitions:

Firearm. Any barreled weapon capable of firing a projectile or bullet using an explosive charge.

Firing line. A safe and secure line parallel to fixed targets from which firearms are discharged.

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(Continued)

Firearm Shooting Lane. A division of the firing line within a firearm shooting range intended to serve as a firing point for an individual shooter, provide a location for mounting individual targets, and offer a shelf for shooters to use. Firearm shooting lanes are typically separated with walls arranged perpendicular to the firing line designed to protect shooters from adjacent shooters by minimizing side blast interference and reducing the hazard of misdirected shots.

Firearm Shooting Range (Indoor). A completely enclosed facility designed to offer a controlled shooting environment that includes impenetrable walls, floor and ceiling, adequate ventilation and lighting systems, and acoustical treatment for sound attenuation suitable for the range's approved use.

RESOLUTION PC 16-4512

A RESOLUTION OF THE CITY OF SAN MARCOS PLANNING COMMISSION RECOMMENDING TO THE CITY COUNCIL APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW THE CONSTRUCTION AND OPERATION OF A FIREARM SHOOTING RANGE (INDOOR) IN THE INDUSTRIAL (I) ZONE

CUP 15-007 (P15-0031)
North County Shooting Center, Inc.

WHEREAS, on April 27, 2015 an application was received from North County Shooting Center Inc. requesting a Conditional Use Permit to allow for the construction and operation of a 15,612 square foot indoor firearm shooting range and firearm retail store (7,838 square foot shooting range area consisting of 20 firing lanes, 3,695 square feet of retail & office area, and 4,079 square feet of storage space) on a 36,338 square foot property located on the north side of Descanso Avenue, approximately 847 feet northwest of Las Posas Road in the Industrial (I) Zone, more particularly described as:

Parcel C of Parcel Map No. 21219, in the City of the San Marcos, County of San Diego, State of California, according to map thereof, filed in the Office of the County Recorder of San Diego County on February 10, 2015
Assessor's Parcel Numbers: 219-122-37-00

WHEREAS, the Development Services Department did study said request and does recommend approval of requested use; and

WHEREAS, the required public hearing held on January 19, 2016 was duly advertised and held in the manner prescribed by law; and

WHEREAS, the property has been annexed into Community Facility District (CFD) 98-02: Lighting, Landscape and Street Maintenance, CFD 98-01: Police Only, CFD 2001-01: Fire and Paramedic, and CFD 2011-01: Congestion Management; and

WHEREAS, the Planning Commission did consider a Mitigated Negative Declaration (ND 15-008) for said request pursuant to the California Environmental Quality Act (CEQA); and

WHEREAS, the Planning Commission's decision is based on the following findings and determinations:

1. The granting of the Conditional Use Permit, as conditioned, will not result in detrimental impacts to adjacent properties or the character and function of the neighborhood in that all activities will take place inside the building, the facility has been designed to contain all firearm discharge noise and ammunition inside the building, adequate parking is

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provided, and the facility complies with all relevant provisions of the San Marcos Municipal Code, California Building Code, and California Fire Code.

2. The design, development, and conditions associated with the Conditional Use Permit are consistent with the goals, policies, and intent of the General Plan and the purpose and intent of the Industrial (I) Zone in that the operation of an indoor firearm shooting range helps to promote a balanced distribution and compatible mix of land uses to meet the future and present needs of all residents and the business community (Goal LU-1) and helps to maintain a supportive business climate and a healthy, sustainable economy creating additional employment opportunities (Goal LU-6). Furthermore, as conditioned, the facility is consistent with General Plan policies that relate to noise and hazardous materials (Noise Element Policies N-1.1 – N-1.5 and Safety Element Policy S-4.3).
3. The land use allowed in conjunction with the Conditional Use Permit is compatible with the existing and future land uses of the Industrial (I) Zone and the general area in which the proposed use is to be located.

NOW, THEREFORE, the Planning Commission resolves as follows:

- A. The foregoing recitals are true and correct.
- B. A Mitigated Negative Declaration (ND 15-008) is hereby recommended to City Council for approval pursuant to the California Environmental Quality Act (CEQA).
- C. The Conditional Use Permit is approved per the submitted site plan (15,612 square foot indoor firearm shooting range and firearm retail store on a 36,338 square foot property), floor plans, architectural/color elevations, conceptual landscaping plan, and subject to compliance with the conditions of approval of this Resolution PC 16-4512.
- D. Within thirty (30) days of the approval of the Conditional Use Permit (CUP 15-007), the final approved site plan, landscape plans, floor plans, and elevations shall be submitted as a digital file on a CD including this resolution on the title page. This title page shall include the statement "I (we), _____, the applicant/owner(s) or the applicant/owner's representative, have read, understand and agree to the conditions of Resolution PC 16-4512." Immediately following this statement shall appear a signature block for the owner or the owner's representative which shall be signed. Signature blocks for the Project Planner and the Project Civil Engineer shall also appear on this title page. The digital copy shall be approved by the City prior to any grading plan, improvement plan, or building permit submittal.
- E. The applicant/developer must comply with all required mitigation measures as specified in Mitigated Negative Declaration (ND 15-008).
- F. Prior to issuance of any grading permit, the following conditions must be complied with:
 1. The applicant must submit for a grading permit in accordance with the San Marcos Municipal Code (SMMC) section 17.32 and all related Engineering

Division handouts. All applicable fees and securities shall be paid prior to grading permit issuance.

2. A hydrology and hydraulic report (calculations) shall be prepared for the proposed project to determine the existing and post-development runoff for the 100-year storm conditions. Storm drains and drainage structures shall be sized for build-out according to the approved hydrology report. All surface runoff originating within the project and all surface waters that may flow onto the project from adjacent properties shall be accommodated by the drainage system. The report shall also determine the build-out runoff into existing off-site natural drainage swales and storm drain systems, and shall address any need for off-site improvements, including upsizing of existing facilities. Blocking, concentrating, lowering or diverting of natural drainage from or onto adjacent property shall not be allowed without written approval of the affected property owner.
3. The applicant/developer shall provide design documents to reflect compliance with the latest City of San Marcos Storm Water Standards Manual guidelines and California Regional Water Quality Control Board, San Diego Region, Order No. R9-2013-0001. If the project is phased, the design documents shall address the Best Management Practices (BMP's) to be utilized for each phase. Said design documents shall be prepared by a registered civil engineer and shall be to the satisfaction of the City Engineer. The project landscape architect shall sign the pertinent design document sheets certifying the BMP's have been incorporated into the landscape plans.
4. The approval of Conditional Use Permit does not provide vested rights for the storm water regulations currently applicable to developments. All development must comply with the storm water regulations applicable at the time of approval of the corresponding grading permit application.
5. The property owner shall enter into a Storm Water Management and Discharge Control Maintenance Agreement and Easement for the maintenance of all structural post-construction storm water treatment improvements. The agreement and easement shall be in a form acceptable to the City Attorney.
6. The applicant/developer shall retain a San Diego County qualified archaeological monitor to monitor all ground-disturbing activities in an effort to identify any unknown archaeological resources. Any newly discovered cultural resource deposits shall be subject to cultural resources evaluation, which shall include archaeological documentation, analysis and report generation.
7. At least 30 days prior to beginning project construction; the applicant/developer must enter into a Cultural Resource Treatment and Monitoring Agreement (also known as a pre-excavation agreement) with a *Luiseño* Tribe. The Agreement shall address the treatment of known cultural resources, the designation, responsibilities, and participation of professional Native American Tribal monitors during grading, excavation and ground disturbing activities; project

grading and development scheduling; terms of compensation for the monitors; and treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on site.

8. The project archaeologist shall file a pre-grading report with the City to document the proposed methodology for grading activity observation, which will be determined in consultation with the contracted Luiseño Tribe referenced herein. Said methodology shall include the requirement for a qualified archaeological monitor to be present and to have the authority to stop and redirect grading activities. In accordance with the agreement required herein, the archaeological monitor's authority to stop and redirect grading will be exercised in consultation the *Luiseño Native American monitor* in order to evaluate the significance of any archaeological resources discovered on the property. Tribal and archaeological monitors shall be allowed to monitor all grading, excavation, and groundbreaking activities, and shall also have the authority to stop and redirect grading activities.
9. The applicant/developer shall submit landscape plans to the Planning Division for review and approval per the following requirements:
 - a. Final landscape and irrigation plans shall be prepared by a licensed landscape architect.
 - b. This project is subject to the payment of a landscape permit and inspection fee. The landscape permit and inspection fee shall be four and one-half percent (4.5%) of the Landscape Architect's estimate for the completion of all landscaping shown on approved plans. All submitted estimates shall be stamped and signed by the Landscape Architect, and estimate the cost of plant and irrigation materials only.
 - c. Landscape plans shall contain a mixture of trees, shrubs, and ground cover, and be provided with an irrigation system. The irrigation system shall include an automatic rain sensor switch, master valve, stainless steel enclosure for the backflow device, and stainless steel controller cabinet. The landscape plan shall list the quantities of each plant type, including a legend indicating what each symbol represents; height and spread of trees (in accordance with City Minimum Tree Standards, City Council Resolution 2001-5747); and method of installation and irrigation.
 - d. Plant material and irrigation design, as well as reporting requirements, shall comply with the State of California and City Model Water Efficiency Landscape Ordinance.
 - e. The applicant/developer applicant shall submit landscape plans with characteristics that maximize infiltration, provide retention, reduce irrigation and storm water runoff, use efficient irrigation, and minimize the use of fertilizers, herbicides and pesticides.

- f. All permanent Best Management Practices (BMPs) per the approved grading plan shall be shown on the landscape plans. Landscape plans shall be reviewed and signed by the engineer-of-work that the proposed landscape design complies with the requirements of the Stormwater Management Plans.
- G. During the grading and construction phase, the following conditions must be complied with:
 - 1. All construction operations authorized by building permits, including the delivery, setup and use of equipment must be conducted on premises during the hours of 7:00 AM to 6:00 PM on Monday through Friday, and on Saturday between 8:00 AM and 5:00 PM. No work shall be conducted on Sundays or Holidays observed by the City of San Marcos. Failure to comply will result in the issuance of STOP WORK NOTICES, REVOCATION OF PERMITS and the issuance of citations and fines as appropriate. Citations for hours of work violations require a mandatory court appearance in North County Superior Court.
 - 2. All grading must be supervised by a Geotechnical Engineer, who shall prepare a written report to the satisfaction of the City Engineer certifying that the work has been performed in compliance with the recommendations contained within the geotechnical report and on the approved project plans. If not so done, the report shall describe the actual work performed and any deficiencies observed. The final report shall specifically detail conditions and remedial work performed that was not specifically identified in the initial report of subsurface conditions.
 - 3. Dust and dust producing materials must be controlled within the maximum acceptable concentrations for silica and silicates in accordance with the California Code of Regulations, Title 8, Section 5155. Water and dust palliative shall be used to prevent excessive dust during blasting, construction and grading operations. Projects are required to comply with the Air Pollution Control District's standards for mitigating fugitive dust during all phases of construction.
 - 4. During construction, stationary construction equipment must be placed such that emitted noise is directed away from sensitive noise receivers.
 - 5. The project shall implement a fugitive dust emissions control plan during construction. This plan shall include the watering of the site for dust control; isolating excavated soil until removed from the site; and periodic cleaning of streets to remove accumulated materials.
 - 6. The project must comply with Regional Air Quality Standards.
 - 7. An archeological monitor and a *Luiseño* Native American monitor must be present during all earth moving and grading activities to assure that any potential cultural resources, including tribal, found during project grading be protected.

8. The landowner shall relinquish ownership of all cultural resources collected during the grading monitoring program and from any previous archaeological studies or excavations on the project site to the appropriate Tribe for proper treatment and disposition per the Cultural Resources Treatment and Monitoring Agreement referenced herein. All cultural materials that are deemed by the Tribe to be associated with burial and/or funerary goods will be repatriated to the Most Likely Descendant as determined by the Native American Heritage Commission per California Public Resources Code Section 5097.98.
9. In the event that curation of cultural resources is required, curation must be conducted by an approved facility and the curation shall be guided by California State Historic Resource Commissions Guidelines for the Curation of Archaeological Collections. The City of San Marcos must provide the developer final curation language and guidance on the project grading plans prior to issuance of the grading permit, if applicable, during project construction.
10. All sacred sites, should they be encountered within the project area, must be avoided and preserved as the preferred mitigation, if feasible.
11. If human remains are encountered, California Health and Safety Code Section 7050.5 states that no further disturbance must occur until the San Diego County Coroner has made the necessary findings as to origin. Further, pursuant to California Public Resources Code Section 5097.98(b) remains shall be left in place and free from disturbance until a final decision as to the treatment and disposition has been made. Suspected Native American remains shall be examined in the field and kept in a secure location at the site if the San Diego County Coroner determines the remains to be Native American, the Native American Heritage Commission (NAHC) must be contacted within 24 hours. The NAHC must then immediately notify the "most likely descendant(s)" of receiving notification of the discovery. The most likely descendants(s) shall then make recommendations within 48 hours, and engage in consultation concerning treatment of remains as provided in Public Resources Code 5097.98.
12. If inadvertent discoveries of subsurface archaeological/cultural resources are discovered during grading, the applicant/developer, the project archaeologist, and the Luiseño Tribe under agreement with the landowner described in the measure above shall assess the significance of such resources and shall meet and confer regarding the mitigation for such resources. Pursuant to California Public Resources Code Section 21083.2(b) avoidance is the preferred method of preservation for archaeological resources. If the Developer, the project archaeologist and the Tribe cannot agree on the significance of mitigation for such resources, these issues will be presented to the Planning Manager for decision. The Planning Manager shall make a determination based upon the provisions of the California Environmental Quality Act with respect to archaeological resources and shall take into account the religious beliefs, customs, and practices of the Tribe. Notwithstanding any other rights available under law, the decision of the Planning Manager shall be appealable to the Planning Commission and/or City

Council.

13. A test sample of the proposed exterior colors and stucco finish must be applied to a mock-up with an area large enough to be representative of the finished color scheme. This sample shall be inspected and approved by the Planning Division prior to painting of the buildings. If determined necessary upon inspection, the color scheme may be required to be modified at the discretion of the Planning Manager. The applicant/developer shall be responsible to contact the Planning Division for inspection.
 14. During grading and construction phases of development, the application of water or other means of dust control shall be performed to the satisfaction of the Building Inspector and the Public Works Director.
 15. Construction haul routes must be designed to avoid noise sensitive uses (e.g., residences, convalescent homes, etc.), to the extent feasible.
 16. Paving of roads/parking lots shall be completed as early as possible to mitigate short-term dust problems associated with construction.
- H. Prior to issuance of any building permits, the following conditions shall be complied with:
1. The correct square footages for the building shall be identified on the plans. Correct square footages are 3,695 square feet for the office and retail area, 7,838 square feet for the shooting area, and 4,079 square feet for the storage space (15,612 square feet total).
 2. Building plans and instruments of service submitted with a building permit application must be signed and sealed by a California licensed design professional as required by the State Business and Professions Code.
 3. Plans must demonstrate that the proposed building will be designed and constructed with soundproof walls to attenuate noise from continuous firing in the firing range area. Specifically, the walls around the perimeter of the firing range must, as proposed, include concrete tilt-up walls with six-inch 25-gauge studs, one layer troy sound board, and two-inch troy wool sound insulation. The interior wall separating the firing range from the retail/office area must, as proposed, be composed of eight-inch concrete masonry unit (CMU) with 2.5-inch 25 gauge studs with one layer troy sound board and two-inch troy wool sound insulation.
 4. The facility must be designed with an air ventilation system compliant with the California Mechanical Code and all regional air quality standards. The shooting range area of the building must be designed with a proper ventilation system that pulls smoke and lead particles away from the firing line.
 5. Plans must demonstrate that the proposed building will be designed and constructed to contain all fired ammunition inside the shooting area of the

building. Documentation must be submitted to the Building Official for review and approval identifying construction methods used to contain spent firearm ammunition inside the firing range area. Plans must also address how fired ammunition will be contained inside the building in the event of an unintentional discharge away from the target area (i.e. wall, ceiling, behind firing line, etc.).

6. Sewer and water utilities must be located wholly on the lot that serves the building in accordance with the latest adopted edition of the California Plumbing Code.
7. The applicant/developer must obtain the required OSHA permits for blasting, construction, demolition, excavation, grading operations, rock drilling and the construction of buildings over 3 stories in height in accordance with the California Code of Regulations, Title 8, Section 1503.
8. The applicant/developer must contact the Delivery Retail Analyst for the branch of the U.S. Postal Service to determine the type and location of centralized delivery equipment required. The developer shall notify the mailbox owners of their responsibility to maintain the delivery equipment. The developer must inform the new owners that they own the mailboxes and are responsible for replacement.
9. The City of San Marcos is located in Seismic Design Category "D". Buildings and structures shall be designed to adequately transmit the dynamic lateral forces in accordance with the requirements of the latest adopted California Building Code.
10. The proposed development must comply with the latest adopted California Green Building Code Standards. The city has adopted the mandatory standards and does not enforce the voluntary standards. All new projects are subject to a 20% reduction in water use.
11. The proposed development must comply with the latest Federal Law, Americans with Disabilities Act and State Law, California Code of Regulations, Title 24, for accessibility standards for the disabled.
12. The proposed new development is subject to approval by the Vallecitos Water District and all applicable fees and charges must be paid to the District prior to permit issuance.
13. The proposed new development is subject to the payment of development fees and in-lieu fees as required by the City's Fee Ordinance at the time an application is submitted or prior to the issuance of permits as determined by the City.
14. The proposed new development is subject to the payment of School Fees as required by law. The applicant is required to submit a Certificate of Compliance from the school district to obtain building permits from the City.
15. The storage, use or handling of hazardous, toxic or flammable materials shall be clearly indicated on all floor plans submitted for a building permit. Materials shall

be identified in accordance with Health and Safety Code Section 25101.

16. The applicant/developer must obtain "will-serve" letters from all affected public service and utilities agencies prior to issuance of grading permit.
17. Construction contracts specify that all construction equipment, fixed or mobile, must be equipped with properly operating and maintained mufflers and other state required noise attenuation devices.
18. Plans must demonstrate that all rooftop mechanical units, vents, ducts, etc. will be screened from street grade and State Route 78 view and surrounding properties by parapet walls and/or architectural enhanced enclosures. A roof plan and cross sections showing lines of sight shall be submitted with construction drawings illustrating that roof equipment will be architecturally screened. Cut sheets of actual units shall be included with plans. Screening plan shall be approved by the Planning Division prior to issuance of a building permit.
19. All exterior lighting shall comply with City standards for energy efficient lighting as approved by the City.
20. Architectural lighting plan must be included with the building plans that show the type, style, and location of all exterior building and parking lot lights. Plans shall include photo of fixture and manufacturer specifications indicating dimensions, materials, colors, bulb type, etc. Exterior lighting for the outdoor dining area and parking lot shall be shielded to direct light downward.
21. The trash enclosure (minimum dimensions of fourteen (14) feet wide by ten (10) feet deep by six (6) feet high) for trash and recycling containers must be constructed to architecturally match the building in color and texture. In addition, the enclosure must have solid view-obscuring, double swinging gates; must have a flat impervious, concrete slab designed to prevent run-off from adjoining areas; contain attached lids on all trash and recycling containers; and a roof to minimize direct precipitation. Trash container lids must be kept closed at all times.
22. The approved grading plans must be attached to the building plans.
23. All proposed fire hydrants must be operational prior to the delivery of combustible materials to the project site.
24. All Public Facilities Fees, as established by the latest adopted ordinances and resolutions, must be paid in full.
25. Public Safety Response Maps: Any new development, which necessitates updating of emergency response maps by virtue of new structures, hydrants, roadways or similar features, shall be required to provide map updates. Provide a copy of building plans in Geo-Referenced format to be used by fire dept. for pre-fire planning purposes. Information shall specifically include a site plan, building

plan, all Utility shut-offs, fire sprinkler risers and shut-off valves, the fire department connection for sprinkler and class-I standpipe, all standpipe hose outlets, all stairwells, retail spaces, living units and numbers /locations, fire alarm panels, elevators, fire hydrants and all Knox boxes and key switch locations. The following shall be used- Coordinate System Name: NAD_1983_StatePlane_California_VI_FIPS_0406_Feet

26. Fire Department Access: Plans must demonstrate adequate emergency vehicle access to all structures. All access drive aisles shall be minimum 24 feet wide. All access drive aisles shall meet required turn radius of all San Marcos frontline and reserve fire apparatus. NOTE: Access to the building must be provided as shown on the approved plans.
27. Access Design: Plans must demonstrate the driveway entry and internal access drive aisles serving this project will be all weather design; maintained to support the imposed loads of fire apparatus not less than 75,000 pounds, or 32,000 lb single axle load. All on site access roads and each driveway entry shall be usable and provide access to two (2) sides of the structure, once the building is constructed. Note: any roads 24 feet in width are required to be posted with 'No Parking -Tow Away Zone' signs approved by the fire department.
28. Knox Cabinet: Provide and install a Knox ICE style cabinet. This cabinet shall hold applicable info including but not limited to Floor Plan, MSDS sheets and other key data required by fire department. Cabinet shall be mounted on building in location determined by fire department.
29. Hydrants: Fire hydrants with an adequate water supply must be installed on streets and onsite in parking area. Spacing of hydrants shall not exceed 300 feet distance between hydrants. The type of hydrants installed shall be Jones, with two, 4 -inch outlets & one 2 ½ -inch outlet. Fire flow requirements are based on building size (square feet) and construction type. Fire flow will be determined at later date. Fire hydrants shall be in place, usable and approved by fire dept. and water district prior to the delivery of combustible construction materials to the site.
30. Fire Sprinkler System required. The entire building (both phases) will be required to install a fire sprinkler system. The sprinkler system shall be piped throughout entire building and be in working condition at all times.
31. Fire Alarm System: A manual or automatic fire alarm system is required. For information on required submittals for a fire alarm system, please contact the San Marcos Fire Department at (760) 744-1050 ext. 3407.
32. The method of security must be indicated on the floor plan (i.e. alarm, video surveillance, panic devices, etc.).
33. Placards: Signs (e.g. Explosive, Flammable, etc.) that comply with NFPA 704 and

2013 CFC must be installed on the building to the satisfaction of the Fire Department and shall be indicated on the plans.

- I. Prior to occupancy of any structure, the following conditions shall be complied with:
 1. The proposed development must satisfy the conditions of approval prior to the first occupancy. The owner/developer/contractor must obtain approval from all City departments and other agencies before requesting a Certificate of Occupancy ("C of O") from the Development Services Department.
 2. The project must be completed in accordance with the approved grading plan, site plan, floor plan, landscape plan, and elevations drawings.
 3. Noise readings must be conducted at the nearest property line to the building by a certified acoustical engineer ensuring firearm discharge is not audible beyond a decibel reading of 65 dBA at the property line.
 4. The applicant must obtain a Firearm Permit from the City Clerk's Office.
 5. The applicant must obtain a City of San Marcos Business License.
 6. The applicant must obtain and provide the City copies of the following approvals:
 - a) Federal Firearms Dealer's License (07) Manufacturer of Firearms other than Destructive Devices
 - b) Federal Special Tax Stamp (62) NFA Firearms Manufacturer
 - c) State of California Firearms Dealer
 - d) State of California Seller's Permit
 - e) State of California High Capacity Magazine Permit
 - f) Secondhand Dealer's License – San Diego County Sheriff's Department
 7. All spent firearm ammunition, including its byproduct which is lead, must be properly handled, used, stored, transported, and/or disposed of in accordance with San Diego County Department of Environmental Health regulatory standards.
 8. All rooftop mechanical units, vents, ducts, etc. shall be screened from view from street grade & adjacent properties. Said screening mechanism shall be inspected by the Planning Division, and if determined necessary, additional screening may be required, as determined acceptable by the Planning Manager.
 9. Building address shall be clearly labeled for day and night-time emergency responses. In addition, adequate lighting shall be provided to deter potential criminal activities (i.e.: vehicle burglaries, prowlers, loitering, etc.).
 10. All landscaping shall be completed, and inspected and approved by the Planning Division. The applicant/developer is responsible to contact the Planning Division for inspection. Additional landscaping will be required if deemed necessary by the

Planning Division.

11. The applicant must submit a letter(s) by the landscape architect and engineer-of-work to the Planning Division certifying that the plant materials and irrigation system have been installed in accordance with the approved landscape plans and the Water Quality Improvement Plan, respectively. Any proposed modifications to the planting plan shall be approved by the City.
 12. As-Built drawings must be submitted to the Engineering Division for review and approval. All improvements identified on the plans and all undergrounding of utilities shall be completed in accordance with the project plans and these conditions of approval. Record drawing mylar plans shall be submitted and approved prior to the release of any project securities.
 13. All applicable easements and agreements shall be recorded prior to occupancy.
 14. The placement of plants shall be installed in accordance with the approved landscape plans. Upon completion of installation, all landscaping/irrigation shall be inspected and approved by the Planning Division and/or Landscape District Supervisor. The applicant/developer shall be responsible to contact the Planning Division for landscaping inspections.
- J. The indoor firearm shooting range must comply with the following operational standards:
1. All operations of the facility must occur inside the building. Any outdoor activities, display, sale, or storage of any firearms or related goods is strictly prohibited.
 2. The hours of operation shall be limited to 7:00 am to 10:00 pm, Monday through Sunday. On an occasional basis, special training sessions are permitted for law enforcement agencies outside the regular hours of operation provided the facility is closed to the general public at the time of the training session.
 3. The facility must operate in compliance with all Federal, State, and County Laws.
 4. A minimum of two (2) Safety Range Officers shall be on duty during operating hours. Range Safety Officers shall be responsible for:
 - a) The operation and maintenance of the shooting area.
 - b) Inspection of all firearms and ammunition for proper function and operation.
 - c) Enforcement of Safety Protocols and the regulations of the indoor firearm shooting range.
 - d) Ensuring that all firearms and ammunition at the indoor firearm shooting range remain securely stored at all times and in compliance with all applicable laws and regulations.
 - e) Ensuring firearms are being properly handled by shooting range customers.
 5. Firearms safety rules and regulations shall be prominently posted in a general area of the facility, and available to all customers of the establishment. Compliance with

those regulations shall be monitored and enforced by a range safety officer, employed by the facility.

6. No person, employee, member, or customer of the indoor shooting range shall be allowed to enter or leave the premise with a loaded firearm, unless permitted by or exempted by state or federal law.
7. All firearms shall only be loaded on the firing line under the supervision of the range safety officer, unless permitted by or exempted by state or federal law.
8. Individuals deemed by the range safety officer, or other employees of the indoor shooting range, to be under the influence of drugs and/or alcohol and as such present a safety concern, shall be prohibited from utilizing the indoor shooting range.
9. Individuals who the range safety officer, or other employees of the indoor shooting range, believes to pose a threat to themselves or others, shall be prohibited from utilizing the indoor shooting range. The San Diego County Sheriff's Department shall be contacted immediately if the range safety officer, or an employee, reasonably believes that a person on the premises may be a threat to themselves or others.
10. Individuals under eighteen (18) years of age will be allowed to utilize the facility provided they are accompanied by parent or legal guardian or they are under adult supervision and a signed release by the parent or guardian is provided. No child under the age of eight (8) years shall be permitted to shoot firearms.
11. All persons at the firing line must wear approved eye and ear protection under the supervision of the range safety officer. All employees of an indoor shooting range shall receive eye and ear protection and shall receive proper training regarding the use of suitable eye and ear protection.
12. No other weapons, other than legal firearms, shall be discharged in the facility.
13. No pistol or revolver, or imitation thereof, or placard advertising the sale or other transfer thereof, shall be displayed in any part of the premises where it can readily be seen from the outside.
14. The applicant shall comply with all provisions outlined in San Marcos Municipal Code (SMMC) Chapter 5.60 (Firearms).
15. The applicant/operator shall cooperate with law enforcement officials at all times and have records (not limited to "proof of purchase") available for review upon request.

16. No person may shoot, fire, or discharge any pistol, revolver, gun, rifle, or other firearm in or around the project site. Complaints of any such actions in or around the project site will result in the revocation of Conditional Use Permit 15-007.
17. The training room shall be utilized by North County Firearms for the sole purpose of State of California Department of Justice (DOJ) safety training videos and testing for customers of the shooting range prior to occupying a shooting lane. The safety training room shall not be utilized for any other purpose or subleased.
18. Firearms classified as illegal under Federal or State Statute are prohibited.
19. The applicant shall take all necessary precautions to safely secure the site from burglars and intruders. This includes installation of a burglar alarm, security cameras, and deadbolt locks. Additionally, a sign shall be posted at the front, rear, and east end of the building indicating security measures are present at the site.
20. Any burglary or theft at the site shall immediately be reported to the San Diego County Sheriff's Department.
21. Illegal drugs and alcohol are prohibited on the property. The sale of alcohol is prohibited on the property.
22. The sale and storage of ammunition, firearms and accessories onsite is permitted. Sale and storage activities must comply with all state and federal requirements. This includes compliance with the California Building Code and California Fire Code relative to the storage of ammunition.
23. The manufacture of ammunition is prohibited onsite.
24. No person, other than the range safety officer, official employees, or independent contractors hired to maintain the indoor shooting range shall be permitted beyond the firing line.
25. All doors, gates, and entrances between the shooting points and backstop shall be securely locked at all times when a person is engaged in practice shooting.
26. No special events (i.e. tournaments, promotional events, etc.) are permitted at the site unless approved through a Special Events Permit from the City Manager's office.
27. The storage of "black powder" shall conform to the latest adopted California Building Code with respect to the maximum allowable quantities of materials in storage and use.
28. All spent firearm ammunition and its byproduct, which is lead, must be kept inside the building. Ammunition and lead must be properly handled, used, stored,

transported, and/or disposed of in accordance with San Diego County Department of Environmental Health regulatory standards.

29. The minimum twenty-four (24) foot wide driveway aisle (fire lane) along the north and east end of the building shall remain free and clear of obstacles at all times. Vehicles shall only be parked in designated parking spaces. No vehicles shall be parked within the driveway aisle at any time.
30. All truck and vehicular loading and unloading activities shall take place onsite. Offsite (i.e. public street, adjacent properties, etc.) loading and unloading is prohibited.
31. The applicant shall maintain all of the following licenses and permits over the duration of the business operation:
 - a) Federal Firearms Dealer's License (07) Manufacturer of Firearms other than Destructive Devices
 - b) Federal Special Tax Stamp (62) NFA Firearms Manufacturer
 - c) State of California Firearms Dealer
 - d) State of California Seller's Permit
 - e) State of California High Capacity Magazine Permit
 - f) Secondhand Dealer's License – San Diego County Sheriff's Department
32. Secondhand sales and purchasing of firearms are permitted at the project site. The secondhand sale and purchase of firearms must be conducted in compliance with all requirements from the San Diego County Sheriff's Department.
33. The approved architecture, paint colors, and materials shall not be modified by the owner(s) or subsequent owner(s) in the future without Planning Manager approval.
34. All trees and landscaping shall be maintained in a healthy, thriving manner. If any trees/landscaping shall die or become diseased, the trees/landscaping shall be replaced in numbers and quantity to provide the same landscaping and screening value.
35. Use of the site shall not become obnoxious by reason of noise. If the City receives any noise complaints, the applicant must take correction action to resolve such complaints to the satisfaction of the Planning Manager, which may include, but not be limited to, installing additional sound proof material on all walls and doors within the shooting area, repairing any damaged walls, etc.
36. Product Display of Smokeless and Black Powders: On shelf display smokeless powder shall not exceed 20 pounds, in containers of one pound capacity. On shelf display of black sporting powder shall not exceed a total capacity of one pound. Any powder material stored in the business over these amounts shall be stored in wooden boxes at least one-inch nominal thickness.
37. Small Arms ammunition primers: Total amount in storage shall not exceed

750,000 rounds. Display of ammunition on shelves and in storage boxes shall comply with Title-19 and CA. Fire Code.

38. Storage on second floor shall not include ammunition or explosives such as black powder.
 39. A separate permit shall be required for any signage. Signage shall comply with the City of San Marcos Sign Ordinance. Signs shall be designed with individual channel letters. Cabinet signs, raceway mounted signs, and vehicle signs are not permitted. Portable signs (i.e.: A-frame, T-frame, etc.), on or off site, are prohibited.
 40. All banners and temporary signs require approval of a temporary sign permit and shall comply with the standards outlined in the City's Temporary Sign Ordinance.
 41. Discharges into the MS4 system (i.e. curb, gutter, street, drainage, etc.) are strictly prohibited during construction, business operation, and maintenance activities in accordance with San Marcos Municipal Code (SMMC) Section 14.15 (Storm Water Management and Discharge Control).
- K. The Planning Division may, but is not obligated to, inspect the premises annually to ensure compliance with all conditions of the use permit approval.
- L. The applicant/developer shall comply with all provisions and requirements set forth in the San Marcos Municipal Code, City ordinances, City policies and City resolutions, and with all applicable state and federal regulations, whether or not such provisions or requirements have been specifically set forth in these conditions, all of which are now incorporated herein by reference and fully set forth at this point.
- M. Use of the site shall be conducted so as not to become obnoxious by reason of noise, odor, refuse or maintenance of grounds and in such a manner as will not detrimentally affect adjoining properties and uses.
- N. To the extent feasible and as permitted by law, developers and contractors are requested to first consider the use of San Marcos businesses for any supplies, materials, services, and equipment needed, and the hiring of local residents in order to stimulate the San Marcos economy to the greatest extent possible.
- O. This Conditional Use Permit shall lapse and shall be null and void one (1) year following the date upon which the plans and drawings were approved by the review authority unless, prior to the expiration of one (1) year, a grading and/or building permit is issued and construction is commenced and diligently pursued toward completion.
- P. To the extent permitted by law, the Developer shall defend and hold the City of San Marcos ("City"), its agents and employees harmless from liability from: (i) any and all actions, claims, damages, injuries, challenges and/or costs of liabilities arising from the City's approval of any and all entitlements or permits arising from the project as defined in the

conditions of approval, or issuance of grading or building permits; (ii) any damages, liability and/or claim of any kind for any injury to or death of any person, or damage or injury of any kind to property which may arise from or be related to the direct or indirect operations of the Developer or its contractors, subcontractors, agents, employees or other persons acting on Developer's behalf which relate to the project; and (iii) any and all damages, liability and/or claims of any kind arising from operation of the project. Developer further agrees that such indemnification and hold harmless shall include all defense-related fees and costs associated with the defense of City by counsel selected by the City. This indemnification shall not terminate upon expiration of the conditions of approval or completion of the project, but shall survive in perpetuity.

PASSED AND ADOPTED by the Planning Commission of the City of San Marcos, State of California, at a regular meeting thereof, this 19th day of January, 2016, by the following roll call vote:

AYES:

NOES:

ABSENT:

APPROVED:

Eric Flodine, Chairman
SAN MARCOS CITY PLANNING COMMISSION

ATTEST:

Lisa Kiss, Office Specialist III
SAN MARCOS CITY PLANNING COMMISSION