

MINUTES

Regular Meeting of the Planning Commission

TUESDAY, January 19, 2016

City Council Chambers

1 Civic Center Drive, San Marcos, CA 92069

CALL TO ORDER

At 6:31 p.m. Chairman Flodine called the meeting to order.

PLEDGE OF ALLEGIANCE

Commissioner Maas led the Pledge of Allegiance to the Flag.

SEATING OF NEW COMMISSIONERS

Brindley: Introduced the new/re-appointed commissioners selected by City Council at the 1/12/16 Council meeting, and asked them to be seated at dais: Wendy Matthews (new member, replaced Jim Pennock), Bruce Minnery, Steve Kildoo and Kevin Norris (re-appointed, all were regular members and are again regular members for a two-year term).

ELECTION OF CHAIRPERSON

Commissioner Flodine (2015 Chair): Nominations opened for Chairperson.

Commissioner Minnery: Nominated Eric Flodine. Commissioner Kildoo seconded the Nomination. No other Nominations were made. Carried by a unanimous 7-0 vote. *NEW 2016 CHAIR: Eric Flodine.*

ELECTION OF VICE-CHAIRPERSON

Chairman Flodine: Nominations opened for Vice-Chairperson.

Commissioner Jones: Nominated Kevin Norris. Commissioner Maas seconded the Nomination. No other Nominations were made. Carried by a unanimous 7-0 vote. *NEW 2016 VICE-CHAIR: Kevin Norris.*

ROLL CALL

The Secretary called the roll:

PRESENT: COMMISSIONERS: FLODINE, JONES, KILDOO, MAAS, MATTHEWS, MINNERY, NORRIS,

ALTERNATE COMMISSIONERS IN AUDIENCE: JACOBY

ABSENT: SCHAIBLE (Alternate)

Also present were: Development Services Director/City Engineer, Matt Little; Planning Manager, Karen Brindley; Principal Civil Engineer, Peter Kuey; Associate Planner, Norm Pedersen; Assistant Planner, Art Pinon; Deputy City Attorney, Avneet Sidhu; Office Specialist III, Lisa Kiss



ORAL AND WRITTEN COMMUNICATIONS

None.

CONSENT CALENDAR

1. APPROVAL OF MINUTES, 1/4/16

Action:

COMMISSIONER KILDOO MOVED TO APPROVE CONSENT CALENDAR AS PRESENTED; SECONDED BY COMMISSIONER MINNERY AND CARRIED BY A UNANIMOUS VOTE.

PUBLIC HEARINGS

2. **Case No:** P15-0029: CUP 15-003

Applicant: Venture Point Development

Request: Conditional Use Permit renewal to allow for the continued indoor/outdoor entertainment activities and special events within an existing commercial center (Restaurant Row) in the Mixed-Use 1 (MU-1) zone in the Business & Industrial District.

Location of Property: 1020-1080 W. San Marcos Blvd., (Restaurant Row Center), more particularly described as: Parcels 1, 2, 3 & 4 of Parcel Map No. 17325 in the City of San Marcos, County of San Diego, State of California, recorded in the office of the County Recorder on February 28, 1994 as file no. 1994-0133864 of official records. Assessor's Parcel No.: 219-200-30, 31, 45 & 46.

Staff Presentation (Norm Pedersen):

Described request, location & surrounding uses. Aerial photo & PowerPoint presentation shown. A CUP was originally approved by Planning Commission in 2011 and expired. Operations would continue as previously approved, except one outdoor event area was replaced by a new Buffalo Wild Wings restaurant. CUP would allow for three types of entertainment: 1). Indoor/outdoor entertainment that is ancillary to restaurants. 2). Nightclubs at two suites ("A"- Acapulco, and "K"- Sublime Ale House), with optional banquet hall at suite "K", and 3). Outdoor special events in the parking lot within four designated areas. Outdoor events include holiday functions, school, cultural & community events. Outdoor events are limited to one of four areas at a time and range from 100 to 1,000 attendees. (Area's pointed out in yellow). Entertainment occurs inside restaurants & in the patios of some, and is limited to live music, disc jockey & karaoke. Discussed Land Use & Zoning. Changed in 2012 from Commercial to Mixed-Use 1. The entertainment & special events have operated on site for past 4.5 years. Discussed Parking. Restaurant Row has 1,004 spaces which doesn't include Fish House & Wells Fargo. 890 spaces are required per Ordinance; therefore, the site provides 114 spaces above ordinance requirements. Calculation included new Buffalo Wild Wings. Parking survey was conducted in 2011. Greatest demand is Friday & Saturday evenings. The site provides adequate parking during the largest Outdoor Event "A." Outdoor events only occur on an occasional basis and only one at a time. The new CUP carries over previous CUP conditions. Discussed operational standards. Compliance with ABC regulations & license obligations are incorporated into the CUP. Staff Memo/handout was distributed earlier regarding typo in Table. Staff recommends approval of CUP which relies on previously approved ND 11-812.



Kildoo: Commented regarding page 6, C.3. d & g, parking availability. There were an extra 114 spaces in 2011. The dynamics have changed and there's a potential for events to diminish parking. Need to make sure there is enough parking for the restaurants that pay rent each month. The events will likely be good for their businesses. Asked about page 8, storm water & 40% chance of rain conditions? Who would provide training and is 24-hour advance notice enough time?

Kuey: The project is conditioned and the applicant would notify the event owner that this is an obligation and they need to have someone trained and ready in case of a storm event. City staff is qualified to provide direction.

Kildoo: It's a new regulation. If it rains just prior to the event, they could be scrambling. What is the process and who do they talk to?

Kuey: Can provide applicant with names of staff.

Kildoo: If making it a condition, they must be able to find the training.

Brindley: Commented that 5.f.1-6, does identify content of the types of information provided to vendors to comply with storm water regulations.

Kildoo: Great guidelines, but proof of training to City inspectors is not defined well.

Norris: Recalled an e-mail the Commissioner's received about Buffalo Wild Wings & lack of parking in the area. Things have changed now and more people are coming to the center. Parking Survey was conducted when original CUP was issued. Asked if a survey was done recently?

Brindley: No new survey was done. Buffalo Wild Wings was not in operation to date, and reliance on the 2011 survey would provide good indication.

Norris: Asked if it included Buffalo Wild Wings data?

Brindley: No, but it's expected to be fairly consistent regarding peak times on Friday & Saturday.

Norris: Asked what provisions are being made regarding parking?

Brindley: Page 6, #C.3.e., limits outdoor events to 1,000 people during peak hours, M-F.

Norris: Inquired why Saturday wasn't included?

Kildoo: Fri. & Sat. PM are the busiest times. Commission can address.

Minnery: Asked how many events were held in Area "A" last year and how many in the PM?

Pedersen: Typically 10 events per year. The Farmers Market is every Sunday AM.



OPEN PUBLIC HEARING

John Clement, Applicant's Representative/Asset Manager for the family: Area "A" has had 1-2 car shows, from 1-4 PM.

Norris: Asked what's planned for 2016?

Clement: The calendar is consistent for next year, about the same number of events and two car shows for Area "A." Restaurant Row has a forty year history in supporting the chamber, schools and community.

CLOSE PUBLIC HEARING

Flodine: Indicated he's concerned with the parking lot & pedestrian movement. All parking is now in the north. He doesn't think the parking alignment would be approved by the City today. Wishes there was a pedestrian flow of travel, a striping. He understands it's not a part of the current application. Asked if staff & applicant have discussed improvements?

Brindley: During processing, there were discussions with the City Building Official regarding an improved path of travel. His determination was that because there is no physical expansion proposed, it would be more appropriate at a further date when there's a potential expansion or redevelopment coming forward. Staff would evaluate at that time.

Flodine: Asked staff to work with applicant at a future time.

Kildoo: He's concerned with even smaller events as they've pushed it to the maximum. Suggested they add Saturday into the time frame. Conditions should be written for the next five years, not tomorrow. Parking was even worse when San Marcos had the only movie theater in the area.

Action:

COMMISSIONER KILDOO MOVED TO APPROVE CUP 15-003 AS SET FORTH IN RESOLUTION PC 16-4514 WITH MODIFICATIONS: C.3.e. Outdoor events with attendance of 1,000 persons shall not take place during peak traffic hours of Monday-Friday ~~Friday~~ **Saturday** 4:00 P.M. – 7:00 P.M; and STAFF MEMO/HANDOUT (1/19/16) - correction of typo; SECONDED BY COMMISSIONER NORRIS AND CARRIED BY THE FOLLOWING ELECTRONIC VOTE:

AYES:	COMMISSIONERS: FLODINE, JONES, KILDOO, MAAS, MATTHEWS, MINNERY, NORRIS
NOES:	COMMISSIONERS: NONE
ABSENT:	COMMISSIONERS: NONE
ABSTAIN:	COMMISSIONERS: NONE



3. **Case No:** P15-0031: TA 15-001, CUP 15-007, ND 15-008

Applicant: North County Shooting Center

Request: 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 a 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," "Firing Lane," "Firearm Shooting Lane, and "Firearm Shooting Range (Indoor)," in SMMC 20.600 ("F" Definitions). In concurrence with the text amendment, the applicant is requesting approval of a Conditional Use Permit, as well as adoption of a Mitigated Negative Declaration (the environmental review document), to allow for the construction and operation of a 15,612 square foot indoor firearm shooting range and firearm retail store 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.

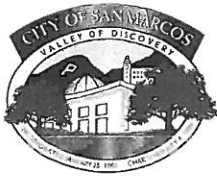
Location of Property: The proposed Zoning Ordinance Text Amendment (TA 15-001) will include all Industrial (I) zone properties within the City's jurisdictional limits. The proposed indoor firearm shooting range (CUP 15-007) will be located on the north side of Descanso Avenue, approximately 847 feet 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 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 No.: 219-122-37-00.

Staff Presentation (Art Pinon):

Described request, location & surrounding uses. Aerial photo & PowerPoint presentation shown. CUP is to allow the construction of a two-story building, 15,612 s.f. indoor firearm shooting range with 20 lanes, 3,695 s.f. retail and office area, 4,079 s.f. of storage space. Zoned Industrial, site currently used by North County Supply. Site plan & Elevations shown. 41 parking spaces are required & provided. Zoning ordinance does not currently list indoor firearm shooting ranges as a permitted use in any zone. To allow use, a Zoning Ordinance Text Amendment is required. Discussed key provisions: 1). Review Process – CUP required, 2). Distance buffers have been established - Must be at least 500 feet away from any child care facility, K-12 public school, public park, residential zoning district, bar, brewery or another shooting range. 3). Safety – Must be properly designed, constructed & equipped to contain all fired ammunition. 4). Noise – Must be designed to contain noise & comply with City's Noise Ordinance. 5). Parking – 1.25 spaces for each firing lane, plus one space for every 250 s.f. of office/retail area, plus one space for every 4,000 s.f. of storage space. Parking & Traffic Study completed by LL&G. 378 average daily trips, with LOS "B." Reviewed by SD County Sheriff's Dept. Noise Study completed by Michael Baker International confirms sound proofing measures will comply with City's Noise Ordinance. A minimum of two Range Safety Operators (RSO) must be on duty during operating hours. Applicant must comply with all Federal & State Laws. Staff recommends approval to City Council of all entitlements & Mitigated NegDec. No comments were received. Applicant is in agreement with conditions with the exceptions as noted in the Staff Memo/handout dated 1/19/16. Discussed changes the applicant is requesting. Staff has agreed to modify language as described in Memo.

Jim Hernandez, Applicant's Representative: Introduced owners Stan Tuma & Darin Prince.

Darin Prince, Owner: Serves as Vice President. Opened North County Firearms in November 2011, and operating for over 4 years. They incorporated in 2010 to open an indoor shooting range. Stan is the President and has been in the firearms industry since 2007. They have a wonderful relationship with all local law enforcement.



Hernandez: PowerPoint presentation shown. Discussed ownership & background. North County Firearms (retail) opened in San Marcos in November 2011. There have been no complaints and they've passed every facility review by the County Sheriff & City Fire Department. They aspire to be the foremost indoor range & retail sales center facility in North County. Safety and learning are the two main principles. Discussed the licenses they currently hold. They are certified by SD County Sheriff to sell used or second hand firearms. Also have Business & City Firearms Licenses from the City. They've invested over \$25K for Noise & Traffic studies. Discussed Safety: Close circuit cameras used throughout and linked to 24-hour monitoring, 6" concrete walls all around, steel safety ceiling & steel bullet traps downrange covered with 18" of rubber granules. Rated to withstand 50 BMG, but limiting the caliber to much less for safety & noise purposes. All personal weapons & ammunition is inspected prior to use. All methodologies greatly surpass all current local, state or federal requirements. Prior to using range, each person except active duty law enforcement, must pass an annual written safety test & training. Only in-house NRA certified instructors or equivalent, qualified law enforcement or military, can conduct training. Sales tax revenue will increase with additional sales at new facility and encouraging patronage at surrounding businesses. Agree with conditions with changes as noted by Staff.

Norris: Asked if there are plans for backup power, emergency lighting, electric lockdown? Will security continue?

Hernandez: Standard buildings in the state require emergency lighting throughout. Alarms & safety are monitored from an outside source. There are no alternate generators to power building.

Norris: Asked if there are sales of firearms & ammo?

Hernandez: Yes.

Norris: Asked if just registered weapons are used?

Stan Tuma, Owner: All firearms are checked before they come in to make sure they're in working order & have proper ammunition. They don't have an ability to tap into a data base to see if gun is registered. If they sell the gun, it's registered. They know which guns are not legal in CA.

Norris: Inquired if someone can rent a weapon?

Tuma: Yes, but would have to pay for someone to stand there with them.

Norris: Asked about the back wall?

Tuma: It's basically a bullet trap and is designed to hold 16-18 inches of chopped rubber, with ½ inch armored plate. One of the safest & friendliest to the atmosphere. When the bullet goes in, it doesn't shatter & release lead. There's six inches of concrete behind the back of the steel trap. You could put an office behind the traps, but he wouldn't.

Norris: Asked if it's maintained?



Tuma: Maintained daily. Continued to discuss. They collect spent bullets & recycle.

Norris: Asked if anything could compromise the back wall?

Tuma: No, the trap is 50 BMG rated.

Prince: 50 BMG is a half inch projectile, the largest civilian round you can own in CA. Very few people own them. It's a maximum rating, and they purchased that system even though they won't get close to that size caliber. A 30 caliber is reasonable to allow on the range. They don't want excessive noise.

Norris: Inquired if any lockdown procedures?

Prince: Yes, have protocols for any number of contingencies and Sheriff is aware.

Minnery: Asked if open to the general public?

Tuma: Yes. They want to know who the customer is, so everyone would become a "member," for a \$10-\$20 fee, and receive a one-year ID card to present when visiting. Customers would provide a copy of their Driver's License and data would be entered in their computer.

Minnery: Thinks it's a great idea. Asked how many employees?

Tuma: Five per shift with two shifts.

Jones: Asked if 50 BMG (Browning Machine Gun) is legal in CA?

Prince: Legal before 2004. If you owned it prior, and registered it you can still own it. It's a very small number of people in CA. They are building to withstand it, but it won't be allowed on their range.

Jones: Thought semi-automatic wasn't allowed in CA?

Prince: Fully-automatic are not legal, but semi-automatic & pistols are.

Jones: Asked if only guns approved/legal in CA can be used?

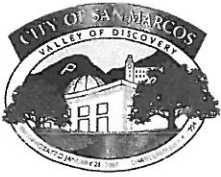
Prince: Correct. It's not a legal transaction to purchase a gun out of state and bring it to CA.

Jones: Asked if the "No child under 8 can shoot" is a City requirement?

Prince: City added.

Maas: Inquired if there are any rules or procedures in the event someone came in with a high capacity magazine above 10 rounds?

Tuma: If it's legally owned & purchased prior to 2000, they wouldn't tell them they can't use it. If not manufactured prior to 2000, then they can't use it there.



Maas: Asked about the training for the RSO's? He's never seen two on duty at a range anywhere.

Tuma: They'll be trained employees certified by NRA, retired law enforcement or military.

Matthews: Commented that she's happy to hear safety & learning are priorities as she is not a fan of guns. Inquired about the ADT's and sales tax revenue?

Pinon: Study concluded 378 average daily trips.

Tuma: Currently generates about \$100,000+ a year. Will likely go up five fold, half million maybe in sales tax.

Matthews: The Commission is approving zoning ordinance text. Asked staff if there are other kinds of exceptions coming up?

Pinon: Not sure what others may come up in future. Indoor Firearm Shooting Range is currently not listed.

Flodine: Asked if they'll have a database for customers? How will they verify guns going in/out aren't loaded?

Tuma: Everyone will have an ID card and go through a check-in procedure.

Prince: There will be a desk at the entrance where every gun will be checked going in & out.

Flodine: Asked staff where the 500 foot separation come from and why K-12 only? Palomar College is nearby.

Pinon: 500 feet derived from City's public notification area. Those properties are the ones that could potentially be affected by a land use. K-12, public parks, etc., are typically not in an Industrial zone.

Flodine: Inquired if they reviewed other jurisdictions?

Pinon: Staff looked at other ordinances in SoCal, and their buffers ranged from 300-600 feet. City's 500 ft. came from the public notification area. K-12 was specifically listed in other Cities ordinances and they never found colleges or vocational school included. Staff didn't see those as a sensitive use that would be impacted.

Brindley: K-12 typically has minors, whereas college age is mostly 18+.

Norris: Asked if any PV planned for flat roof?

Hernandez: Designed for it and encouraging it, but is costly.

OPEN PUBLIC HEARING



Jim Lee, resident: Supports project. Prepared to speak if there are objections

Mike Ward, 35 year resident: Born in MN, which allowed him to do a lot of hunting with family. It taught him gun safety. When he moved to San Marcos, the area was similar with acres of open space that allowed hunting. There are no more open areas nearby and you have to travel to East or Imperial County now. He had a 25-year career in fire & police departments. It's a different society now; you have to deal with the realities of terrorism and the lone wolf terrorist. Homeland Security is a concern. There's been an increase in firearm sales. People are afraid. We have a right to bear arms and there's a need for firearms training in a professional facility. Asked that Commission support the project because it meets the needs of the community.

Tony Walker, resident: Business owner for 10 years. He grew up with guns and his children have learned gun safety. Other shooting ranges are in Oceanside & Poway. This will make the community safer. Lots of people want to protect themselves and are buying guns that they're not trained on. This is a place to learn and get educated. Hope Commission supports it.

Mike McReynolds, Property/Business Owner: Owns property across from the proposed development and has purchased a firearm at their facility. The proposed facility looks great and the one there now looks like a hazmat site. It fits a need. Like it or not, there are a lot of guns. He supports a place for people to learn gun safety.

CLOSE PUBLIC HEARING

Flodine: Asked staff if there are conditions regarding the annual written safety test? He didn't see it in the resolution and would like to include it in the recommendation.

Minnery: Agreed, its clarification.

Brindley: It's under the purview of PC recommendation.

Flodine: Would like the zoning to be expanded to include educational institutions.

Kildoo: Asked how he wants to define?

Flodine: Jr. college?

Maas: Indicated he's okay with just K-12.

Jones: Asked what the purpose is for 500 feet?

Flodine: The equivalent of the public notice radius area requirement.

Pinon: The standard for other jurisdictions were 300-600 feet. The City's public notice radius area is 500 feet and within that range. The minimum distance for a tattoo shop is 1,000 feet.



Jones: Indicated he was fine with it as is.

Flodine/Pinon: Continued to discuss.

Brindley: Palomar College would not be included within the 500 foot distance. It's currently recommended for K-12. Staff analyzed compatibility and felt Industrial district is most appropriate. As a general rule of thumb, it dovetails with public notice procedures. All discretionary actions are also required to be posted onsite.

Action:

COMMISSIONER NORRIS MOVED TO RECOMMEND APPROVAL OF TA 15-001 AS SET FORTH IN RESOLUTION PC 16-4511 WITH MODIFICATIONS: AS PER STAFF MEMO/HANDOUT (1/19/16); SECONDED BY COMMISSIONER MINNERY AND CARRIED BY THE FOLLOWING ELECTRONIC VOTE:

AYES:	COMMISSIONERS: JONES, KILDOO, MAAS, MATTHEWS, MINNERY, NORRIS
NOES:	COMMISSIONERS: FLODINE
ABSENT:	COMMISSIONERS: NONE
ABSTAIN:	COMMISSIONERS: NONE

COMMISSIONER NORRIS MOVED TO RECOMMEND APPROVAL OF CUP 15-007 AS SET FORTH IN RESOLUTION PC 16-4512 WITH MODIFICATIONS: AS PER STAFF MEMO/HANDOUT (1/19/16); and with the condition for registering for membership annually; (New Condition): **J.18. Members of the indoor firearm shooting range must renew their memberships on an annual basis.**; SECONDED BY COMMISSIONER KILDOO AND CARRIED BY THE FOLLOWING ELECTRONIC VOTE:

AYES:	COMMISSIONERS: FLODINE, JONES, KILDOO, MAAS, MATTHEWS, MINNERY, NORRIS
NOES:	COMMISSIONERS: NONE
ABSENT:	COMMISSIONERS: NONE
ABSTAIN:	COMMISSIONERS: NONE

Brindley: Pointed out that both require recommendations to City Council and final action is by Council. Also need clarification that the motions included the Staff Memo/handout (1/19/16) revisions?

Norris: Yes.

PLANNING MANAGER COMMENTS

Brindley: Asked that the Commissioner's respond back to an e-mail sent, whether they can attend a possible February 22nd PC meeting. Would like the record to reflect that Jim Schaible, who was absent, was re-appointed by City Council as an Alternate Commissioner. Welcomed new Commissioner Wendy.

PLANNING COMMISSIONERS COMMENTS

None.



ADJOURNMENT

At 8:17 p.m. Commissioner Flodine adjourned the meeting.

ERIC FLODINE, CHAIRMAN
CITY OF SAN MARCOS

ATTEST:

LISA KISS, OFFICE SPECIALIST III
SAN MARCOS PLANNING COMMISSION