

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370



W11b

Addendum

May 5, 2016

To: Commissioners and Interested Persons

From: California Coastal Commission
San Diego Staff

Subject: Addendum to **Item W11b**, City of Carlsbad LCP Amendment Request No. **LCP-6-CAR-16-0015-2 Part B (Indoor Shooting Range)**, for the Commission Meeting of May 11, 2016

Staff recommends the following changes be made to the above-referenced staff report. Deletions shall be marked by a ~~strike through~~ and additions shall be underlined.

1. On Page 5 of the staff report, the third paragraph shall be modified as follows:

Finally, the proposed operational standards include criminal background checks for applicants for a CUP, as well as principals and all employees of the shooting range, and requires the presence of a certified range safety officer during operational hours. Hours of operation would be limited to 8 a.m. to 10 p.m., unless alternative hours are established through the CUP. A safety management plan addressing camera surveillance, exterior and interior lighting, protocols for safe storage, display and use of firearms, hazardous waste disposal, noise and air quality, and protocols for coordination with City police and fire departments must be submitted with the CUP application. Indoor shooting ranges would be subject to ~~the same~~ more stringent noise standards as than other uses allowed in the Planned Industrial (P-M) zone. Instead of an average sound level of 65 db at the property line and an average of 45 db within buildings on adjacent lots required of other uses allowed in the P-M zone, indoor shooting ranges will be required to meet ~~which are set at~~ a peak event sound level of 65 decibels (db) at the property line, with a peak of 45 db within buildings on the same lot or adjacent lots. A new parking standard for indoor shooting ranges would require 1.5 parking spaces for each firing lane within the range, plus required parking for other associated uses, based on the parking standard for each use.

2. On Page 7 of the staff report, the first paragraph shall be modified as follows:

...requirements and the additional 600 foot distance requirement, any allowed indoor shooting ranges within the coastal zone would be unlikely to significantly impact public access or coastal resources. Indoor shooting ranges will also be subject to ~~the same~~ more stringent noise restrictions ~~that~~ than other permitted uses in the Planned Industrial (P-M) zone must meet. In addition, all new development, including any proposed indoor shooting ranges, must comply with the City's LCP policies protecting ESHA. Therefore, the proposed zoning amendment is consistent with Policy 7-1.2 of the Mello I LCP, Policy 1-1 and Policy 3-1.2 of the Mello II LCP, and Policy 3-13-1.2 of the Agua Hedionda LCP.

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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April 21, 2016

W11b

TO: COMMISSIONERS AND INTERESTED PERSONS

**FROM: SHERILYN SARB, DEPUTY DIRECTOR, SD COAST DISTRICT
GABRIEL BUHR, COASTAL PROGRAM MANAGER, SD COAST DISTRICT
ERIN PRAHLER, COASTAL PLANNER, SD COAST DISTRICT**

**SUBJECT: STAFF RECOMMENDATION ON CITY OF CARLSBAD LOCAL COASTAL
PROGRAM AMENDMENT NO. LCP-6-CAR-16-0015-2 PART B (Indoor
Shooting Ranges) for Commission Meeting of May 11-13, 2016**

SYNOPSIS

The City of Carlsbad submitted Local Coastal Program Amendment LCP-6-CAR-16-0015-2 on March 18, 2016. The LCP amendment includes two separate components (Parts A and B). Part A involves an amendment to the City's land use and implementation plans for a hotel and timeshare project. Part A was filed incomplete on April 4, 2016 and will be scheduled for Commission review at a later date. The subject component, Part B, addresses indoor shooting ranges and was filed as complete on April 4, 2016. Part B modifies the City's Implementation Plan only. As such, the date by which the Commission must take action, absent an extension of the time limits by the Commission, is June 3, 2016.

SUMMARY OF AMENDMENT REQUEST

The subject amendment request revises the certified Implementation Plan. The City of Carlsbad is proposing to allow indoor shooting ranges in the Planned Industrial (P-M) zone subject to a conditional use permit (CUP) and to establish development and operational standards for indoor shooting ranges.

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending the Commission approve the amendment as submitted. The Commission can only reject Implementation Plan amendments where it can be shown that the amendment would be inconsistent with the certified Land Use Plan (LUP) or render the Implementation Plan (IP) inadequate to carry out the LUP. In this case, the City's proposed zoning changes to allow indoor shooting ranges within the Planned Industrial (P-M) zone can be found consistent with the certified LUP as proposed and adequate to carry out the LUP. In addition, the proposed amendment will have no significant adverse impacts to coastal resources or access.

The appropriate resolutions and motions begin on page 3. The findings for approval of the Implementation Plan Amendment as submitted begin on page 4.

ADDITIONAL INFORMATION

Further information on the City of Carlsbad's LCP Amendment #LCP-6-CAR-16-0015-2 Part B may be obtained from Erin Prahl, Coastal Planner, at (619) 767-2370.

PART I. OVERVIEW**A. LCP HISTORY**

The City of Carlsbad's certified LCP contains six geographic segments as follows: Agua Hedionda, Mello I, Mello II, West Batiquitos Lagoon/Sammis Properties, East Batiquitos Lagoon/Hunt Properties, and Village Area. Pursuant to Sections 30170(f) and 30171 of the Public Resources Code, the Coastal Commission prepared and approved two portions of the LCP, the Mello I and II segments in 1980 and 1981, respectively. The West Batiquitos Lagoon/ Sammis Properties segment was certified in 1985. The East Batiquitos Lagoon/Hunt Properties segment was certified in 1988. The Village Redevelopment Area LCP was certified in 1988; the City has been issuing coastal development permits there since that time. On October 21, 1997, the City assumed permit jurisdiction and has been issuing coastal development permits for all segments except Agua Hedionda. The Agua Hedionda Lagoon LCP segment is a deferred certification area until an implementation plan for that segment is certified. This amendment modifies the City's Implementation Plan only.

B. STANDARD OF REVIEW

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Commission shall take action by a majority vote of the Commissioners present.

C. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires local governments to provide the public with maximum opportunities to participate in the development of the LCP amendment prior to its submittal to the Commission for review. The City has held Planning Commission and City Council meetings with regard to the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to each resolution.

- I. **MOTION:** *I move that the Commission reject the Implementation Program Amendment No. LCP-6-CAR-16-0015-2 Part B for the City of Carlsbad LCP as submitted.*

STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program Amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:

The Commission hereby certifies the Implementation Program Amendment for the City of Carlsbad as submitted and adopts the findings set forth below on grounds that the Implementation Program Amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan, and certification of the Implementation Program Amendment will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program.

**PART III. FINDINGS FOR APPROVAL OF THE CITY OF CARLSBAD
IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED****A. AMENDMENT DESCRIPTION**

This request involves a city-initiated LCP amendment to the City's Zoning Ordinance (Municipal Code), which is certified as part of its LCP Implementation Plan. No changes to the City's certified LCP Land Use Plans are proposed herein.

The City of Carlsbad is requesting an amendment to the City's IP in order to allow indoor shooting ranges in the Planned Industrial (P-M) zone and to establish development and operational standards for indoor shooting ranges.

B. FINDINGS FOR APPROVAL

The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP.

a) Purpose and Intent of the Ordinance. The purpose and intent of the proposed zoning amendment is to allow indoor shooting ranges within the Planned Industrial (P-M) zone subject to approval of a conditional use permit (CUP) and to establish development and operational standards for indoor shooting ranges.

b) Major Provisions of the Ordinance. Ordinance No. CS-290 provides for an approval process, development standards and operational standards. Indoor shooting ranges would be subject to a conditional use permit (CUP) approved by the City Council.

A CUP provides the City Council with discretion over approval of proposed ranges and requires the City Council to make findings for approval.

The proposed development standards would require indoor shooting ranges to be sited a minimum 600 feet from schools, public parks, day care facilities, and residential uses, land use designations and zoning districts. Applicants would also have to demonstrate that the range will be properly designed, constructed, and equipped for safe discharge of firearms within the facility.

Finally, the proposed operational standards include criminal background checks for applicants for a CUP, as well as principals and all employees of the shooting range, and requires the presence of a certified range safety officer during operational hours. Hours of operation would be limited to 8 a.m. to 10 p.m., unless alternative hours are established through the CUP. A safety management plan addressing camera surveillance, exterior and interior lighting, protocols for safe storage, display and use of firearms, hazardous waste disposal, noise and air quality, and protocols for coordination with City police and fire departments must be submitted with the CUP application. Indoor shooting ranges would be subject to the same noise standards as other uses allowed in the Planned Industrial (P-M) zone, which are set at a peak event sound level of 65 decibels (db) at the property line, with a peak of 45 db within buildings on the same lot or adjacent lots. A new parking standard for indoor shooting ranges would require 1.5 parking spaces for each firing lane within the range, plus required parking for other associated uses, based on the parking standard for each use.

c) Adequacy of the Ordinance to Implement the Certified LUP Segments. The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUPs (i.e., the Mello I, Mello II, Village Area, East Batiquitos Lagoon, and West Batiquitos Lagoon LUPs). The relevant LUP policies include:

Mello I

Policy 4 Parking

Parking shall be in conformance with the requirements of the City of Carlsbad Zoning Ordinance.

Policy 7-1.2 Environmentally Sensitive Habitat Areas (ESHA)

Pursuant to Section 30240 of the California Coastal Act, environmentally sensitive habitat areas, as defined in Section 30107.5 of the Coastal Act, shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

Mello II

Policy 1-1 Allowable Land Uses

Allowable uses are those that are consistent with both the General Plan and the Local Coastal Program.

Policy 3-1.2 Environmentally Sensitive Habitat Areas (ESHA)

Pursuant to Section 30240 of the California Coastal Act, environmentally sensitive habitat areas, as defined in Section 30107.5 of the Coastal Act, shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

Policy 7-10 Parking

Parking standards set forth within the City of Carlsbad Zoning Ordinance are appropriate for the future development of various land uses.

Agua Hedionda

Policy 3-13-1.2 Environmentally Sensitive Habitat Areas (ESHA)

Pursuant to Section 30240 of the California Coastal Act, environmentally sensitive habitat areas, as defined in Section 30107.5 of the Coastal Act, shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

Policy 5.2 Parking

Parking standards set forth in the City of Carlsbad Zoning Ordinance, shall be applied to future developments.

The City's proposed amendment would allow indoor shooting ranges within the Planned Industrial (P-M) zone. Planned Industrial (P-M) zones within the City's coastal zone are all currently located in the Mello II segment. Parcels zoned for Planned Industrial (P-M) are found east of College Boulevard along the south side of Palomar Airport Road, west of the I-5 between Cannon Road and Palomar Airport Road, immediately south of the Encina Wastewater Authority, east of LegoLand adjacent to the Crossings at Carlsbad Golf Course, at the eastern coastal zone boundary near the intersection of El Camino Real and College Boulevard, and near College Boulevard north of the airport. The CUP requirement in combination with the proposed development and operational controls are designed to ensure that indoor shooting ranges are sited in appropriate locations within the City and any potential adverse impacts associated with this use are avoided or minimized. For example, although development in the Planned Industrial (P-M) zone must already meet setback and buffer requirements from coastal resources, indoor shooting ranges would be subject to an additional minimum distance buffer that will separate ranges from incompatible uses like schools and residences. Most of the parcels zoned for Planned Industrial (P-M) uses would not support an indoor shooting range, as they are located within 600 feet of incompatible uses. Due to the existing setback

requirements and the additional 600 foot distance requirement, any allowed indoor shooting ranges within the coastal zone would be unlikely to significantly impact public access or coastal resources. Indoor shooting ranges will also be subject to the same noise restrictions that other permitted uses in the Planned Industrial (P-M) zone must meet. In addition, all new development, including any proposed indoor shooting ranges, must comply with the City's LCP policies protecting ESHA. Therefore, the proposed zoning amendment is consistent with Policy 7-1.2 of the Mello I LCP, Policy 1-1 and Policy 3-1.2 of the Mello II LCP, and Policy 3-13-1.2 of the Agua Hedionda LCP.

Finally, the proposed amendment includes a new parking standard for indoor shooting ranges that would require 1.5 parking spaces for each firing lane within the range, plus required parking for other associated uses, based on the parking standard for each use. This parking requirement is consistent with industry standards and with Policy 4 of the Mello I LCP, Policy 7-10 of the Mello II LCP, and Policy 5.2 of the Agua Hedionda LCP.

PART IV. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 21080.9 of the California Environmental Quality Act (CEQA) exempts local governments from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. Instead, the Coastal Commission acts as lead agency for the purposes of fulfilling CEQA. The Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP submission. Under the regulatory process, the Commission must respond to significant environmental points raised during the review process. This staff report addresses all significant environmental points raised during the City's and the Commission's review of the LCPA submittal.

An EIR (No. 13-02) was prepared and certified by the City on September 23, 2015 for the City's General Plan Update. The City determined that no subsequent EIR or other environmental review document is needed for the proposed revision to the Planned Industrial (P-M) zone to allow indoor shooting ranges, as all potential impacts were adequately addressed and disclosed in EIR No. 13-02.

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform with CEQA provisions. The proposed amendment would not result in an intensification of land uses incompatible with the surrounding development or have adverse impacts on coastal resources. Further, the Commission finds that the proposed amendment is unlikely to have any significant adverse effect on the environment as a whole. Therefore, the Commission finds that the subject LCP implementation plan, as amended, conforms to the provisions of CEQA.

MAR 18 2016

EXHIBIT 2

CALIFORNIA
COASTAL COMMISSION
SANDIEGO COAST DISTRICT
RESOLUTION NO. 2015-311

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, ADOPTING FINDINGS TO DETERMINE THAT THE PROJECT (MCA 15-03/ZCA 15-03/LCPA 15-04) IS WITHIN THE SCOPE OF THE PREVIOUSLY CERTIFIED GENERAL PLAN ENVIRONMENTAL IMPACT REPORT (EIR 13-02); AND APPROVING A LOCAL COASTAL PROGRAM AMENDMENT BY AMENDING THE ZONING ORDINANCE TO ADD "INDOOR SHOOTING RANGES" AS A CONDITIONALLY PERMITTED USE IN THE PLANNED INDUSTRIAL (P-M) ZONE AND TO ESTABLISH DEVELOPMENT AND OPERATIONAL STANDARDS FOR INDOOR SHOOTING RANGES

CASE NAME: INDOOR SHOOTING RANGE CODE AMENDMENT
CASE NO.: MCA 15-03/ZCA 15-03/LCPA 15-04

The City Council of the City of Carlsbad, California, does hereby resolve as follows:

WHEREAS, pursuant to the provisions of the Municipal Code, the Planning Commission did on November 4, 2015 and November 18, 2015, hold a duly noticed public hearing as prescribed by law to consider Zoning Ordinance Amendment (ZCA 15-03) and Local Coastal Program Amendment (LCPA 15-04); and

WHEREAS, the Planning Commission adopted Planning Commission Resolution No. 7113 recommending approval of a determination per CEQA that the project is within the scope of the previously certified General Plan Environmental Impact Report (EIR 13-02), and recommending approval of ZCA 15-03 and LCPA 15-04; and

WHEREAS, the City Council of the City of Carlsbad did on December 15, 2015 hold a duly noticed public hearing to consider the Planning Commission's recommendations; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, the City Council considered all factors related to ZCA 15-03 and LCPA 15-04.

NOW THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Carlsbad, as follows:

EXHIBIT NO. 1

Resolution

LCP-6-CAR-16-0015-2 Part B (Indoor Shooting Ranges)

California Coastal Commission

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1. That the foregoing recitations are true and correct.

2. The state-mandated six-week review period for the Local Coastal Program Amendment (LCPA 15-04) started on October 16, 2015 and ended on November 27, 2015.

3. That all comments received regarding the proposed Zoning Ordinance Amendment (ZCA 15-03) and Local Coastal Program Amendment (LCPA 15-04) have been included for the City Council's review.

4. That the findings of the Planning Commission in Resolution No. 7133 constitute the findings of the City Council in this matter.

5. That, upon City Council approval of Zoning Ordinance Amendment (ZCA 15-03), the amendment to the Local Coastal Program (LCPA 15-04) shall be deemed approved as shown in Planning Commission Resolution No. 7133, on file with the City Clerk and incorporated herein by reference.

6. That the approval of LCPA 15-04 shall not become effective until it is approved by the California Coastal Commission.

The provisions of Chapter 1.16 of the Carlsbad Municipal Code, "Time Limits for Judicial Review" shall apply:

"NOTICE"

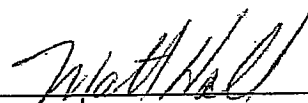
The time within which judicial review of this decision must be sought is governed by Code of Civil Procedure, Section 1094.6, which has been made applicable in the City of Carlsbad by Carlsbad Municipal Code Chapter 1.16. Any petition or other paper seeking review must be filed in the appropriate court not later than the ninetieth day following the date on which this decision becomes final; however, if within ten days after the decision becomes final a request for the record is filed with a deposit in an amount sufficient to cover the estimated cost or preparation of such record, the time within which such petition may be filed in court is extended to not later than the thirtieth day following the date on which the record is either personally delivered or mailed to the party, or his attorney of record, if he has one. A written request for the preparation of the record of the proceedings shall be filed with the City Clerk, City of Carlsbad, 1200 Carlsbad Village Drive, Carlsbad, CA, 92008.

1 PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City
2 of Carlsbad on the 15th day of December 2015, by the following vote to wit:

3 AYES: Council Members Hall, Blackburn, Schumacher, Wood, Packard.

4
5 NOES: None.

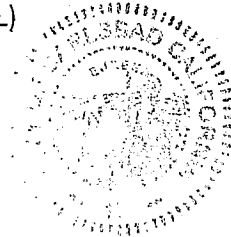
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7 ABSENT: None.

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12 MATT HALL, Mayor

13 ATTEST:

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16 BARBARA ENGLESON, City Clerk

17 (SEAL)



ORDINANCE NO. CS-290

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, APPROVING A MUNICIPAL CODE AMENDMENT AND A ZONING ORDINANCE AMENDMENT TO ADD "INDOOR SHOOTING RANGES" AS A CONDITIONALLY PERMITTED USE IN THE PLANNED INDUSTRIAL (P-M) ZONE AND TO ESTABLISH DEVELOPMENT AND OPERATIONAL STANDARDS FOR INDOOR SHOOTING RANGES.

CASE NAME: INDOOR SHOOTING RANGE CODE
AMENDMENT

CASE NO.: MCA 15-03/ZCA 15-03/LCPA 15-04

The City Council of the City of Carlsbad, California, does ordain as follows:

SECTION 1: That Section 8.16.010 (Discharge prohibited—Exceptions) is amended as follows:

No person shall, without first obtaining permission from the chief of police, shoot or discharge any pistol, rifle, gun or other firearm, not necessary in self-defense, or in performance of official duty, within the city, unless at a legally permitted indoor shooting range.

SECTION 2: That Section 8.16.020 (Permit to discharge firearms) is amended as follows:

Any person who wishes to discharge firearms referred to in Section 8.16.010 shall make written application to the chief of police for a permit, unless at a legally permitted indoor shooting range. Such application shall state the date on which the firearms shall be fired, the number of rounds to be fired, the place where the firearms shall be fired, and the reason or need for the permit. Within a reasonable time after receipt of such application, the chief of police shall approve or reject it. In the event that no action is taken by the chief of police within forty-five days after receipt of such application, such application and request shall be deemed denied by the chief of police.

SECTION 3: That the following uses within Table A of Section 21.34.020 (Permitted uses in the Planned Industrial Zone) are amended as follows:

EXHIBIT NO. 2

Ordinance

LCP-6-CAR-16-0015-2 Part B (Indoor Shooting Ranges)

California Coastal Commission

Use	P	CUP	Acc
Child day care center (subject to Chapter 21.83) (defined: Section 21.04.086) (see note 5 below)		2	

Use	P	CUP	Acc
Educational institutions or schools, public/private (defined: Section 21.04.140) (see note 5 below)		2	

Use	P	CUP	Acc
Residential uses in P-M Zone (subject to Section 21.42.140(B)(135)) (see note 5 below)		3	

SECTION 4: That Table A of Section 21.34.020 (Permitted uses in the Planned Industrial Zone) is amended by the addition of the following use:

Use	P	CUP	Acc
Shooting Ranges (indoor), subject to Section 21.42.140(B)(137)		3	

SECTION 5: That the footnotes following Table A of Section 21.34.020 (Permitted uses in the Planned Industrial Zone) are amended by the addition of the following footnote:

5. Subject uses shall comply with the distance requirements in Section 21.42.140(B)(137).

SECTION 6: That Subsection 21.34.090(1) (Performance standards) is amended as follows:

(1) The maximum allowable exterior noise level of any use shall not exceed sixty-five Ldn as measured at the property line. For properties that are approved non-residential planned developments, the exterior noise level shall be measured from the parcel owned in common by the owner's association, which constitutes the perimeter property lines. Where a property is occupied by more than one use (whether within the same building or in separate buildings), the noise level shall not be in excess of 45 Ldn 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.

SECTION 7: That Section 21.42.140 (Development standards and special regulations) is amended by the addition of a new subsection as follows:

Section 21.42.140(B)(137) Shooting Ranges (Indoor).

1
2 a. Applicability. Carlsbad Municipal Code Section 21.42.140(B)(137) applies
3 only to privately owned and/or operated indoor shooting ranges that are commercial
4 enterprises open to the public or private groups on a membership basis. It does not apply
5 to governmental facilities which provide training for police and other law enforcement
6 entities.

7 b. Location.

8 1. Indoor shooting ranges are conditionally permitted within the Planned
9 Industrial (P-M) Zone subject to approval of a conditional use permit.

10 2. Distance requirements. The establishment of an indoor shooting range
11 shall not be permitted within six hundred (600) feet of a school (public or private), public
12 park, day care facility, residential use, residential land use designation, or residential
13 zoning district.

14 3. For the purpose of measuring the distance requirements set forth in
15 subsection b.2 of this section, all distances shall be measured (without regard to
16 intervening structures) in a straight line extended between the nearest property lines of:

17 i. The property on which the indoor shooting range is or will be located; and

18 ii. The property on which one of the uses/zones/designations specified in
19 subsection b.2 of this section is located.

20 iii. For properties that are approved non-residential planned developments,
21 distances shall be measured from the parcel owned in common by the owner's
22 association, which constitutes the perimeter property lines.

23 4. The distance requirements in subsection b.2 of this section shall apply to
24 those uses/designations/zones specified in subsections b.2 of this section that:

25 i. Are existing; or

26 ii. Have received approval by the city for the use/zone/designation and said
27 approval has not expired or become invalid; or

28 iii. Have submitted an application to establish those uses/designations/zones
specified in subsection b.2 of this section after the approval of a conditional use permit to

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2 establish an indoor shooting range.

3 5. Other Location Requirements. Indoor shooting ranges are not permitted
4 within multi-tenant buildings, and shall only be constructed within a stand-alone building.

5 c. General requirements.

6 1. Every indoor shooting range shall be in compliance with the applicable
7 building, zoning, and fire code requirements of the Carlsbad Municipal Code in addition to
8 all other applicable federal, state and local laws.

9 2. The applicant, owner and/or operator shall submit to a criminal
10 background check as part of the conditional use permit application. The criminal
11 background check shall be filed with the Carlsbad chief of police or designee in a form
12 approved by the chief of police. Clearance from the Carlsbad police department shall be
13 required as part of a complete conditional use permit application for an indoor shooting
14 range. "Owner" means any of the following: (1) the sole proprietor of an indoor shooting
15 range; (2) any general partner of a partnership that owns and operates an indoor
16 shooting range; (3) the owner of a controlling interest in a corporation or L.L.C. that owns
17 and operates an indoor shooting range; or (4) the person designated by the officers of a
18 corporation or the members of an L.L.C. to be the business license holder for an indoor
19 shooting range owned and operated by the corporation. This is an on-going requirement
20 that also applies to all employees of the range and stays in effect after approval of the
21 conditional use permit through the business license requirement.

22 i. The applicant, owner and/or operator shall never have been convicted of
23 any felony.

24 ii. The applicant, owner and/or operator shall never have been convicted of a
25 misdemeanor involving a firearm and/or violence.

26 iii. The applicant, owner and/or operator shall never have been convicted of a
27 violation of law concerning the manufacture, use, possession, or sale of firearms.

28 3. The applicant shall provide sufficient and substantial evidence that the
proposed indoor shooting range is properly designed, constructed and equipped for the

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2 discharge of firearms within the facility, to the satisfaction of the Building Official. The
3 indoor shooting range shall be designed to safely contain bullets within the range portion
4 of the building. Tactical shooting is permitted provided the range design addresses this
5 type of use.

6 4. A minimum of one range safety officer shall be on duty during all operating
7 hours. Range safety officers shall be certified by the National Rifle Association Range
8 Safety Officer Program or equivalent training program (such as law enforcement
9 programs), and shall be responsible for:

10 i. The operation and maintenance of the shooting range.

11 ii. Inspection of all firearms and ammunition for proper function and
12 operation.

13 iii. Enforcement of safety protocols and the regulations of the indoor shooting
14 range.

15 iv. Ensuring that all firearms and ammunition at the indoor shooting range
16 remain securely stored at all times, and in compliance with all applicable laws and
17 regulations.

18 5. No other weapons, other than legal firearms, shall be discharged in an
19 indoor shooting range.

20 6. Firearms classified as illegal under state or federal statute, shall not be
21 allowed.

22 7. Firearms or ammunition deemed not safe by the range safety officer shall
23 not be discharged within the indoor shooting range.

24 8. Firearms safety rules and regulations shall be prominently posted in a
25 general area of the facility, and available to all customers of the establishment.
26 Compliance with those regulations shall be monitored and enforced by a range safety
27 officer, employed by the indoor shooting range.

28 9. Indoor shooting ranges shall be permitted to operate during the hours of
8:00 a.m. to 10:00 p.m., unless amended by the conditional use permit.

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2 10. No person, employee, member, or customer of an indoor shooting range
3 shall be allowed to enter or leave the premise with a loaded firearm, unless permitted by
4 or exempted by state or federal law.

5 11. All firearms shall only be loaded on the firing line under the supervision of
6 the range safety officer, unless permitted by or exempted by state or federal law.

7 12. Illegal drugs or alcohol may not be consumed on the property, nor shall the
8 sale of alcohol be permitted on the property.

9 13. Individuals deemed by the range safety officer, or other employees of the
10 indoor shooting range, to be under the influence of drugs and/or alcohol and as such
11 present a safety concern, shall be prohibited from utilizing the indoor shooting range.

12 14. Individuals who the range safety officer, or other employees of the indoor
13 shooting range, believes to pose a threat to themselves or others, shall be prohibited
14 from utilizing the indoor shooting range. The Carlsbad police department shall be
15 contacted immediately if the range safety officer, or an employee, reasonably believes
16 that a person on the premises may be a threat to themselves or others.

17 15. Individuals under eighteen (18) years of age will be allowed to utilize the
18 facility, provided:

19 i. They are at least eight years of age; and

20 ii. They are accompanied by a parent or legal guardian, or are under adult
21 supervision and a signed release and waiver of liability by the parent or guardian is
22 provided.

23 16. All persons at the firing line shall wear approved eye and ear protection
24 under the supervision of the range safety officer. All employees of an indoor shooting
25 range shall receive eye and ear protection and shall receive proper training regarding the
26 use of suitable eye and ear protection.

27 17. The sale and rental of firearms, the proper storage of ammunition, and the
28 sale of accessories onsite are permitted, subject to applicable state and federal laws. All

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2 such uses shall be clearly documented and considered as part of the conditional use
3 permit application.

4 18. The manufacture of ammunition shall not be allowed, except for bullet
5 reloading, unless permitted through the conditional use permit.

6 19. All doors, gates, and entrances between the shooting points and backstop
7 shall be securely locked at all times when a person is engaged in practice shooting.

8 d. Safety and management plan. A plan with detailed standard operating
9 procedures for safety and conformance with environmental laws shall be submitted with
10 the conditional use permit application and reviewed and approved by the Carlsbad chief
11 of police or designee, public works director or designee and city planner or designee. The
12 plan must be in full compliance with the National Shooting Sports Foundation 5-Star
13 Assessment, or equivalent rating system (if applicable), and/or the NRA Range Source
14 Book: A Guide to Planning and Construction, published by the National Rifle Association,
15 or by an equivalent guidebook (if applicable) deemed comparable by the Carlsbad chief of
16 police or designee, public works director or designee and city planner or designee. Such
17 plan shall include, but not be limited to, the following information:

18 1. Plans for the installation and maintenance of interior and exterior
19 surveillance cameras. Cameras shall observe the parking lot, lobby, store, firing lanes,
20 and all general areas within an indoor shooting range and its perimeter. Recordings from
21 the surveillance cameras must be maintained for not less than thirty (30) days and shall
22 be made available to members of the Carlsbad police department upon request.

23 2. Plans for the installation and maintenance of adequate exterior and
24 interior lighting.

25 3. Protocols for the safe display and storage of firearms and ammunition.

26 4. Protocols to ensure open lines of communication exists between an indoor
27 shooting range and Carlsbad police and fire departments. These protocols shall be
28 developed, with cooperation of the Carlsbad police and fire departments.

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2 5. Protocols to ensure that firearms and ammunition deemed unsafe will not
3 be discharged within the firing line.

4 6. Protocols to ensure access behind the firing line is provided in a safe and
5 controlled manner.

6 7. Any areas of the indoor shooting range used for tactical shooting shall be
7 clearly identified.

8 8. Procedures to prevent suicides within the indoor shooting range.

9 9. Procedures to prevent the theft of rented firearms.

10 10. Plans to adequately staff the range with range safety officers.

11 11. An evacuation plan shall be provided.

12 12. Hours of operation.

13 13. A plan to reduce exposure to hazardous waste, provide clean air and
14 decrease noise for all employees and customers in accordance with the California Division
15 of Occupational Safety and Health and the National Institute for Occupational Safety and
16 Health's (NIOSH) Preventing Occupational Exposure to Lead and Noise at Indoor Shooting
17 Ranges, published by the Centers for Disease Control and Prevention.

18 14. Disclosure and education regarding lead hazards shall be provided to
19 employees and customers.

20 15. A hazardous waste diversion and disposal plan in accordance with
21 California Department of Toxic Substances Control regulatory standards. The removal of
22 lead, and any waste materials and liquids that are contaminated with lead, must be
23 addressed in this plan. This plan shall also include the recycling of spent lead bullets
24 consistent with applicable state and federal law.

25 16. Exhaust air ventilated from inside the shooting range out of the building
26 shall be filtered to meet the California Environmental Protection Agency ambient air
27 quality standards for lead.

28 17. A plan to mitigate noise impacts on the surrounding community shall be
provided. An indoor shooting range shall meet a peak event sound level of 65 dB, as

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2 measured at the property line. In addition, an indoor shooting range shall not cause the
3 noise within buildings on the same lot or adjacent lots to exceed a peak event sound level
4 of 45 dB. A noise study shall be prepared consistent with the requirements of the
5 Carlsbad Noise Guidelines Manual demonstrating compliance with the noise levels of this
6 requirement.

7 18. Failure to submit a safety and management plan as required shall be
8 grounds to refuse to accept or automatically deny an application for a conditional use
9 permit. Failure to adequately implement or maintain the safety and management plan
10 and any provision of this ordinance shall be grounds for revocation of the conditional use
11 permit, pursuant to section 21.42.120.

12 19. Any future revisions or modifications of the safety and management plan
13 must be approved by the Carlsbad chief of police or designee, public works director or
14 designee and city planner or designee. Failure to obtain approval or otherwise disregard,
15 edit, modify, revise or in any way change the safety and management plan on file is
16 grounds for revocation of the conditional use permit, pursuant to section 21.42.120.

17 SECTION 8: That Table A of Section 21.44.020 (Off-street parking spaces
18 required) is amended by the addition of the following use under the general category of
19 Commercial, Industrial and other Non-Residential Uses:

Use		Number of Off-street Parking Spaces
Commercial, Industrial and other Non-Residential Uses	Shooting Ranges (indoor)	1.5 spaces for each firing lane within the range, plus required parking for other associated uses based on the parking standard for each use

20
21 EFFECTIVE DATE FOR PROPERTIES THAT ARE SUBJECT TO THE PLANNED
22 INDUSTRIAL (P-M) ZONE REGULATIONS AND LOCATED IN THE COASTAL ZONE. This
23 Ordinance shall be effective no sooner than thirty (30) days after its adoption but not
24 until approved by the California Coastal Commission, and the City Clerk shall certify the
25 adoption of this Ordinance and cause it to be published at least once in a newspaper of
26 general circulation in the City of Carlsbad within fifteen (15) days after its adoption.
27
28

EFFECTIVE DATE FOR PROPERTIES THAT ARE SUBJECT TO THE PLANNED INDUSTRIAL (P-M) ZONE REGULATIONS AND LOCATED OUTSIDE THE COASTAL ZONE. This Ordinance shall be effective no sooner than thirty (30) days after its adoption and the City Clerk shall certify the adoption of this Ordinance and cause it to be published at least once in a newspaper of general circulation in the City of Carlsbad within fifteen (15) days after its adoption.

INTRODUCED AND FIRST READ at a regular meeting of the Carlsbad City Council on the 15th day of December, 2015, and thereafter.

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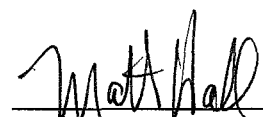
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PASSED AND ADOPTED at a regular meeting of the City Council of the City of
Carlsbad on the 12th day of January, 2016, by the following vote, to wit:

AYES: Council Members Hall, Blackburn, Schumacher, Wood, Packard.
NOES: None.
ABSENT: None.

APPROVED AS TO FORM AND LEGALITY:


CELIA A. BREWER, City Attorney


MATT HALL, Mayor

ATTEST:


BARBARA ENGLESON, City Clerk

