

Triple J Update December 10, 2018

The building permit fees for the Triple J gun range were paid today and the permit was picked up by the applicant.

Following are responses to questions emailed to the city from Dr. Demont-Heinrich and Chris McGuire, as well as questions asked by speakers at the December 4 city council meeting.

### **Numerous noise related questions**

- **The city approved tests based on two guns firing; there will eventually be 20 gun lanes. How can a test of just 10% of the total number of guns that could be fired simultaneously be adequate or accurate? How can this city be sure that Triple J is truly complying with noise regs and laws if it does not check by way of its own professionals that Triple J is in compliance? How, by whom, and in what specific ways are very legit and important noise concerns regarding the proposed Triple J shooting range going to be addressed by the city? Sound engineers said the sound would be okay once the building was finished, but there doesn't appear to be any real sound mitigation plans to make sure this is true. What is the plan? Will the city be requiring a second sound test once the work on the building is complete? If sound is still at nuisance level once the building is done, does the city intend to do anything about it?**

There is confusion regarding “the initial test” of sound from the proposed Triple J gun range. The city has not required any testing at this point and did not approve or disapprove of any tests. The city asked the architect to certify that his design would comply with the Littleton Noise Control Ordinance in the residential zone district, the most restrictive of all districts. The architect provided this certification to the city. Any initial tests that have taken place were conducted by the applicant and its architects in order to develop design that meets the city code.

Following construction, testing will be required by the city to ensure compliance with the Littleton Noise Control Ordinance. It states, “It shall be unlawful for any person to operate or permit to be operated any stationary, continuous source of noise in such a manner as to create a sound pressure level which exceeds the limits set forth in the following table more than 90% of any hour when measured at the property boundary or at any point within the property affected by the noise.”

	Day (7 a.m.-7 p.m.)	Night (7 p.m.-7 a.m.)
Residential	55	50
Business	60	55
Industrial	75	75

A Certificate of Occupancy will not be issued unless the test results comply with the city ordinance. The noise ordinance must be adhered to at all times.

*(November 1 letter from city attorney to city council on city website)*

“The city determined that it needed specialized services to assist in the review of the plans for the proposed firearms range to ensure all applicable safety and code requirements were met. After evaluation, the city selected International Code Council (ICC) to assist in the plan review. The city also retained Code Consultants International (CCI) to assist with the plan review and the inspections, which will occur during construction of the range. While the review of a project is non-discretionary, the city wanted to have the highest level of expertise to assist in this process...

Plans for the proposed firearms range were provided to ICC and CCI and to city staff, including building and planning, fire, police and public works and other entities for review. The initial review of the plans was completed by ICC on July 31, 2018. ICC made 23 comments on the plans. CCI incorporated city comments and their comments, together with those of ICC for a total of 36 comments.

Triple J’s project team (consisting of the architect, engineer and contractor) responded on August 28, 2018 and (the city) determined that a number of comments were still not addressed. As city staff does with any project, as requested by an applicant, a meeting was held with Triple J’s project team to review comments.

On October 9, 2018, the city received a response from Triple J’s project team addressing all outstanding comments. The city also required a certification from the architect that the proposed sound mitigation will meet the city’s noise sound standards. Further, as part of the field inspections the city will require prior to the issuance of a certificate of occupancy, once the range is constructed, sound will be tested again based on the completed range, to determine compliance with the city noise standard...

Once Triple J picks up and pays for the building permit for the indoor firearms range and begins work, the city will be conducting field inspections to verify that the work is being completed as provided for in the approved plans. The city will have CCI assist with inspections for the indoor firearms range due to their expertise with these types of projects. If the work is not completed in accordance with the accepted plans, the work will be rejected and will need to be redone and brought into compliance. Staff has also made it clear to Triple J that any subsequent future phases will be subject to the city’s codes in place at that time.”

*(November 1 letter from Jocelyn Mills to Triple J on city website)*

“The city requires all development to meet the noise standards contained in the Littleton City Code. Per building permit 18-0392, the city has accepted the architect’s certification that the proposed design will meet the city’s required noise standard, applicable to this development. Prior to issuance of the Certificate of Occupancy for the range, the City will be performing a field inspection where the range will need to be in actual use and the sound will be measured from the property line to verify compliance with the city’s noise

standards. As you approach completion, Bill Tracy, the chief building official, will work with you (the applicant) on the appropriate arrangements for the field inspections.”

*(June 14 letter from Mark Relph to Triple J on website)*

“The construction of a shooting range is a specialized facility and will require a full review and analysis of appropriate standards for construction and operations. The city will be obtaining an outside consultant to review your permit for construction, operation and inspection of the facility.”

### **Miscellaneous Questions**

- **Are building inspectors checking to make sure that construction of the gun range hasn't started?**

City building inspectors visited the site the week of Thanksgiving and confirmed that construction had not begun.

- **As it relates to the contaminants that the shooting range will be giving off, will the city or Tri County Health monitor the shooting range, particularly for lead toxicity from the bullets? How will the public get results of these tests?**

Design and construction of the range must meet the United States Department of Energy, Office of Health, Safety and Security Range Design Criteria; and the International Building Code, the Uniform Fire Code and the Littleton City Code. The city will perform inspections to ensure the systems are installed to specifications. This includes emissions from air handling systems, lead mitigation and many other items. Once the range is operational, environmental enforcement would be through the Colorado Department of Public Health and Environment.

- **What are the upcoming milestones in the process for Triple J to obtain their Certificate of Occupancy for the range?**

*(October 24 update on city website)*

Milestones in the process for Triple J to obtain its Certificate of Occupancy include:

1. Pay building permit fees
2. Pick up permit – design and contractor selection already approved
3. Start construction
4. Schedule milestone inspections with the city, rough and final (plumbing, fire, mechanical, electrical and building)
5. Pass inspections conducted by Building and Fire inspectors (including noise)
6. Receive Certificate of Occupancy

- **Under what circumstances would Triple J be subject to the Conditional Use Permit requirements, such as a change in control or ownership of the business and/or the building?**

A change in control of ownership of the business or the property will not trigger compliance with a Conditional Use Permit.

- **Does the screening system referenced in 9/18 letter from Community Development constitute an exterior architectural changes? Why wouldn't this new equipment**

**and the roof curb be considered a physical change to the exterior of the building and result in the need for further scrutiny under the architectural change requirements?**

*(November 1 letter from city attorney to city council on city website)*

“If a proposed project is making exterior changes to the grounds and is an expansion of the building, an amended site development plan is required to be submitted and approved by the city. If there are changes proposed only to an existing physical building then only a building permit is required to be submitted and approved by the city.”

- **Is Triple J required to lock up guns at the end of each day?**

No.

- **How will parking be enforced?**

*(November 1 letter from city attorney to city council on city website)*

“While parking in a PD is generally established in the approved PD Plan, staff required parking calculations be submitted for its review. The parking calculations submitted by Triple J met the city requirements.”

*(July 30 letter from Jocelyn Mills to Interested Parties on city website)*

“SPOA governs SouthPark through contracts, covenants and restrictions (CC&Rs) imposed upon all properties within SouthPark, and these regulations are reflected on each individual deed of property. These CC&Rs may be more restrictive than city code (e.g. on-street parking) yet the city cannot legally enforce the CC&Rs of any development, and the city cannot delay the approval of a building permit application because of an owners association.”

- **Does the city recognize the formal approval process of the South Park Owners Association?**

*(July 30 letter from Jocelyn Mills to Interested Parties on city website)*

“In this case, both approvals from the city and SPOA are required for Triple J. While neither the city nor SPOA can interfere or delay each other’s processes – Triple J is aware that they are required to obtain both approvals in order to open a gun store and office, and indoor range at 8152 SouthPark Lane.”

*(November 1 letter from city attorney to city council on city website)*

“The city did review uses contained in the SouthPark PD and recreational uses are a principal permitted use. Under the city code, an indoor recreational use is a conditional use in the B-2 and B-3 districts. If the PD plan specifies it as an allowed use, it becomes a permitted use in the PD district, as is the case in the SouthPark PD.”

The relationship between SPOA and the city is collaborative and both parties will work together on a process to formalize how future land use issues are managed. The city attorney discusses with SPOA legal counsel regularly as issues arise as does the community development staff about land use issues.

### **Staff Responsiveness**

**We have repeatedly asked for a meeting with staff to discuss our concerns.**

The city convened a meeting on August 29 for residents to ask questions of staff. Following the meeting the city established a webpage where it posted the answers to all of the questions from that meeting. The city created an email distribution list to notify those interested when there is new information to share. The city has posted documents and updates related to this project on this site as they become available. Staff continues to respond to questions via email.

Community Development staff offered a meeting on November 5 and received no response.

The city is now working to develop a facilitated engagement process with Highline Crossing and will have more information about this shortly.