

## City of San Carlos Community Meetings on Firearms Regulations

### May 10 and May 17, 2018 - Questions & Answers

**1. What problem specifically is the City Council trying to solve?**

Answer: Turner's Outdoorsman sought to open a retail store where firearms and ammunition would be sold. Many members of the community were concerned about the location of the proposed store. The City Council adopted a moratorium on any new retail establishments selling firearms and ammunition so that San Carlos could study whether to regulate, and to what extent to regulate, businesses that sell firearms and ammunition.

**2. When the City was debating whether to let PAMF build on Industrial Road, the discussion went on for 2-3 years. Why did the Council try to sneak this deal through without any community discussion?**

Answer: The City Council held two public hearings in late 2017. The first involved whether the City Council should adopt a 45-day moratorium on new businesses that sell firearms and ammunition. The second involved whether the City Council should extend the moratorium for a total length of one year.

**3. Can current zoning as "permitted" for firearms sales be changed to "conditional"?**

Answer: Yes, San Carlos has the authority to change the use status of businesses that sell firearms from a permitted use to a use that requires a conditional use permit.

**4. Can the present moratorium on new stores be permanent?**

Answer: No. California law establishes two years as the maximum length of a moratorium. The current moratorium expires in November 2018 and the City Council may extend it for an additional one year. However, the study being undertaken by the City Council will include a permanent ordinance to be reviewed by the Planning Commission and City Council during the term of the moratorium.

**5. What are rates of firearm crimes in City?**

Answer: There have been eight robberies in 2018. A total of two firearms were used in those robberies.

**6. Are we prepared to budget a 2nd Amendment lawsuit?**

Answer: If the City Council ultimately adopts a regulation of businesses that sell firearms and that regulation is challenged in court, San Carlos will budget the appropriate funds to defend the lawsuit.

**7. Why are gun stores considered "permitted" while something as benign as "live music" needs to be "conditional"?**

Answer: Uses that were once allowed without a discretionary permit may later be subject to a conditional use permit as the need arises. There have been no applications for retail

sales of firearms in San Carlos for decades. While businesses selling firearms and ammunition historically have been allowed without a discretionary permit, San Carlos is now studying whether to regulate those businesses.

**8. Many comments made are simply untrue. How does the City Council staff weed out true statements versus emotionally driven opinions?**

Answer: The City Council can discern factual statements from opinions. Facts will be verified for accuracy by consulting publicly available data and information. San Carlos's outside counsel with expertise in firearms regulation also will be consulted.

**9. Will anyone from Turner's Outdoorsman be at either community meeting?**

Answer: Turner's Outdoorsman was invited to both community meetings. It is unknown whether anyone affiliated with Turner's Outdoorsman actually attended.

**10. What evidence is there that lawfully operating retailers selling guns contribute to crime in California?**

Answer: Retail establishments selling firearms in California have been the targets of attempted robberies. It should be noted that some members of the community have asserted that there is evidence that secondary crime arises from sales of firearms to those who have committed gun-related crime. We have not confirmed this.

**11. Is there a record of increased crime when Turner's stores open?**

Answer: San Carlos is not aware that the opening of a Turner's Outdoorsman store has been directly linked to an increase in crime in the surrounding area.

**12. What sort of a record does Turner's Outdoorsman have regarding firearm security and theft?**

Answer: San Carlos is not aware of any published data on this issue. During Council review of this issue, one of the Councilmembers mentioned that he'd heard that Turner's had break in robberies and that a scam was linked to the San Bernardino killings.

**13. How many guns used in crimes are traced to their stores?**

Answer: San Carlos is not aware of any published data on this issue.

**14. If the City enacts a law that would result in a lawful abiding store to close, would you consider grandfathering in that store?**

Answer: Typically businesses in existence at the time a new regulation is implemented would have a vested right to continue operating without complying with the new zoning regulation.

**15. How many firearms have been collected/confiscated in San Carlos per year over last 5-10 years?**

Answer: Since 2013, the San Mateo County Sheriff's Office has collected 183 firearms within San Carlos. Of the 183 firearms, 20 were collected as evidence, 34 were

relinquished for destruction, 98 were collected for safe keeping, and most recently, another 31 were relinquished for destruction during the Gun Buyback event.

**16. What is the status of the Turner's lawsuit and how is it impacting the City's firearm policies?**

Answer: Turner's submitted a claim under the Government Claims Act. San Carlos has denied the claim. Turner's has not yet filed a lawsuit.

**17. San Carlos has 2+ gun stores now in the area (Imbert & Smithers in San Carlos and Big 5 in Redwood City and San Mateo) – What history do you have showing violence coordinated to those existing stores?**

Answer: Over the past years, there have been various calls for service at the Imbert & Smithers location, but none have involved any type of violence. The Big 5 is within Redwood City, so the Sheriff's Office would not have data concerning it.

**18. We already have Imbert & Smithers. Why is a second such store an issue?**

Answer: Many members of the community were concerned about the proposed location of what would have been a second store.

**19. Why is the City not considering the personal storage and usage laws?**

Answer: The focus at the moment, based on community concerns, is whether to regulate the location or operational aspects of businesses that sell firearms. California law and/or federal law regulate some aspects of storage and use of firearms, preempting local governments from regulating those particular aspects.

**20. Has the City decided how aggressive it intends to be in crafting the ordinance? Is the City willing to be a trail blazer in drafting a strict ordinance, one that may lead to litigation?**

Answer: San Carlos has not yet decided whether and to what extent to regulate businesses that sell firearms. If San Carlos adopts a regulation that is challenged in court, San Carlos will defend that regulation.

**21. Are you aware that the online survey is being answered by people who do not live in San Carlos? Will you filter the responses according to the location of the person answering?**

Answer: Yes, City officials have been made aware that people who do not live in San Carlos are responding to the online survey. Whether a respondent lives in San Carlos is among many factors that will be evaluated in considering survey responses.

**22. May a ballot initiative be circulated to regulate or eliminate the retail sale of new gun stores?**

Answer: Residents of San Carlos are free to circulate whatever ballot measure they deem appropriate for the community. Whether a ballot measure approved by the voters would withstand a legal challenge would depend upon the particular elements of the measure.

**23. Can Turner's limit sales to hunting and personal protection uses? But no assault weapons or accessories?**

Answer: Turner's is free to limit its inventory to certain firearms and is free to make a business decision not to offer for sale certain categories of firearms that may be legally sold. Turner's may not sell firearms that are prohibited from being sold under federal or state law.

**24. Are there regulations you've heard that strike you as not suitable for San Carlos?**

Answer: There are many types of firearms regulations off limits to cities because federal or state law already supply those regulations. The list is far too long to include here.

**25. Can a condition be a tax fee or escrow for law enforcement?**

Answer: Voter approval would be required to impose a tax or a fee on businesses selling firearms. Depending on the amount of the tax or fee, other legal issues might be implicated.

**26. Why not adopt all well-established legal restrictions? Take a superset of everything in effect in other California cities?**

Answer: If San Carlos decides to adopt regulations of businesses selling firearms, City officials will consider what restrictions have worked or have not worked in other cities.

**27. What percentage of San Carlos residents are registered gun owners?**

Answer: Unknown because firearms registration is a state law function.

**28. What does the City do to ensure the existing gun store is secure? Does the City/police regularly check the security?**

Answer: The San Mateo County Sheriff's Office does not routinely check the general security of San Carlos' existing gun store, Imbert & Smithers. It is the sole responsibility of the store owners to ensure its safety and security. The Sheriff's Office responds to the store when calls for service are received.

**29. What is the current status of Turner's trying to open in San Carlos?**

Answer: Turner's has abandoned its plan to open in San Carlos.

**30. What happens after moratorium expires?**

Answer: After the current moratorium (or further extension) expires, businesses selling firearms will be subject to San Carlos's laws then in effect. If San Carlos decides to regulate the zoning and/or safety aspects of those businesses before the moratorium expires, the businesses must comply with those regulations after the moratorium expires.

**31. What options are there to grandfather Imbert & Smithers?**

Answer: In some circumstances, businesses in existence at the time a new regulation is implemented already have a vested right to continue operating without complying with the new zoning regulation.

**32. Would the City allow a store to sell other “arms” (but not guns)? Like knuckle-busters, switchblades or chemical or nuclear weapons.**

Answer: With respect to firearms or other weapons that may be used lawfully, San Carlos does not seek to regulate the inventory of a business that lawfully sells those weapons. Federal and state law already prohibit the use of certain weapons, including chemical and nuclear weapons.

**33. Is the City considering only the zoning question or also general firearms sales?**

Answer: San Carlos is considering whether to regulate through zoning the location of businesses that sell firearms, and also whether to impose on those businesses various safety and security measures.

**34. What importance is the City giving to the survey found on Shape San Carlos?**

Answer: The City will consider, along with all comments received, the survey responses and whether a particular response comes from a person who has registered as a resident of San Carlos.

**35. California outlaws bump stocks and bans the sale of magazines. Would you abide by that law?**

Answer: Yes, cities and businesses that sell firearms are required to abide by state and federal laws regulating firearms.

**36. Would safety regulations extend to personal 2nd Amendment rights?**

Answer: Any safety and security regulations adopted by San Carlos would not apply to individuals; they would apply to businesses selling firearms.

**37. California has the strictest gun control laws. Why does San Carlos need stricter standards than the state?**

Answer: Many of California’s laws regulating firearms are the strictest of their type in the nation. California law also leaves open to local regulation the location of businesses selling firearms, and certain safety and security measures. San Carlos is considering whether and to what extent to regulate in those areas.

**38. Can the City require security measures like bollards to prevent theft?**

Answer: Yes, San Carlos may adopt safety and security regulations for businesses selling firearms, including theft prevention measures.

**39. The City has had enough meetings on this topic. Do we need to keep showing up and saying the same thing?**

Answer: The City heard from the community late last year on whether to adopt a moratorium. The community meetings in May 2018 served the different and important related purpose of hearing from the community on whether to adopt permanent regulations.

**40. Why was the City allowing Turner's to open?**

Answer: Before the moratorium on businesses selling firearms, those businesses were allowed to operate in the commercial zone without a discretionary approval.