

Resolution No.

## STOCKTON PLANNING COMMISSION

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### RESOLUTION APPROVING A USE PERMIT FOR A SCRAP METAL RECYCLING FACILITY LOCATED AT 1020 EAST CHURCH STREET (P16-0143)

The applicant, H & B Recycling, submitted an application for a Use Permit and to allow a drive-through indoor scrap metal recycling center in a building totaling 6,768 square feet located at 1020 East Church Street; and

The General Plan designates the project site for Industrial land use. This land use designation along with the property's Industrial, General (IG) zoning allows industrial land use with approval of a Use Permit; and

The project is categorically exempt under the California Environmental Quality Act (CEQA) Section 15301, Class 1, of the State CEQA Guidelines because the proposed infill project is located on a developed parcel that is surrounded by urban uses; and

Existing infrastructure is expected to be able to adequately serve the project; now, therefore,

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF STOCKTON, AS FOLLOWS:

The Planning Commission hereby approves the request for a Use Permit for a drive-through indoor scrap metal recycling center in a building totaling 6,768 square feet located at 1020 East Church Street; (See Exhibit 1 - Site Plan, attached hereto and incorporated by this reference) based on the following findings and conditions of approval:

#### General Findings

1. The proposed use is allowed within the subject Industrial, General zoning district with the approval of a Use Permit and complies with all other applicable provisions of the Stockton Municipal Code (SMC).
2. The proposed use would maintain the integrity and character of the neighborhood and zoning district in which it is to be located, because the industrial land use covers a wide variety of industrial uses including uses with nuisance or hazardous characteristics.
3. The proposed use would be consistent with the general land uses, objectives, policies and programs of the General Plan because the proposed use is consistent with the Industrial land use designation and will continue the industrial land use on the site and the surrounding area.
4. The subject site would be physically suitable for the type and density/intensity of use being proposed including the provision of services (e.g., sanitation and water), public access, and the absence of physical constraints (e.g., earth

movement, flooding, etc.) in that it is provided with all required utilities and public services.

5. The establishment, maintenance, or operation of the proposed use at the location proposed and for the time period(s) identified, if applicable, would not endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, or general welfare of persons residing or working in the neighborhood of the proposed use because the project operation adheres to all state and local regulations applicable to recycling facilities.
6. The design, location, size, and operating characteristics of the proposed use would be compatible with the existing and future land uses on-site and in the vicinity of the subject property, because the proposed recycling facility is consistent with the pattern of industrial uses in the surrounding neighborhood, complies with height and setback requirements, and provisions have been made to minimize blight and noise with all recycling operations to be performed inside and all materials to be stored in large metal bins.
7. The proposed action is in compliance with the provisions of the CEQA and the City's CEQA Guidelines, because it is categorically exempt under the CEQA (Section 15301, Class 1, of the State CEQA Guidelines) in that the project is at an existing facility, the project site has no value as habitat for endangered, rare or threatened species, approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and the site can be adequately served by all required utilities and public services.

#### Conditions of Approval

1. Comply with all applicable Federal, State, County and City codes, regulations, and adopted standards, and pay all applicable fees.
2. In the event the operation of this use should prove detrimental to the health, safety, peace, or general welfare of the surrounding neighborhood, this Use Permit shall be subject to revocation or modification as provided in the Development Code.
3. All operations and storage shall be inside an enclosed structure.
4. The noise levels shall not exceed standards established by the Stockton Municipal Code.
5. The operator shall remove all litter generated by the recycling operation. The facility owner or operator shall provide litter control at the entrance(s) of the facility and along the street, sidewalk and setback areas adjacent to the facility.
6. All payment for materials shall be issued by check only.
7. The operator shall maintain a record via photo documentation (acceptable to the City of Stockton Police Department) of all seller's ID or driver's license that come to recycle scrap metal items.
8. A three-day hold shall be placed on all recycled materials valued at \$20 dollars and above.

9. The operator shall report daily, or on the first working day after receipt or purchase of secondhand property, on forms or through an electronic reporting system.
10. The operator shall work with other local recyclers, law enforcement and state registry boards to prevent metal theft.
11. If the operator receives materials determined to be stolen the operator shall inform the police department in writing with pictures and a copy of the person's ID or driver's license.
12. The gates on Church and Hazelton Street shall remain open during operating hours. Said gate shall be locked at night with a City-compliant Knox lock for fire access.
13. All signs pertaining to this use shall be approved by the Planning Division.
14. Any significant modifications to the final design plans for the project shall be subject to review and approval by the Community Development Director for consistency with the approved Use Permit prior to the issuance of any building permits.
15. No loitering shall be allowed on the premises. The operator shall discourage loitering on immediately abutting public rights-of-way and shall post "No Loitering" signs on the outside of the property.
16. Security lighting shall be installed. Any lighting on the site shall be shielded so as not to shine onto nearby residential properties.
17. In order to minimize any adverse financial impact on the City of Stockton associated with development and/or use of the subject site, the operator agrees that it will not challenge or protest any applicable fees associated with the development of the site, but if such fees are amended or modified, the operator agrees to pay such fees as they may be amended or modified from time to time.
18. The Use Permit shall be posted in a conspicuous place and be made available immediately to City personnel upon inspection of the premises.

PASSED, APPROVED, and ADOPTED July 28, 2016.

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KEVIN HERNANDEZ, CHAIR  
City of Stockton Planning Commission

ATTEST:

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DAVID KWONG, SECRETARY  
City of Stockton Planning Commission