

Resolution No.

## STOCKTON PLANNING COMMISSION

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### **RESOLUTION APPROVING A USE PERMIT TO ALLOW THE ESTABLISHMENT OF A PROPOSED SLAUGHTERHOUSE IN EXISTING WAREHOUSE BUILDINGS AT 2716 EAST MINER AVENUE (P16-0301)**

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On May 18, 2016, the applicant, Howard Chan, submitted a Use Permit application to allow the establishment and operation of a proposed slaughterhouse in existing warehouse buildings on the subject site; and

The applicant plans to relocate his existing slaughterhouse at 1320 South Aurora Street to the subject site to increase its processing capacity. The proposed use involves slaughtering live poultry with other related processing steps, including bleeding, scaling, de-feathering, evisceration, washing the carcass, chilling and freezing, packing, and shipping. Between 5,000 and 14,000 birds per day will be processed inside the buildings, at an approximate rate of 50 birds per minute; and

The off-street parking requirement for the approximately 280,000-square foot of slaughterhouse, including 11,650 sq. ft. of office space, is 287 parking spaces. The overall project site will have a total of 289 parking spaces after a portion of an existing paved area on the site is re-stripped. There is adequate off-street parking to accommodate both existing and proposed uses including planned phases; and

The development of the subject slaughterhouse will be in compliance with applicable Stockton Municipal Code (SMC) development standards; now, therefore,

THE PLANNING COMMISSION OF THE CITY OF STOCKTON FINDS AND DETERMINES, AS FOLLOWS:

1. The Planning Commission hereby approves the request for a Use Permit to allow the establishment and operation of a proposed slaughterhouse in the IG (Industrial, General) zoning district at 2716 East Miner Avenue (See Exhibit 1- Site Plan), based on the following General Findings for Approval contained in SMC Section 16.168.050.A:
  - a. The subject use is allowed in the IG zoning district with the approval of a Use Permit by the Planning Commission, per SMC Section 16.20.020, Table 2-2, (Allowable Land Uses and Permit Requirements), because the proposed use complies with all applicable provisions of the Development Code that are relevant to this operation.
  - b. The subject use, as conditioned, would maintain or strengthen the integrity and character of the neighborhood and zoning district in which it is to be located, because the project will result in the re-use of existing warehouse buildings. The subject use is not expected to be incompatible with existing

and planned uses in the vicinity of the subject site. The property is surrounded by industrial and manufacturing uses to the east, west, and south and separated from single-family residential uses to the north by a public street (Miner Avenue).

- c. The proposed use is consistent with applicable general land uses, objectives, policies, and programs of the General Plan and any applicable specific plan or master development plan related to the subject use, because the project site is designated for Industrial land uses and the subject use is consistent with the following General Plan policies:

LU-5.2 – The City shall encourage the clustering of industrial uses into areas that have common needs and are compatible in order to maximize their efficiency. The subject use would re-occupy existing vacant warehouse buildings, be compatible with existing land uses in the vicinity of the subject site, and increase its productivity by utilizing larger buildings than the current slaughterhouse operation.

LU-5.5 –The City shall ensure an adequate separation between sensitive land uses (residential, educational, healthcare) and industrial land uses to minimize land use incompatibility associated noise, odors, and air pollutant emissions from industrial uses. The subject use will only operate inside existing buildings. Noise and odors are not expected to be generated by the subject use, because it must comply with all applicable Federal, State, County, and City codes and regulations. As a result, the operation of the subject use is not expected to generate any nuisances to area residents on the north side of the project site.

- d. The subject site is expected to 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.), because the subject use will be located in existing warehouse buildings that are provided with adequate access and public services and the site is not hindered by any known physical constraints.
- e. The establishment, maintenance, or operation of the subject use at the location proposed and for the time period(s) identified is not expected to endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, peace, or general welfare of persons residing or working in the neighborhood of the proposed use, because the use will operate during similar hours of operation to those of other nearby industrial businesses.
- f. The design, location, size, and operating characteristics of the subject use

are expected to be compatible with existing and future land uses on-site and in the vicinity of the subject property, because the subject use is considered a Major Impact Facility, which is permitted in IG zoning district subject to securing a Planning Commission-approved Use Permit, in accordance with SMC Section 16.20.020, Table 2-2. The anticipated customer base, traffic patterns, noise levels, and general operational characteristics of the subject use are similar to those of nearby industrial uses.

- g. Approval of the subject use is in compliance with the provisions of the California Environmental Quality Act (CEQA) and the City's CEQA Guidelines, because the project is categorically exempt, pursuant to Section 15301, Class 1, of the CEQA Guidelines for the re-use of an existing structure.

2. In accordance with SMC Section 16.168.070, the following Conditions of Approval are imposed to ensure compliance with the Findings of Approval for the Use Permit:

Standard

- a. This Use Permit shall become effective following the completion of a ten-day appeal period after approval of the application.
- b. The owner, developers, and/or successors-in-interest (ODS) shall comply with all applicable Federal, State, County, and City codes, regulations, laws, and other adopted standards and pay all applicable fees.
- c. Compliance with these Conditions of Approval is mandatory. Failure to comply with these Conditions of Approval is unlawful and may constitute a public nuisance subject to the remedies and penalties identified in the SMC, including but not limited to, monetary fines and revocation.
- d. All signs shall be subject to approval by the Community Development Director or Planning Commission, on appeal.

Specific

- e. Prior to the initiation of the subject use, the ODS shall be responsible for the installation of exterior lighting around the warehouse buildings and the parking lot to provide a safe and visible environment for employees and area residents. The lighting should be fully shielded to prevent illumination or glare onto rights-of-way or nearby residential properties.
- f. Live poultry shall not be held in the buildings for more than twenty-four (24) hours.
- g. All processing activities shall only occur inside the buildings.

h. No loitering shall be allowed on the premises. The ODS shall discourage loitering on immediately abutting public rights-of-way and shall post "No Loitering" signs on the outside of the property.

i. The ODS shall be responsible for repair and maintenance of the existing broken chain-link fence with solid slats around the perimeter of the subject site.

j. Waste, by-products, and any decomposable residue that result from the slaughtering of poultry shall be kept in a sealed container inside the building and be removed from the site within 48 hours.

k. The existing gates located at driveways accessed by delivery, shipping trucks, and employee vehicles shall remain open during all business hours.

l. Rights-of-way shall not be used for loading/unloading activities or for queuing/maneuvering activities.

m. All shipping trucks shall access the existing gated driveway adjacent to the Southern Pacific Railroad track off of Filbert Street. Live poultry delivery trucks shall access the existing gated driveway on Miner Avenue (aligns with Shasta Avenue on the north side of Miner Avenue). All poultry deliveries shall only occur between 4:00 a.m. and 6:30 a.m., Monday through Friday.

n. An odor neutralizing system shall be utilized, installed, and maintained inside the buildings. Any chemicals used to neutralize odors shall be non-toxic and shall not be noxious or offensive to persons residing or working in the vicinity.

o. A dedicated phone line shall be installed at the business for the purpose of taking complaints regarding the operation of this use. Calls received on this phone line shall be forwarded to a live person when the business is closed, otherwise the phone shall be staffed by personnel during business hours. The phone number for this dedicated phone line shall be permanently displayed on a sign that is posted on the premises (visible from the right-of-way) and shall be given to the Community Development Department and Neighborhood Services Division once it is established. In addition, the phone number of the Neighborhood Services Division shall be posted on the sign as an alternate phone number to contact in the event that the operator of the facility is not responsive to such complaints.

p. Rendering activities (beef, duck and chicken fat only) shall be an accessory use to the slaughterhouse and be limited to once a week with a total volume not to exceed 3,000 pounds each time.

q. The Use Permit shall be subject to a one-year review following initiation of the subject use.

r. The ODS shall dedicate right-of-way at the southwest corner of the intersection of Miner Avenue and Filbert Street (APN 153-250-04), to accommodate the ultimate street widening improvements to be constructed by the City of Stockton,

within 60 days from approval of this Use Permit.

s. The ODS shall dedicate right-of-way at the southeast corner of the intersection of Miner Avenue and Filbert Street (APN 143-440-01), to accommodate the ultimate street widening improvements to be constructed by the City of Stockton, prior to initiation of this use.

t. The ODS shall abandon the existing northerly driveway along the project site frontage (APN 153-250-04) of Filbert Street.

PASSED, APPROVED, and ADOPTED September 8, 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