



# REPORT TO PLANNING COMMISSION City of Sacramento

# 6

915 I Street, Sacramento, CA 95814-2671

PUBLIC HEARING  
March 10, 2011

To: Members of the Planning Commission

**Subject: New American Poultry (P10-078)**

A request to relocate a poultry slaughter processing plant into the Heavy Industrial (M-2S) zone.

- A. **Environmental Determination:** Categorical Exemption pursuant to CEQA Section 15332, Infill Development;
- B. **Special Permit** to establish a 12,000 square foot poultry slaughter processing plant in the Heavy Industrial (M-2S) zone.

**Location**

8612 Younger Creek Drive  
Assessor's Parcel Number: 062-0130-035-0000  
Council District 6

**Recommendation**

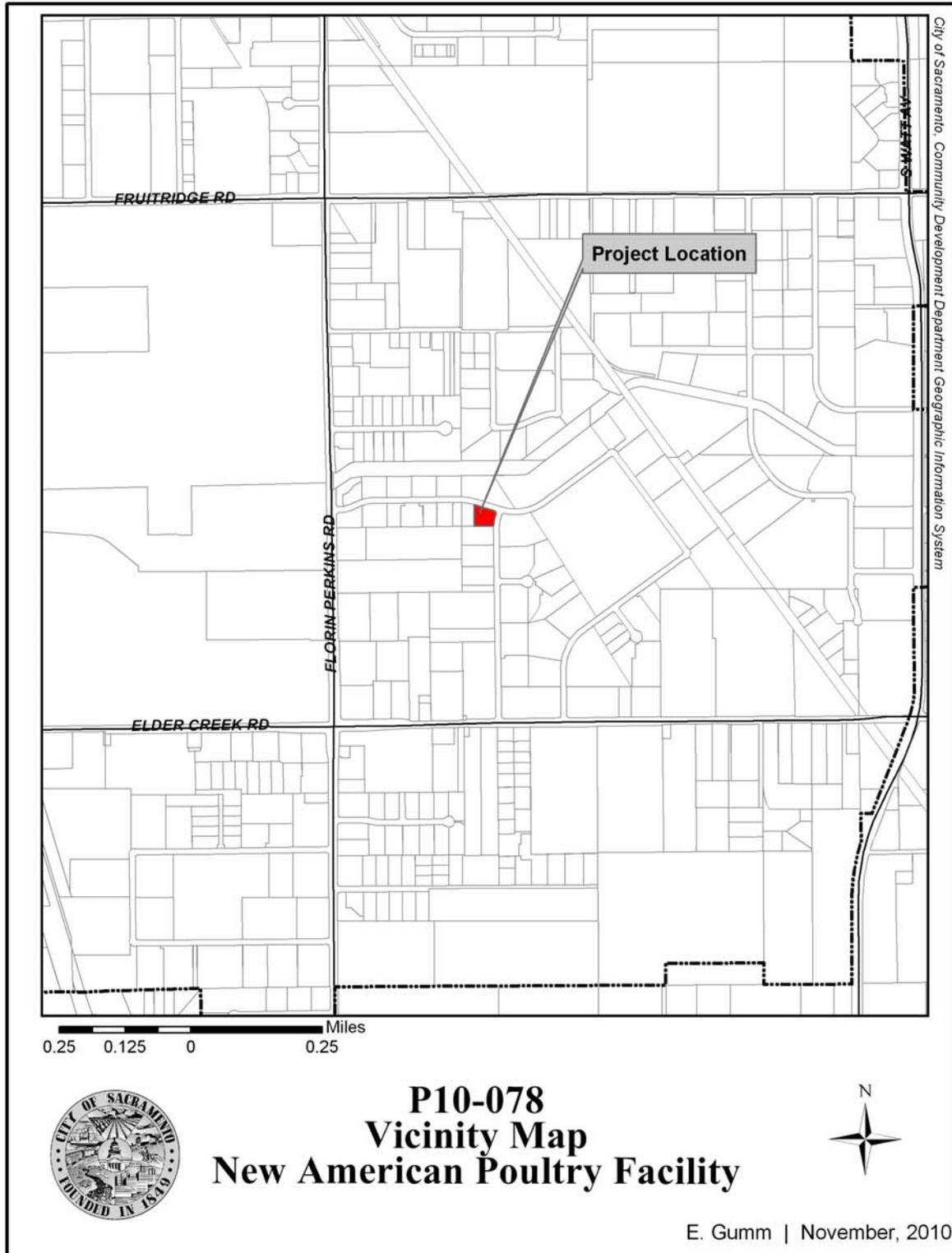
Staff recommends the Planning Commission approve the request based on the findings and subject to the conditions listed in Attachment 1. The Planning Commission has final approval authority over items A-B above, and its decision is appealable to City Council. Staff is aware of neighbors concerns about the project.

**Contact** Elise Gumm, LEED AP, Associate Planner, (916) 808-1927;  
Lindsey Alagozian, Senior Planner (916) 808-2659

**Applicant/Owner** New American Poultry, LLC, c/o: Harry Cheung, (916) 213-2283  
519 Broadway, Sacramento, CA 95818

Members of LLC: Harry Cheung; Amy Cheung; Wing Yip; Anna Q Yip; Yen Cheung;  
Shirley Siu

Vicinity Map



### Summary

The applicant is requesting to relocate an existing poultry slaughter processing plant from a commercial area on Broadway to a heavy industrial area on Younger Creek Drive.

Staff sent out an early notice to property owners within 500 foot radius of the subject site when the project was submitted and has received several phone calls from adjacent owners who have concerns regarding the project. Many of the callers were concerned that the processing plant will decrease their property value. Staff discussed these concerns with the callers and explained the nature of the proposed business.

<b>Table 1: Project Information</b>
<b>General Plan designation:</b> Industrial (FAR: 0.1-1)
<b>Existing zoning of site:</b> Heavy Industrial (M-2S)
<b>Existing use of site:</b> Vacant / Warehouse under construction
<b>Property dimensions/area:</b> 0.897± acres; Irregular
<b>Building square footage:</b> 12,000 ± square feet; FAR: 0.39
<b>Building height:</b> One Story

### Background Information

On April 26, 2007, Zoning Administrator approved a tentative map to subdivide a vacant lot into two lots (Z07-029). The tentative map was finalized in October 2007. The project site is one of the divided parcels. A building permit for a 12,000 square foot warehouse at the subject site was issued in 2008. An application to build a 10,000 square foot warehouse on the adjacent parcel was submitted later. However, the construction of the warehouse on the subject site was stopped in 2008 and the property went into foreclosure. The site has been vacant with an incomplete warehouse since that time.

The current owner purchased the project site in 2010 and is currently working on building permits to complete the warehouse construction. He is also requesting a Special Permit to relocate his existing poultry slaughter processing plant from its downtown Broadway location to this new warehouse. If approved, a new tenant improvement building permit will be required for the poultry slaughter use.

### Public/Neighborhood Outreach and Comments

As part of the application review process staff routed the application package to the College/Glen Neighborhood Association, the Army Depot Redevelopment Advisory Committee (RAC), and the Power Inn Alliance on November 5, 2010. Staff sent early notification to all property owners within a 500 foot radius on February 2, 2011. Staff also mailed Planning Commission hearing notices to all property owners within the 500 foot radius on February 25, 2011. Staff is aware of adjacent property owners' concerns for the project. Further discussion about these concerns and information regarding the processing plant can be found in the "Project Design" section of this staff report (Page 4-6).

**Environmental Considerations**

The Community Development Department, Environmental Planning Services Division has reviewed this project and determined that this is exempt from the provisions of the California Environmental Quality Act (CEQA) Section 15332, In-Fill Development Projects. The project is consistent with the general plan designation, policies, and zoning, occurs within city limits on a project site that is no more than five acres substantially surrounded by urban uses, would not result in any significant effects to traffic, noise, air, or water, can be adequately served by utilities and public services, and the site has no value for habitat.

**Policy Considerations**

The 2030 General Plan Update was adopted by City Council on March 3, 2009. The 2030 General Plan's goals, policies, and implementation programs define a roadmap to achieving Sacramento's vision to be the most livable city in America. The 2030 General Plan updated designation of the subject site is Industrial. The proposed project is consistent with the applicable goals and policies of the 2030 General Plan.

- **Industrial Growth.** The City shall encourage the protection, continued intensification, and expansion of existing industrial, warehousing, and distribution facilities and provide for new warehousing/distribution activities in select locations when found to be compatible with existing surrounding neighborhoods, to provide a range of employment opportunities for Sacramento's residents. (Policy LU 7.2.1)
- **Internal Movement.** The City shall require industrial uses proposed near existing and planned residential areas to be designed to limit the impacts of truck traffic on these residential areas. (Policy LU 7.2.2)
- **Property Maintenance.** The City shall encourage and, where subject to redevelopment, require owners of visually unattractive or poorly maintained industrial properties to upgrade existing structures and properties to improve their visual quality. (Policy LU 7.2.6)
- **Small and Startup Business Assistance.** The City shall provide incentives to existing small and startup businesses, including minority- and women-owned businesses, to facilitate their expansion and job creation. (Policy ED 1.1.5)

Relocating and keeping the processing plant within the City of Sacramento will promote the local economy and be consistent with the Policies of the 2030 General Plan that the City facilitate the expansion and job creation of small business in Sacramento region.

**Project Design****Land Use**

The project site is zoned Heavy Industrial (M-2S). A poultry slaughter processing plant is a permitted use in the Heavy Industrial zone with the approval of a Planning

Commission Special Permit. The proposed use is consistent with the industrial land use and Economic Development policies of the General Plan and the applicant is developing the site in accordance with the development standards for this zone.

### **Special Permit**

The proposed project is to relocate an existing poultry slaughter processing plant from a commercial corridor area to the proposed industrial location. Currently the poultry slaughter processing plant is located at 519 Broadway and has been at this site for 10 years.

The owner of the processing plant has purchased and operated the poultry slaughter processing business for over 10 years at the current location in downtown Sacramento, on Broadway. The business has grown considerably in the last 10 years. Due to the small size of the building on Broadway, being an existing, non-conforming use in the General Commercial zone, and the updated processing requirements by United States Department of Agriculture (USDA), the owner decided to invest in an upgraded facility to better serve the Sacramento region.

The proposed location is at 8612 Younger Creek Drive within an area heavily dominated by industrial uses. The new warehouse building will allow new equipment to be installed and provide additional storage area for the poultry slaughter business. The building is approximately 12,000 square feet and includes a kill room, storage room, receiving room, packing area, cooler areas, office, breakroom, bathrooms, and a 450 square foot retail area. The applicant intends to also sell the poultry on-site to walk-in customers, similar to the current operation at the Broadway location. The processing plant is subject to USDA inspection and the applicant is required to obtain USDA approvals for the design of the building and all associated equipment.

Following are details of the operation:

#### Hours of Operation

The business hours of the processing plant begin at 6:00 AM and usually end by 2:00-3:00 PM. The delivery truck(s) containing live birds usually arrives around 6:00 AM. The processing of all live birds begins immediately and is completed by 11:00 AM. The poultry is then ready to be shipped out to supermarkets or restaurants at this time. The facility is then cleaned up and completed by 2:00-3:00 PM. The retail area will be open during regular business hours from 8:00 AM to 6 PM.

#### Truck Loads

Currently, only one delivery truck comes in every other day. One truck can deliver up to approximately 4,000 live birds. All processed birds will be shipped out by cargo trucks or van. The facility usually needs three cargo vans a day to deliver the processed birds. The applicant anticipates the new facility will be able to accommodate up to two trucks of live birds a day when the plant is fully operational. Staff has analyzed the proposed volume of trucks per day and has determined that the total number of trucks used for

the poultry slaughter plant is low and would therefore not create any new traffic impacts to the area.

### Clean Up

The poultry slaughter operation takes approximately five hours each day and clean up usually occurs for another 3-4 hours. All poultry slaughter activities are contained wholly within the enclosed building under regulations from the United States Department of Agriculture (USDA). During the processing of the poultry, the blood is captured, cooled, and stored on-site and picked up daily by vendors. Based upon the design of the facility, blood and/or remains do not drain into the pipes servicing the building. Currently all remains including feathers and blood, are picked up daily by vendors. If they are not picked up by vendors the same day, they are stored in a refrigerator until the pick-up occurs.

In addition, in accordance with USDA regulations, all birds are shipped by USDA standard cages and do not get fed for 24 hours prior to being processed. As a result of this requirement, birds rarely generate droppings in the plant. Furthermore, bird feathers are generally not an issue for the owner and operator. In order to assess these issues, on January 13th, 2011, staff toured the existing poultry slaughter business on Broadway during the "clean up" time. Staff observed that the operation was fully contained within the building and did not generate odors, feathers, or remains beyond the facility. Staff also observed that it was impossible to determine that a poultry slaughter operation was being conducted inside the building as we walked around the building. Therefore, staff believes that feathers will not pollute the adjacent properties or produce odors to the surrounding businesses. The proposed use will be fully contained within the building and any poultry remains are gathered, contained, stored, and cooled to ensure that odors are not generated.

### Employees & Clients

Currently, the processing plant has about 30 employees. According to the applicant, the new facility will be able to provide another 15-20 employment opportunities.

The applicant is currently processing birds that are raised locally at a free-range farm in Fresno, California. Once the processing of the birds is complete, they are then sold to local supermarkets and restaurants throughout the Sacramento region. There is also a small retail operation on-site for local walk-in customers.

### Parking

The poultry slaughter plant is approximately 12,000 square feet in size. A total of 12 parking spaces are required based on the requirement of 1 space per 1,000 square feet of warehouse. The project site provides 13 parking spaces, which meets the parking requirement.

### Landscaping & Signs

The applicant will complete all required landscaping installation for the site. A minimum of 25 foot landscaping planter will be along the front property line. The project is

conditioned to comply with the City's Sign Ordinance and is subject to sign permits for any future signs.

As stated in the City Zoning Ordinance, a special permit is required for the use of a poultry slaughter processing plant. In evaluating special permit proposals of this type, the Planning Commission is required to make the following findings:

- A. A special permit shall be granted upon sound principles of land use.

The poultry slaughter processing plant is permitted in the Industrial zone with a Special Permit, and the use is consistent with the General Plan designation and compatible with the adjacent industrial land uses. The site is zoned for Heavy Industrial uses and the use will be fully contained within the building. The proposal will encourage land uses which will enhance the vacant lot and promote job opportunities to local residents.

- B. A special permit shall not be granted if it will be detrimental to the public health, safety or welfare, or if it results in the creation of a nuisance.

The project, as conditioned, will not be detrimental to the public welfare nor result in the creation of a public nuisance in that the site meets all development standards and the business will not create any negative impacts to air quality, water quality, and traffic in the neighborhood. Furthermore, the project is conditioned to ensure that odors will not be generated from the use. All processing will be contained within the building and will not have a negative impact upon the adjacent properties.

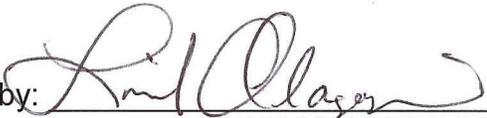
- C. A special permit use must comply with the objectives of the general or specific plan for the area in which it is to be located.

The proposed project is consistent with the industrial policies of the General Plan and it fits the industrial surrounding which it is to be located. The proposal meets the policies of encouraging the protection, continued intensification, and expansion of existing industrial, warehousing, and distribution facilities and provide for new warehousing/distribution activities in select locations when found to be compatible with existing surrounding neighborhoods.

### **Recommendation**

Staff recommends that the Planning Commission approve the proposed project subject to the attached Findings of Facts and Conditions of Approval.

Respectfully submitted by:   
ELISE GUMM, LEED AP  
Associate Planner

Approved by:   
LINDSEY ALAGOZIAN  
Senior Planner

Recommendation Approved:

  
GREG BITTER, AICP  
Principal Planner

Table of Contents

Staff Report	Page 1
Attachment 1: Recommended Findings of Fact & Conditions of Approval	Page 9
Exhibit A: Site Plan	Page 14
Exhibit B: Floor Plan	Page 15
Exhibit C: Elevations	Page 16
Exhibit D: Landscaping Plan	Page 17
Attachment 2: Vicinity Map	Page 18
Attachment 3: Land Use and Zoning Map	Page 19

## Attachment 1 Recommended Findings of Fact and Conditions of Approval

**Findings of Fact****A. Environmental Determination: Exemption**

Based on the determination and recommendation of the City's Environmental Planning Services Manager and the oral and documentary evidence received at the hearing on the Project, the Planning Commission finds that the Project is exempt from review under **Section 15332 – Infill Development** of the California Environmental Quality Act Guidelines as follows:

- a. The project complies with all applicable policies of the General Plan, as well as with the applicable zoning regulations;
- b. The proposed development occurs within City limits on a project site of no more than five (5) acres substantially surrounded by industrial uses;
- c. The project site has no value as habitat for endangered, rare or threatened species;
- d. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
- e. The site can be adequately served by all required utilities and public services.

**B. Planning Commission Special Permit** to relocate a poultry slaughter processing plant in the Heavy Industrial (M-2S) zone is approved subject to the following Findings of Fact:

1. The poultry slaughter processing plant is permitted in the Industrial zone with a Special Permit, and the use is consistent with the General Plan designation and compatible with the adjacent industrial land uses. The site is zoned for Heavy Industrial uses and the use will be fully contained within the building. The proposal will encourage land uses which will enhance the vacant lot and promote job opportunities to local residents.
2. The project, as conditioned, will not be detrimental to the public welfare nor result in the creation of a public nuisance in that the site meets all development standards and the business will not create any negative impacts to air quality, water quality, and traffic in the neighborhood. Furthermore, the project is conditioned to ensure that odors will not be generated from the use. All processing will be contained within the building and will not have a negative impact upon the adjacent properties.

3. The proposed project is consistent with the industrial policies of the General Plan and it fits the industrial surrounding which it is to be located. The proposal meets the policies of encouraging the protection, continued intensification, and expansion of existing industrial, warehousing, and distribution facilities and provide for new warehousing/distribution activities in select locations when found to be compatible with existing surrounding neighborhoods.

### **Conditions of Approval**

- B. Special Permit** to relocate a poultry slaughter processing plant in the Heavy Industrial (M-2S) zone is **approved** subject to the following Conditions of Approval:

### **PLANNING**

- B1. The applicant shall obtain all necessary building permits prior to commencing any construction on site.
- B2. The project shall provide a minimum 13 off-street parking spaces.
- B3. Prior to the issuance of a building permit, the applicant shall propose and submit for review and approval by the Planning Director a "Good Neighbor Policy" including but not limited to the following:
  - Establish a process for neighbors to communicate directly to management staff of New American Poultry.
  - A sign indicating a 24-hour emergency phone number and contact person shall be kept current and posted on the building in a clearly visible place.
- B4. The owner/operator shall be responsible for the daily removal of all litter generated by the business within a one block radius.
- B5. The applicant shall obtain sign permits for all signage at the site. All signs shall be consistent with the City Sign Ordinance.
- B6. Any modification to the project shall be subject to review and approval by Planning Staff and may result in a requirement for additional entitlements.

### **DEVELOPMENT ENGINEERING**

- B7. Construct standard improvements as noted in these conditions pursuant to chapter 18 of the City Code. Improvements shall be designed and constructed to City standards in place at the time that the Building Permit is issued. This shall include street lighting and the repair or replacement/reconstruction of any

existing deteriorated curb, gutter and sidewalk fronting the property along Younger Creek Drive and Sky Creek Drive per City standards and to the satisfaction of the Department of Transportation.

- B8. All new driveways shall be designed and constructed to City Standards to the satisfaction of the Department of Transportation. The applicant shall provide all the required signage and markings to indicate one-way driveways.
- B9. All driveways shall be a minimum of 10-feet away from the property line per City Code.
- B10. The site plan shall conform to the parking requirements set forth in chapter 17 of City Code (Zoning Ordinance).
- B11. The design of walls fences and signage near intersections and driveways shall allow stopping sight distance per Caltrans standards and comply with City Code Section 12.28.010 (25' sight triangle). Walls shall be set back 3' behind the sight line needed for stopping sight distance to allow sufficient room for pilasters. Landscaping in the area required for adequate stopping sight distance shall be limited 3.5' in height at maturity. The area of exclusion shall be determined by the Department of Transportation.

#### **DEPARTMENT OF UTILITIES**

- B12. Per City Code 13.04.070, except for separate irrigation service connections and fire service connections, each lot or parcel shall only have one (1) metered domestic water service. Requests for multiple domestic water service connections to a single commercial lot or parcel, consistent with the DOU "Commercial Tap Policy", may be approved on a case-by-case basis by the DOU. Contact the DOU at (916) 808-1400 for a copy of the tap policy. Excess services shall be abandoned to the satisfaction of the DOU.
- B13. The proposed development is located within Sacramento Area Sewer District (SASD). Satisfy all SASD requirements.

#### **FIRE**

- B14. All turning radii for fire access shall be designed as 35' inside and 55' outside. This shall apply at the driveways.
- B15. Roads used for Fire Department access shall have an unobstructed width of not less than 20' and unobstructed vertical clearance of 13'6" or more.
- B16. Fire Apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities. CFC 503.2.3

- B17. Provide the required fire hydrants in accordance with CFC 508 and Appendix C, Section C105.
- B18. Timing and Installation. When fire protection, including fire apparatus access roads and water supplies for fire protection, is required to be installed, such protection shall be installed and made serviceable prior to and during the time of construction.
- B19. Provide a water flow test. (Make arrangements at the Permit Center walk-in counter: 300 Richards Blvd, Sacramento, CA 95814). CFC 508.4
- B20. Provide appropriate Knox access for site.
- B21. Roads used for Fire Department access that are less than 28 feet in width shall be marked "No Parking Fire Lane" on both sides; roads less than 36 feet in width shall be marked on one side.
- B22. An automatic fire sprinkler system shall be installed in any portion of a building when the floor area of the building exceeds 3,599 square feet.
- B23. Locate and identify Fire Department Connections (FDCs) on address side of building no further than 50 feet and no closer than 15 feet from a fire hydrant.
- B24. An approved fire control room shall be provided for all buildings protected by an automatic fire extinguishing system. Fire control rooms shall be located within the building at a location approved by the Chief, and shall be provided with a means to access the room directly from the exterior. Durable signage shall be provided on the exterior side of the access door to identify the fire control room. CFC 903.8

## **SOLID WASTE**

- B25. Project must meet the requirements outlined in Sacramento City Code Chapter 17.72
- B26. The trash enclosures must comply with Sacramento City Code Chapter 17.72.040.
- B27. The trash enclosures must have at least a weekly capacity of 1 cubic yards for trash, and another 1 cubic yard for recycling. These requirements are outlined in Sacramento City Code Chapter 17.72.030. According to the Statement of Intent filed with the planning application, "Guts and leftovers are ... picked up daily by the Rendering Company." Since this material will be not be put in the regular trash, this was not included in the weekly capacity requirement. If the 1 yard bins are deemed to be insufficient, however, a larger capacity will be required, either by using larger bins, or increasing the collection frequency.

The Recycling Information section of the planning application indicates that no recyclable materials will be generated. Recycling capacity is still required, even just for the standard materials generated by a commercial facility (i.e., beverage containers, office paper, computer paper, newspaper, corrugated cardboard).

The Recycling Information section also indicated using 60 gallon cans. Unless the applicant can strongly prove a need for can service instead of a bin, the trash and recycling must be collected in a bin by a front-loader, per City policy for commercial service.

- B28. Solid waste trucks must be able to safely move about the property, with minimum backing, and be able to empty the bins and cans safely at the trash enclosure. Trucks must also be able to enter and leave safely (i.e., they cannot back out into a busy street).
- B29. Project must accommodate trucks, as well as cans or bins, that are roughly the dimensions outlined in the Solid Waste Truck, Bin, Can dimensions Standards Form.
- B30. Solid waste driver must not have to move front-loader bins more than 15 ft. for collection.
- B31. Recycling Information (in form CDD-0063) must be completed, including planned trash and recycling capacities, where the trash enclosure will be located, and a description of recycling operations after the building is built and occupied, i.e., placement of recycling bins, etc.

#### **ADVISORY NOTES**

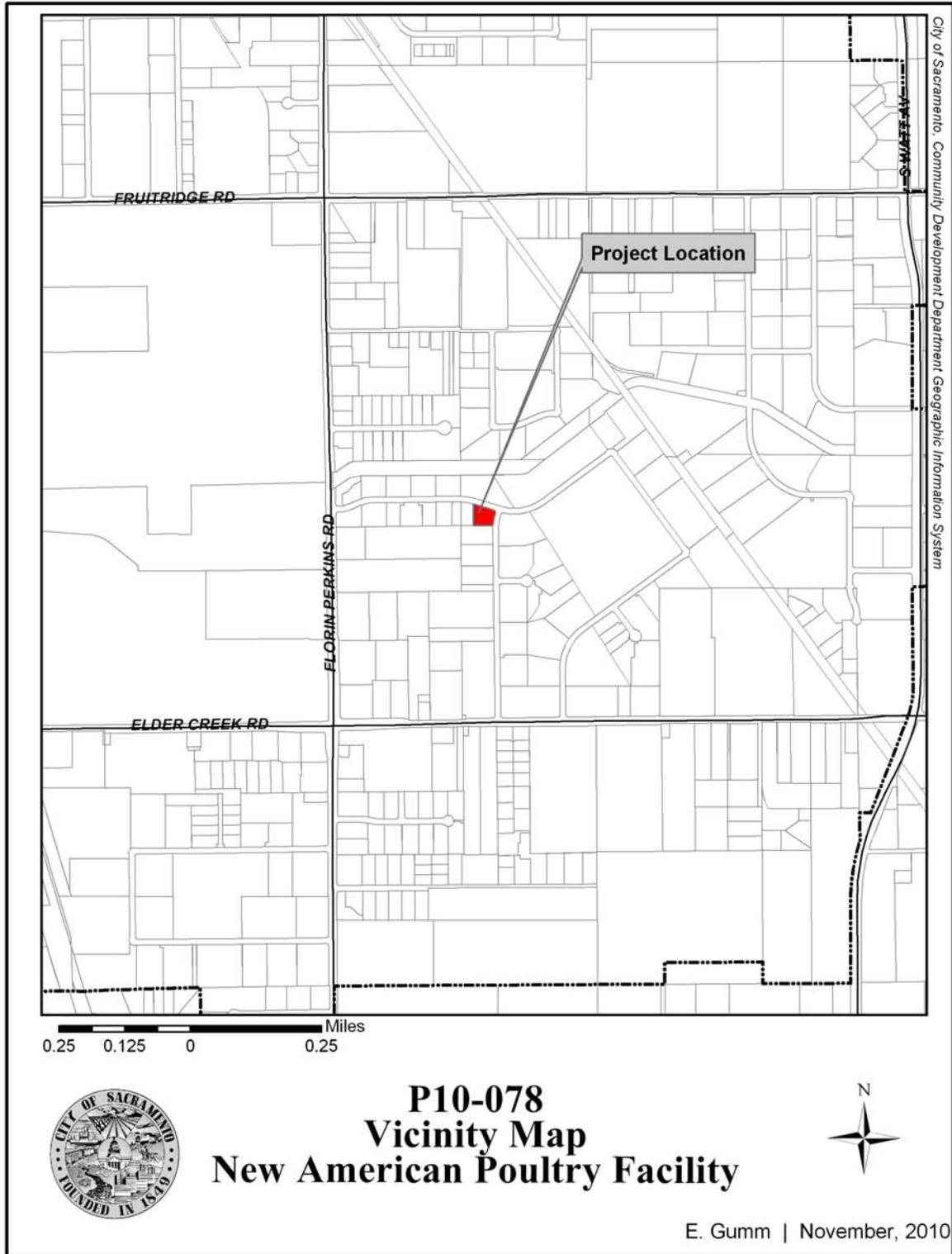
- B32. The applicant may wish to contact DOU Customer Service to resolve whether or not water tapping and development fees are paid. Some fees may have been paid while others are outstanding. Domestic water taps may not be installed.
- B33. A reciprocal ingress egress agreement shall be provided for review by City Attorney for all shared driveways being used for Fire Department access.
- B34. All turning radii for fire access shall be designed as 35' inside and 55' outside. Parking lot shall be configured to provide fire apparatus clear access and the ability to maneuver within the site.
- B35. Comply with the 2010 California Fire Code requirements.











Attachment 3 Land Use and Zoning Map

