REPORT TO PLANNING COMMISSION
City of Sacramento

915 I Street, Sacramento, CA 95814-2671

6

PUBLIC HEARING
April 14, 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

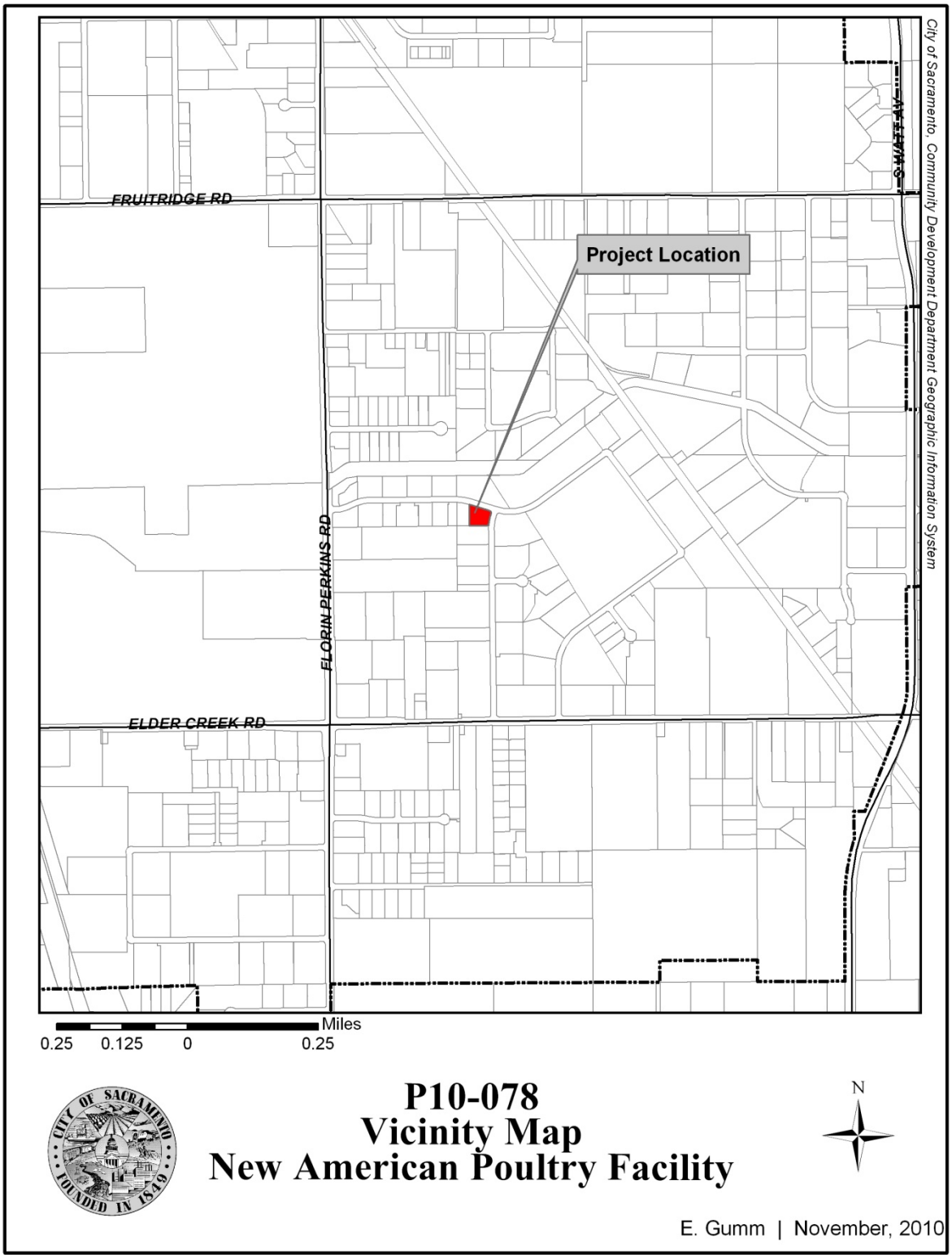
Recommendation
Staff recommends the Planning Commission approve the request based on the findings and subject to the conditions listed in Attachment 1. The Planning Commission has final approval authority over items A-B above, and its decision is appealable to City Council. Staff is aware of neighbors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

The project was heard by the Planning Commission on March 10, 2011. The motion to approve the staff recommendation failed by a vote of 5 (ayes) to 3 (noes). That vote was initially regarded as a project denial action because the motion lacked six "yes" votes; however, it should have been recorded as no action being taken, because all motions, whether approval or denial, requires six affirmative votes for passage.

As a result, the New American Poultry project is being heard again by the City Planning Commission. Staff sent out another hearing notice to property owners within 500 foot radius of the subject site. In the interim, the Sacramento Society for the Prevention of Cruelty to Animals (SPCA) Executive Director met with the applicant and has informed staff that SPCA is no longer opposed to the project (See Attachment 6 on Page 34 of this report). Staff also received numerous support letters from concerned citizens.

Staff supports the processing plant being relocated from a legal non-conforming location to a more appropriate site in an industrial zone. Staff is also supportive of the use in that the operation is fully contained within the building and subject to continuous USDA inspections. Staff recommends the Planning Commission approve the project based on the Findings of fact and subject to the Conditions of Approval.

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

Background Information

On April 26, 2007, the Zoning Administrator approved a tentative map to subdivide a vacant lot into two lots (Z07-029). The tentative map was finaled 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, and again on March 30, 2011.

On March 17, 2011, the applicant met with representatives of the SPCA to discuss issues related to the project. The SPCA board subsequently agreed to drop its formal opposition to the project and agreed to work with the applicant to insure the proper treatment of animals by New American Poultry (see Attachment 6 on page 34 of this report). The SPCA also requested the applicant to build up the fence at the south property line, so the building is not visible from the site of SPCA. Staff has incorporated the request into a project condition (B-11).

Staff also received numinous support letters after the March Planning Commission hearing (Attachment 4) and few opposition letters (Attachment 5).

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, break room, 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

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 applicant shall construct a fence with a minimum height of 8 feet along the southern property boundary that is wood or chain link with slats to obstruct views.

B12. 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

B13. 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.

B14. The proposed development is located within Sacramento Area Sewer District (SASD). Satisfy all SASD requirements.

FIRE

B15. All turning radii for fire access shall be designed as 35' inside and 55' outside. This shall apply at the driveways.

B16. 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.

B17. 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

B18. Provide the required fire hydrants in accordance with CFC 508 and Appendix C, Section C105.

B19. 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.

B20. Provide a water flow test. (Make arrangements at the Permit Center walk-in counter: 300 Richards Blvd, Sacramento, CA 95814). CFC 508.4

B21. Provide appropriate Knox access for site.

B22. 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.

B23. 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.

B24. 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.

B25. 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

B26. Project must meet the requirements outlined in Sacramento City Code Chapter 17.72

B27. The trash enclosures must comply with Sacramento City Code Chapter 17.72.040.

B28. 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 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.

B29. 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).

B30. 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.

B31. Solid waste driver must not have to move front-loader bins more than 15 ft. for collection.

B32. 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

B33. 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.

B34. A reciprocal ingress egress agreement shall be provided for review by City Attorney for all shared driveways being used for Fire Department access.

B35. 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.

B36. Comply with the 2010 California Fire Code requirements.

Exhibit A Site Plan

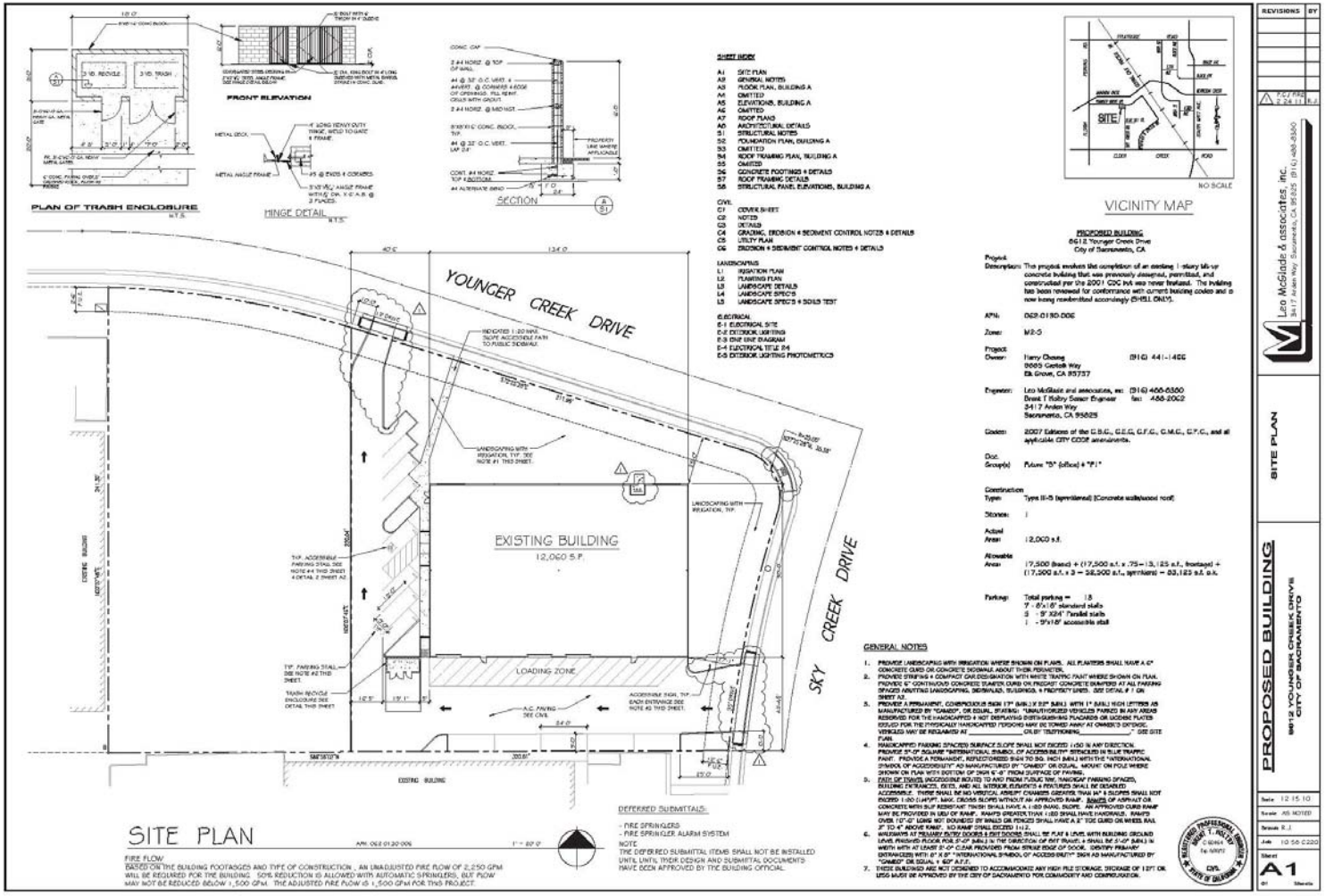


Exhibit B Floor Plan

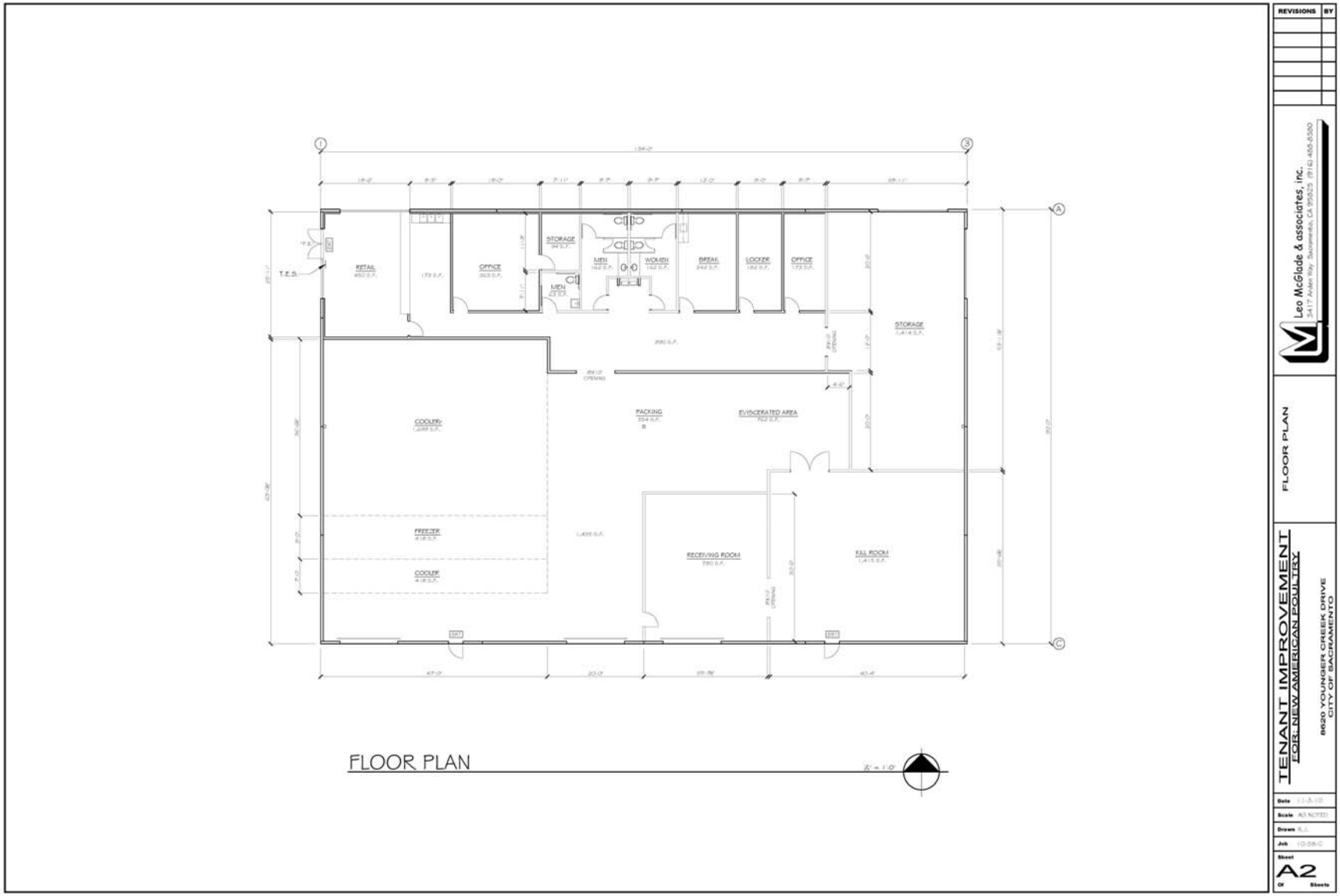


Exhibit C Elevations

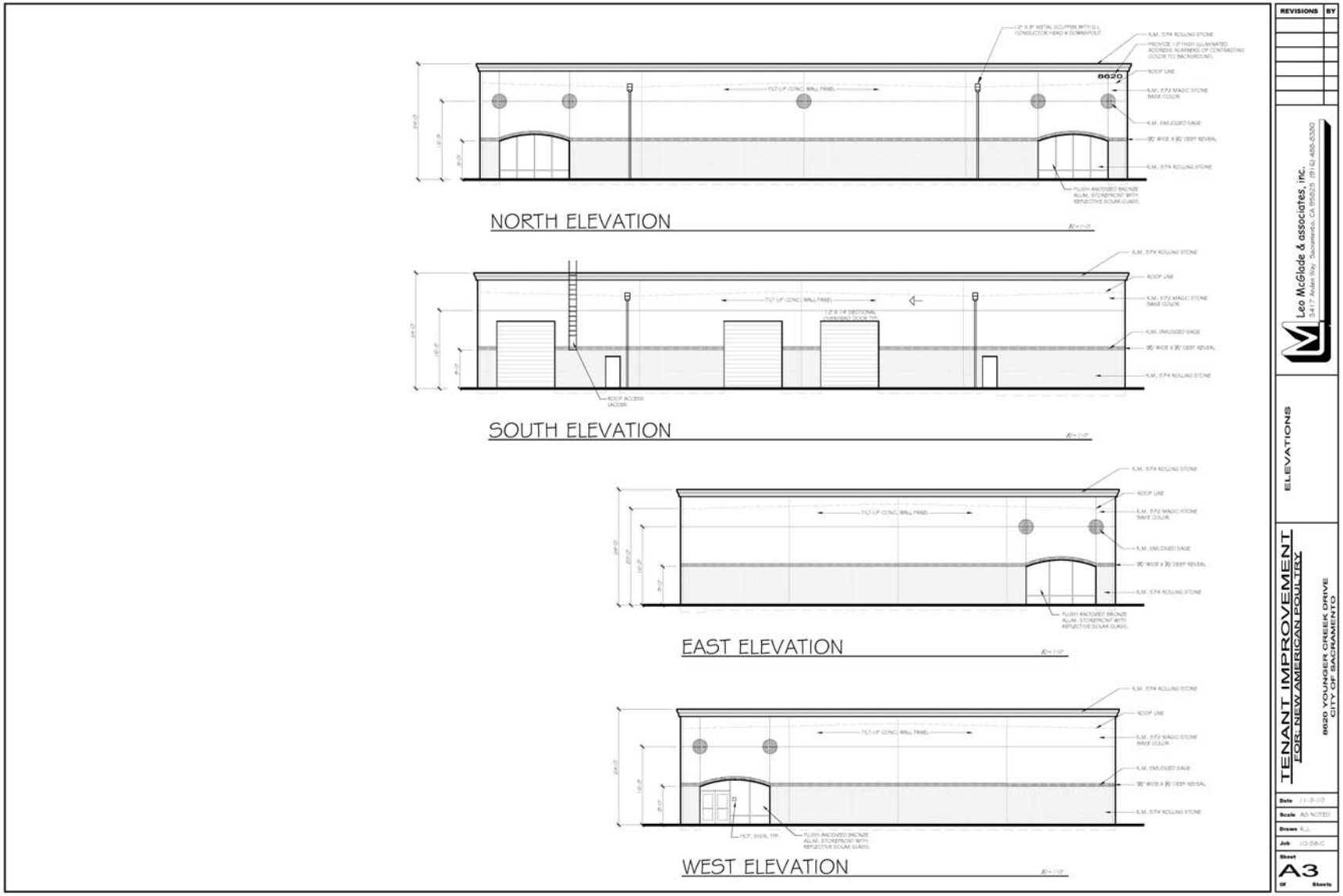
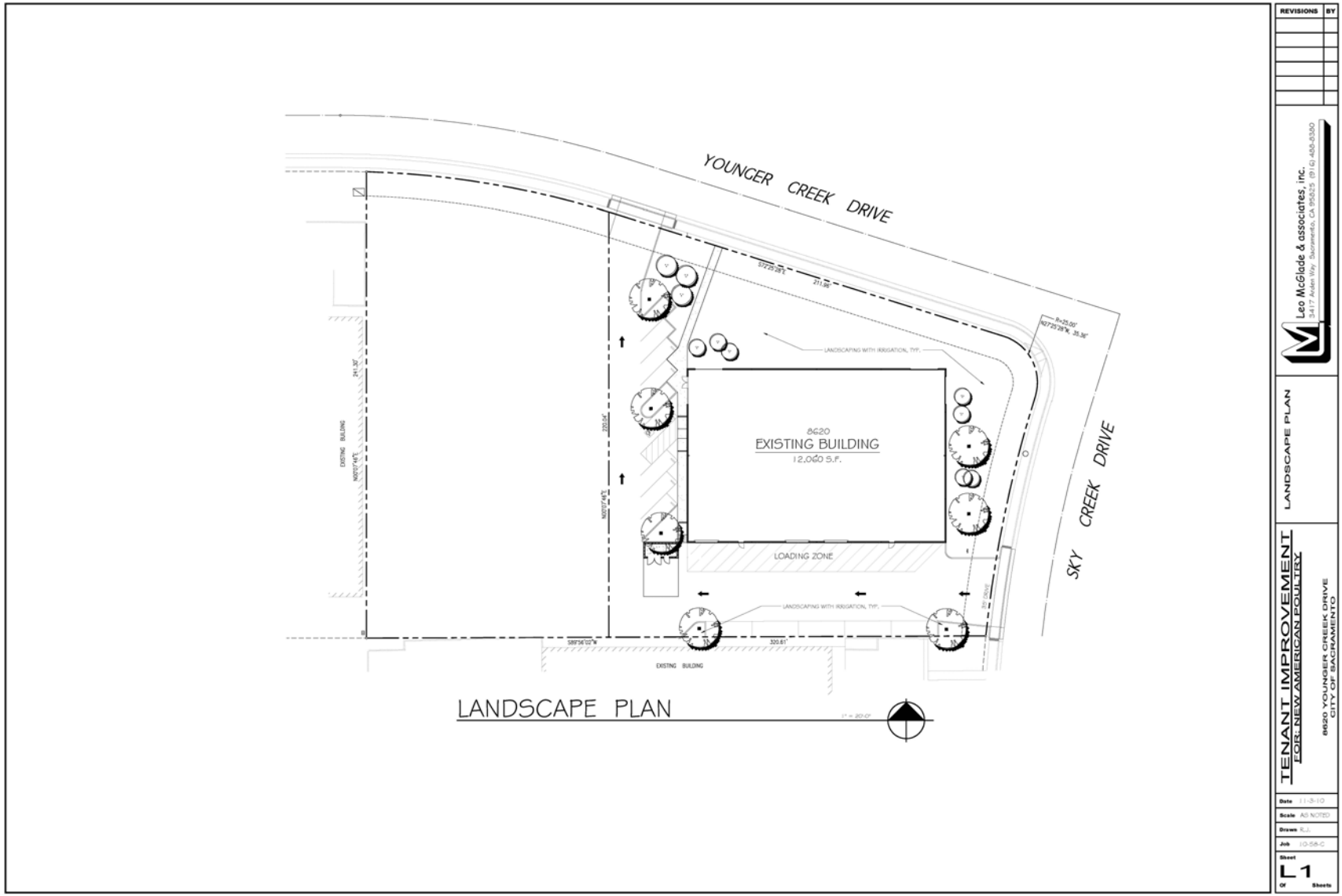
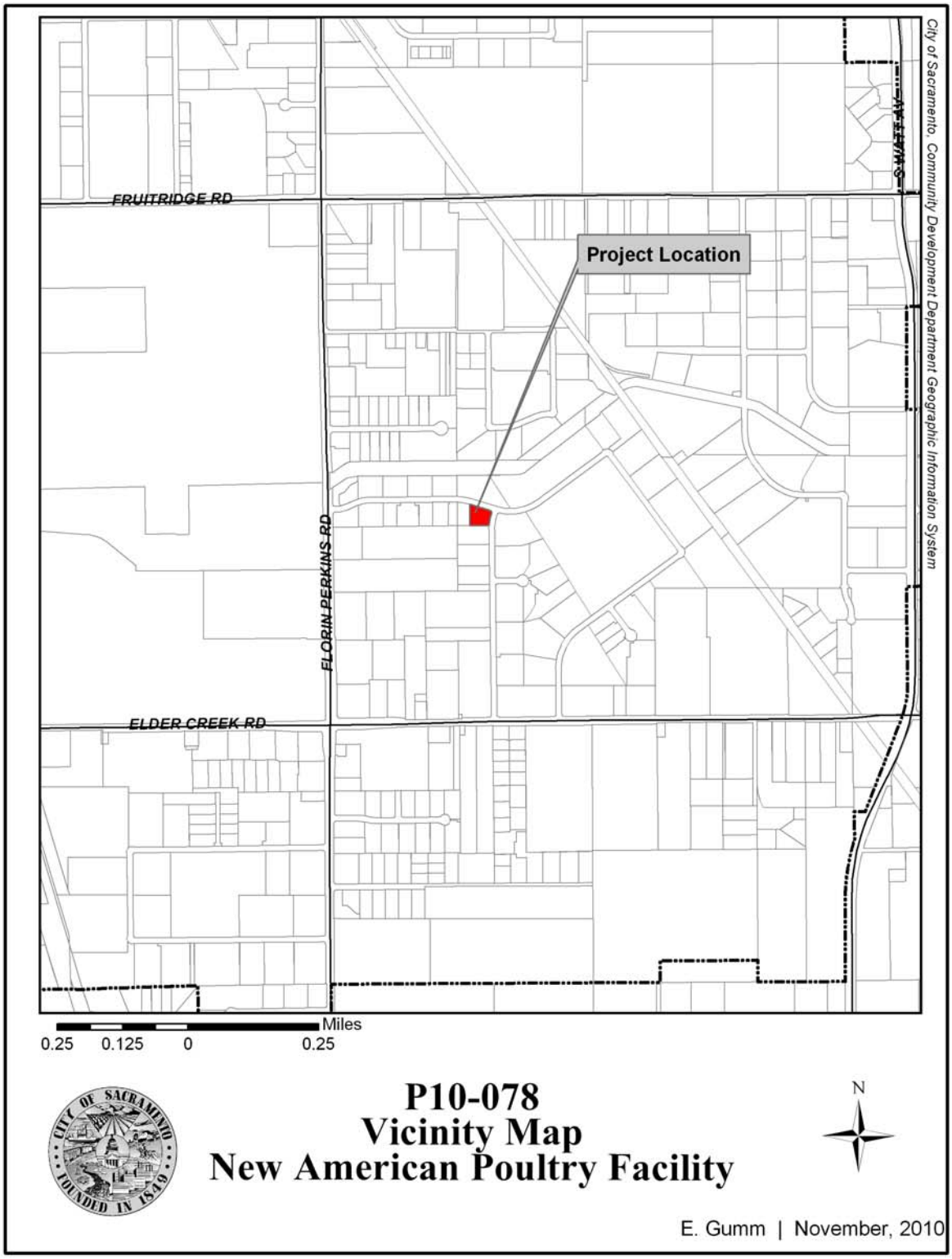


Exhibit D Landscaping Plan



Attachment 2 Vicinity Map



Attachment 3 Land Use and Zoning Map

From: Jerry Vorpahl [jerry@powerinn.org]
Sent: Tuesday, March 08, 2011 3:30 PM
To: Elise Gumm
Cc: Carl Stein; 'Scott Lee'; DMincher@Thevollmancompany.com; harrycheung38@yahoo.com; rjohnson@sspca.org
Subject: New American Poultry

To: Elise Gumm, Community Development Dept.

Please convey to the Planning Commission.

The Power Inn Alliance, a coalition of over 600 business and property owners in the Power Inn Area supports the granting of a Special Use Permit for the New American Poultry processing facility at 8612 Younger Creek Dr. We have made on site investigations at both the current facility on Broadway and the proposed new plant on Younger Creek, and have found that there are no apparent noncompliant uses or code violations, nor is there evidence of processing or remnants outside the plant. We also contacted the Greater Broadway Partnership, the local Business improvement District, and found that they consider New American Poultry to be good neighbors and have had no difficulties or incidents with them or their landlords.

New American Poultry appears to be a legitimate business appropriate for a heavy industrial area zoned M2s such as the site they own on Younger Creek Dr.

Thank you.

Jerry Vorpahl

JERRY VORPAHL
Executive Director/CEO
Power Inn Alliance
5310 Power Inn Road
Sacramento, CA 95820
916-453-8888 www.powerinn.org

Kimala Berdan
112 Doubletree Court
Folsom, CA 95630

March 12, 2011

Rick Johnson
SSPCA Board of Directors
6201 Florin Perkins Rd.
Sacramento, CA 95828

Dear Mr. Johnson and the Board of Directors,

I read about the SSPCA opposing Mr. Cheung's request to open his "New American Poultry" chicken processing plant near your facility. As a long time supporter and volunteer of the SSPCA, I am **very** disappointed in your actions. I can concur that there are a few people that will object to killing any animal for whatever the reason, but to stop the world from turning to please their idealistic utopian views. Property owners should be able to use their land as long as it is compliant with zoning laws. The Board should have taken a neutral position since their supports are on both sides of the argument.

Individuals can love and support humane animal treatment but this doesn't mean that they have to be a vegetarian. My family and I enjoy eating meat and chicken. And if it were not for slaughter houses where would our dogs and cats be getting their food from? They certainly are not vegetarians. I am sure what you are feeding the dogs and cats at the SSPCA is not a totally vegetarian diet. Very hypocritical.

I will be advising the City Council of my position and I strongly urge the SSPCA to reconsider your stand on this position.

Sincerely,

Kimala

Kimala Berdan

Cc: Harry Cheung

March 13, 2011

Rick Johnson

Executive Director

Sacramento SPCA

6201 Florin-Perkins Road

Sacramento, CA 95828

Dear Mr. Johnson:

I am writing to express my disappointment regarding the SPCA's objection to the special permit to allow the New American Poultry to operate a chicken processing plant. In the article in The Sacramento BEE the reason given for the opposition was the inappropriate closeness of the proposed plant to the SPCA complex. I hope there is a better reason. I know that it would not offend my sensibilities and I doubt that many volunteers and potential adopters would avoid the SPCA because of its proximity to the plant.

As I follow stories in the media about unemployment, the economy, and the difficult regulatory environment, I always look for good news. This situation really disturbs me. The New American Poultry Company appears to be a clean, respected company that has served the area well with little opposition until now. I strongly suggest that the SPCA reconsider its stand or give the public a better reason for it. For the record, I have no interest in or association with the New American Poultry Company or any of its employees.

My wife and I have had multiple pets during our 37 years together and a couple of our dogs have come from the County Animal Shelter. We have contributed money to the SPCA. That support has now come to an end because of the apparent attitude that the SPCA mission cannot co-exist with legitimate human activities.

Sincerely,

Chester Bowling

Chester Bowling

1325 Eastern Avenue

Sacramento, CA 95864

Copies to:

Harry Cheung

New American Poultry

519 Broadway

Sacramento, CA 95818

Greg Bitter

City of Sacramento Community Development Department

300 Richards Blvd., 3rd Floor

Sacramento, CA 95811

Members, Sacramento City Council

Re: New American Poultry Appeal of Planning Commission
Denial of Special Permit

Dear Sacramento City Council Members;

We write in support of the appeal of Harry Cheung and New American Poultry from the denial by the Sacramento Planning Commission of Mr. Cheung's application for a special permit to relocate his poultry processing business. New American Poultry's application was denied with five commissioners supporting the application for a permit to locate its facility near the SPCA facility on Florin-Perkins Road. The apparent reason for the denial was due to the "inconsistency" of having a poultry processing facility in proximity to the SPCA shelter. The Sacramento Bee quoted the SPCA's Executive Director as saying that permitting "an organization that has a mission of saving animals next to a business that kills them is just not a good fit."

New American Poultry has performed a valuable commercial service to the Sacramento area for many years. The business is one of the very few poultry processors with a Buddhist religious exemption and also provides processing services to those who grow their own poultry. There is no reason to consider its business inconsistent with the neighborhood. According to its website, the SPCA facility on Florin-Perkins Road takes in approximately 13,000 animals per year. The facility is an "open door" facility, meaning it takes in many more animals than can be adopted or housed. Many of these animals are euthanized at the facility. So, even though the SPCA's mission is to "save" neglected or unwanted animals, the sheer volume of received animals requires them to kill many of them. It appears, then, that what we have are two facilities, both of which kill large numbers of animals. New American Poultry slaughters and distributes processed poultry for food while the SPCA kills animals because it lacks the funds to permanently house all the unwanted animals that are received at its facility.

The SPCA seems to believe that because their motives are pure (they want to "save" animals) while New American Poultry is in the business of processing poultry, these are inconsistent uses. Surely the motives of the operators of the two facilities are irrelevant to any legitimate authority exercised by the City under its planning and zoning ordinances. New American's facility won't change the nature of the neighborhood, won't meaningfully increase the physical or aesthetic burdens of an area in which the SPCA facility is already situated and won't impinge on the operations or rights of anyone in the area, including the SPCA. The Planning Commission's denial of the special permit should be overturned. Thank you for this opportunity to express our views on this appeal.

Treva and Michael Valentine

LEWIS KASSIS FOUNDATION

greg kassis, trustee

4825 AMBER LANE UNIT B
SACRAMENTO, CALIFORNIA 95841-4637

916-349-2457 GREG@GLIDEIN.COM 916-349-8329 FAX

3-19-11
HARRY:
WE WERE ON YOUR SIDE
ALL THE WAY.
I'M HAPPY FOR YOU THE
SPCA FINALLY WOKE UP.
REGARDS,

March 17, 2011

Rick Johnson
Executive Director
Sacramento SPCA
6201 Florin Perkins Road
Sacramento, California 95828

Dear Rick:

The Lewis Kassis Foundation was funded from the profits of Wholesale Cash & Carry Foods, a foodservice distribution business.

The success of this entity enabled us to establish the Foundation and to share its revenues with non profit organizations such as yours.

Poultry, pork, and red meats were the bedrock on which we built our business, and we used local suppliers whenever possible as we always wanted to keep the dollars in our Community.

Your objections to New American Poultry are contrary everything we stand for as small business people with a food service background.

I would like you to consider returning our recent $1,000 gift to the SPCA based on our philosophical differences.

Thank you.

Elise Gumm

From: Planning
Sent: Thursday, March 17, 2011 2:15 PM
To: Elise Gumm
Subject: FW: chicken processing plant, support

For you…

From: Turner. Fred [mailto:TurnerF@SacCounty.net]
Sent: Thursday, March 17, 2011 1:42 PM
To: Planning
Subject: chicken processing plant, support

I support the chicken processing plant residing next to the SPCA. The location of this business will have no effect on the SPCA. I am a member of the SPCA.
You are welcome to contact me at ft58@sbcglobal.net or by telephone.

Fred Turner
5113 Oleander Drive
Carmichael, CA 95608
916-962-2626

Elise Gumm

From: Planning
Sent: Wednesday, March 16, 2011 10:11 AM
To: Lindsey Alagozian; Elise Gumm
Cc: Gregory Bitter
Subject: FW: Poultry Plant Permit

FYI – This comment came into the Planning e-mail account.

From: Derek Jones [mailto:DJones@gasbiz.com]
Sent: Wednesday, March 16, 2011 9:58 AM
To: Planning
Subject: Poultry Plant Permit

Dear Planning Commissioner's Harvey, Contreraz, and Mendez;

I was **extremely upset** to hear about your votes against the poultry plants permit! Sacramento has one of the highest unemployment rates in the country, so you would think that you would be doing everything possible to encourage businesses to open, expand, relocate, etc. and not delay or block these efforts. I certainly hope there is another reason for your vote other than the SPCA issue, because I find it hard to believe that this could be the reason for holding this permit up.

Respectfully,

A chicken eating Sacramento resident,

D. Jones

Elise Gumm

From: Elise Gumm
Sent: Tuesday, March 22, 2011 12:54 PM
To: Elise Gumm
Subject: FW: Customer Open Exchange Form Submission

-----Original Message-----
From: Roberta Burns [mailto:theburnsclan@yahoo.com]
Sent: Tuesday, March 15, 2011 3:48 PM
To: CDD
Subject: Customer Open Exchange Form Submission

Name: Roberta Burns
Email: theburnsclan@yahoo.com
Phone: 530-391-0549

Comments:
I am totally outraged by the actions of the Sacramento SPCA in protesting an honest business man, Mr. Chung and his chicken processing plant. I am a Sacramento Native, but have moved out of the county because I raise livestock for the family table. Though the radicals of the SPCA have a right to their opinions they have no right to force them on the rest of us and deny a citizen from making a living and providing jobs in a legal manner. To deny Mr. Chung a permit is totally un-American.

--
This email was sent from this web page:
http://www.cityofsacramento.org/dsd/forms/customer-open-exchange/index.cfm

24 March 2011

Subject: New American Poultry (P10-078) Special Use Permit

Dear Planning Commission,

I have read the staff report and viewed the video posted online of the 10 March 2011 planning commission meeting. The quality and ease of access of the video online is excellent and I'd like to thank the City for making that available. I have no affiliation with the applicant, the SPCA (although my wife donated last year), or others who spoke at the meeting. I learned of the project through the Bee's coverage, and after the commission failed to approve the permit, familiarized myself with the materials mentioned above. I felt there must be some key information that was lacking in the media coverage that resulted in the outcome. I found that not only was the media coverage reasonably complete, even the comments made by commissioners who voted for approval were disappointing at best. Since the SPCA's complaint is the "irony" of locating a slaughterhouse near their facility, I offer the following ironies in support of the project.

1. It is ironic that a poultry slaughterhouse, with existing operations in the City, has this much difficulty receiving a permit in the midst of one of the most productive agricultural regions in the world.
2. It is ironic that putting real industry, instead of merely a warehouse or office, on land zoned for heavy industry is so difficult. I noticed that both the staff report and the commission discussion considered issues such as noise, odors, and visual screening. Although these are all valid considerations, part of the purpose of the heavy industry zone is to be a place to put noisy, smelly, and unsightly uses.
3. It is ironic that the commissioners who voted against the project are probably also against sprawl, but indirectly promote it by being unwilling to stand up to neighbors whose objections are specious.
4. It is ironic that with the recent cultural movements towards more locally sourced food, and "slow" food in general, that this particular business which buys live chickens from Fresno, and sells processed chickens in Northern California (apparently with a USDA Buddhist religious exemption), is not recognized as an example of the kind of small business we want in our community.

Well, this is the kind of business I want in my community. There are vacant lots and buildings near my neighborhood and I would invite the applicant to locate there, but the planning commission would probably reject it. I was surprised at the lack of support for the project amongst the commissioners at the meeting. One commissioner who voted to approve apparently did so only because he felt that the facility was under higher standards in the City of Sacramento. Earlier meeting discussion demonstrated that the USDA regulates and enforces, apparently directly on-site, the handling of the chickens, and that the City has no role in that. Other commissioners, who voted for and against the project, complained that staff had not done enough to resolve neighbor objections. The primary objector is the SPCA, and their comments made it clear their objections were primarily psychological in nature. For the SPCA, it would be "demoralizing" and "incompatible with their mission" to simply know that animals were slaughtered nearby. This is an impossible complaint for staff to resolve. It seemed clear to me that the commissioners making this complaint simply did not want to have to make a choice that would upset one side. This quality is undesirable in anyone in a decision-making position, and I will be sure to consider it should any of those commissioners run for elected office. The comments of the project opponent across the street are directly at odds with those of staff, who conducted a site visit to the existing facility, and reported no odors or other objectionable items outside the building.

I will be out of town during the next commission hearing for this project and will not be able to attend, but I will be attentively watching the action of the commission. Thank you,

Chuck Hughes
5961 14th Street
Sacramento, CA 95822

INTEREST INCOME PARTNERS, L.P.

March 8, 2011

Elise Gumm,
Associate Planner
City of Sacramento Planning Division
300 Richards Blvd, 3rd Floor
Sacramento, CA 95811

Re: RE: New American Poultry Facility (File Number P10-078)

Dear Ms Gumm:

Thank you for offering me the opportunity to comment on the application by New American Poultry to operate a poultry slaughter processing plant in the building directly adjacent to my property on Younger Creek Road. My intention is to construct a 10,000 sq. ft. building on the adjacent parcel and lease the site for light industrial, technology or office space. The plans have been approved and are waiting for funding.

There is certainly a place in California for facilities that kill animals and prepare them for market. But the essence of planning standards is to create zones of compatible uses. I am greatly concerned that an adjacent slaughter house is going to fatally impair the value of my property and the ability to lease the site. I ask the planning commissioners who are reviewing this application to vote on the basis of a simple self-examination.

1. Would they locate their business next to a slaughterhouse?
2. Would they welcome a slaughterhouse next to their existing business?

If they are not able to answer both of these questions in the affirmative, then the Commission should not allow this business to locate next to mine.

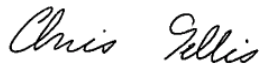
Furthermore I am concerned about the astonishing lack of detail about noise and pollution in the variance application. Do these chickens go quietly? Are the feathers ever released as they are brought to the facility?

P.O. Box 11087, San Rafael, CA 94912 Telephone: 415.459.9920 Fax: 415.459.9925
ctellis@IIpart.com

I also note that in the past, American Poultry has slaughtered ducks and rabbits. Clearly I am not going to locate a nursery school next door. But I wonder why the application omits all mention of this activity. What else is missing?

I urge you to reject this application and encourage Mr. Cheung to remain in his existing facility or seek an alternative location that is properly zoned for this activity.

Yours,



Chris Tellis
President, Embarcadero Financial Corporation
General Partner, Interest Income Partners

P.O. Box 11087, San Rafael, CA 94912 Telephone: 415.459.9920 Fax: 415.459.9925
ctellis@IIpart.com

Elise Gumm

From: Elise Gumm
Sent: Tuesday, March 22, 2011 1:46 PM
To: Elise Gumm
Subject: FW: New American Poultry

From: Wendy Klock-Johnson
To: Dawn Bullwinkel; Shirley Concolino; Stephanie Mizuno; Gregory Bitter; David Kwong; Max Fernandez
Sent: Mon Mar 14 09:37:54 2011
Subject: FW: New American Poultry

Good morning,

The attached email was received by the Clerk's Office over the weekend regarding the possible appeal of the Planning Commission's recent decision on the poultry plant.

Sincerely,
Wendy Klock-Johnson
Assistant City Clerk

Office of the City Clerk
City of Sacramento
915 I Street
Historic City Hall 1st Floor
Sacramento, CA 95814

www.cityofsacramento.org/clerk
www.twitter.com/saccityclerk

From: Cats in Biggs 2003 [mailto:catsinbiggs03@wcisp.com]
Sent: Sunday, March 13, 2011 2:29 PM
To: clerk
Subject: New American Poultry

I read the article in the Sacramento Bee's March 12th edition and felt I had to let you know my feelings on this issue.
Harry Cheung's answer that he "had no idea" that the SPCA was in the vicinity of the planned slaughterhouse was amazing. I liken this to the person saying "I didn't know the gun was loaded", or "I didn't see the person in the crosswalk on that sunny, clear day", or "I didn't realize I had 6 drinks when I crashed". Hopefully, Mr. Cheung will not win when he shows up at the Council meeting with his "30" employees, a Buddhist Monk or two, or tons of Kleenex for their tears.

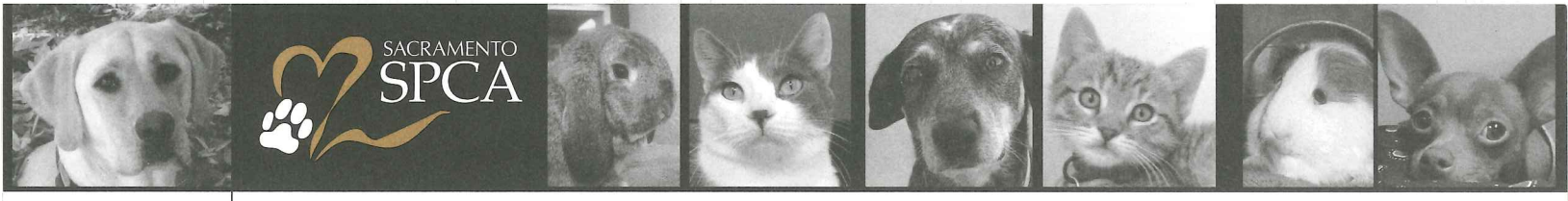
Oh, yes my husband and I lived in the Rosemont area for over 20 years. During that time we rescued dozens of cats.

So, please do not allow Mr. Cheung to build his slaughterhouse near the SPCA.

Thank You,

Carmen Jehu
Biggs, CA

p.s. Hopefully you will be able to circulate to the Council Members



March 28, 2011

Lindsey Alagozian
Community Development Department
300 Richards Blvd. 3rd Floor
Sacramento, CA 95811-0218

Dear Ms Alagozian,

Although we still believe that the placement of an animal slaughter facility near a humane society or SPCA is a bad zoning decision, based on the activities of each business, the Sacramento SPCA is no longer officially opposing the request of the New American Poultry Facility to operate a poultry-slaughter processing plant at 8612 Younger Creek Drive in Sacramento. We met with Harry and Amy Cheung regarding their business and plan to work with them to insure proper treatment of animals in their care.

Sincerely,

Rick Johnson
Executive Director

6201 Florin-Perkins Road | Sacramento CA 95828 | 916.383.PETS | FAX 916.383.7062 | sspca.org