

<b>Location:</b>	<b>845-849 Kennedy Street (APN019-0066-001-00)</b>
<b>Proposal:</b>	Increase slaughterhouse capacity to include goats, sheep, and rabbits
<b>Contact Person/Phone Number:</b>	Abdulsalem Mused (347) 408 5850
<b>Owner:</b>	Wayne Lazarus Trust
<b>Case File Number:</b>	<b>DET15-026-A01</b>
<b>Planning Permits Required:</b>	Appeal of a Zoning Manager's determination that a poultry slaughtering operation slaughtering 50,000 birds per year to include slaughter of up to 2,500 goats, sheep, and rabbits annually is inconsistent with the Oakland Planning Code, including the DCE-5 Central Estuary District Industrial Zone and the definition of General Industrial in OPC Section 17.10.570
<b>General Plan:</b>	Planned Waterfront Development 2, Estuary Plan
<b>Zoning:</b>	DCE-5 Central Estuary District Industrial Zone
<b>Environmental Determination:</b>	Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities)
<b>Historic Status:</b>	Not a Potential Designated Historic Property
<b>Service Delivery District:</b>	4
<b>City Council District:</b>	5
<b>Action to Be Taken:</b>	Approve Staff Recommendation
<b>Finality of Action:</b>	Planning Commission Action is Final (Not Administratively Appealable)
<b>For Further Information:</b>	<b>David Valeska at (510) 238-2075 or <a href="mailto:dvalueska@oaklandnet.com">dvalueska@oaklandnet.com</a></b>

## **SUMMARY**

On July 1, 2015 the Planning Commission heard an appeal of staff's determination that an increase of the slaughter and sales operation for up to 2,500 goats, sheep and rabbits annually is considered a Heavy Industrial activity, and therefore not an activity that is allowed in the DCE-5 zoning designation at 845-849 Kennedy Street. The appellant reported that there have been no complaints to date, and explained the scale, methods and type of business that would be conducted. The Commission took a straw vote to consider the appellant's request, subject to issuance of findings at a later meeting. The straw vote was in support of the Appeal. Staff presents draft findings in the spirit of Commission discussion.

## **FINDINGS**

The Planning Commission finds that the appellant's request to slaughter up to 2,500 goats, sheep and rabbits annually in a DCE-5 Central Estuary District Industrial Zone is of an ancillary scale compared to full-size animal slaughtering operations. Saba Live Poultry maintains a safe and clean environment and slaughters meat and poultry strictly in accordance with the slaughtering rules for *Halal*. Saba Live Poultry also complies with USDA rules and regulations, State Department of Food and Agriculture standards, and Alameda County Department of Environmental Health standards. The appellant's sale and processing (slaughter, skin, clean and cut) of goats, lambs, and rabbits is similar to that of chickens, and is a slaughter-to-order facility; it is not comparable to the assembly-line slaughtering operations which truly constitute the prohibited Heavy Industrial uses described in the City's zoning standards.

The Commission also finds that the primary business on the site, already approved, is slaughter of up to 50,000 birds per year. Slaughter of a relatively small number of goats, sheep and rabbits would be an accessory activity which would create no visible effects on nearby areas (no added traffic, aroma, noise, waste, or other such effects).

The Commission finds that the area historically has contained food-processing businesses, so slaughter of goats, sheep and rabbits would not be out of character with the area, which is primarily non-residential.

The Commission finds that the facility was designed with the capacity to slaughter goats, sheep and rabbits, if allowed. That capacity has been held in reserve until now. However, no major modifications would be needed for the small facility in order to add these animals to already-approved chicken slaughter.


The Commission finds that there have been no complaints in recent years from the operation of this business. The applicant's business has set a standard for maintenance and operation which supports the request.

In conclusion, the Planning Commission finds that the Zoning Manager erred in his interpretation of the Planning Code, and that the appellant's request to increase animal slaughter to include up to 2,500 goats, sheep and rabbits annually is permitted in the DCE-5 zoning designation and falls within the definition of General Industrial in OPC Section 17.10.570. Saba Live Poultry is therefore permitted to slaughter up to 50,000 chickens and up to 2,500 goats, sheep and rabbits annually at 845-849 Kennedy Street.

**RECOMMENDATIONS:**

1. Affirm staff's environmental determination
2. Grant the Appeal, thereby overturning the Zoning Manager's Determination, and confirming that the applicant may add slaughter of up to 2,500 goats, sheep and rabbits (combined) plus already-allowed poultry slaughtering up to 50,000 birds per year, subject to the findings contained herein, at the subject location.

Prepared by:



DAVID VALESKA  
Planner II

Approved by:



SCOTT MILLER  
Zoning Manager

Approved for forwarding to the  
City Planning Commission:



DARIN RANELLETTI, Deputy Director  
Bureau of Planning

**LEGAL NOTICE:** This action of the Planning Commission is final and is not administratively appealable. Any party seeking to challenge such decision in court must do so within ninety (90) days of this decision, unless a different date applies.

<b>Location:</b>	<b>845-849 Kennedy Street (APN019-0066-001-00)</b>
<b>Proposal:</b>	Increase slaughterhouse capacity to include goats and sheep
<b>Contact Person/Phone Number:</b>	Abdulsalam Mused (347) 408 5850
<b>Owner:</b>	Wayne Lazarus Trust
<b>Case File Number:</b>	<b>DET15-026-A01</b>
<b>Planning Permits Required:</b>	Appeal of a Zoning Manager's determination that a poultry slaughtering operation slaughtering 50,000 birds per year to include slaughter of up to 2,500 goats and sheep annually under Oakland Planning Code Section 17.10.570 (General Industrial)
<b>General Plan:</b>	Planned Waterfront Development 2, Estuary Plan
<b>Zoning:</b>	DCE-5 Central Estuary District Industrial Zone
<b>Environmental Determination:</b>	Categorically Exempt under California Environmental Quality Act (CEQA) Guidelines Section 15270 (projects which are disapproved)
<b>Historic Status:</b>	Not a Potential Designated Historic Property
<b>Service Delivery District:</b>	4
<b>City Council District:</b>	5
<b>Action to Be Taken:</b>	Approve Staff Recommendation
<b>Finality of Action:</b>	Planning Commission Action is Final (Not Administratively Appealable)
<b>For Further Information:</b>	<b>David Valeska at (510) 238-2075 or <a href="mailto:dvaleska@oaklandnet.com">dvaleska@oaklandnet.com</a></b>

## **SUMMARY**

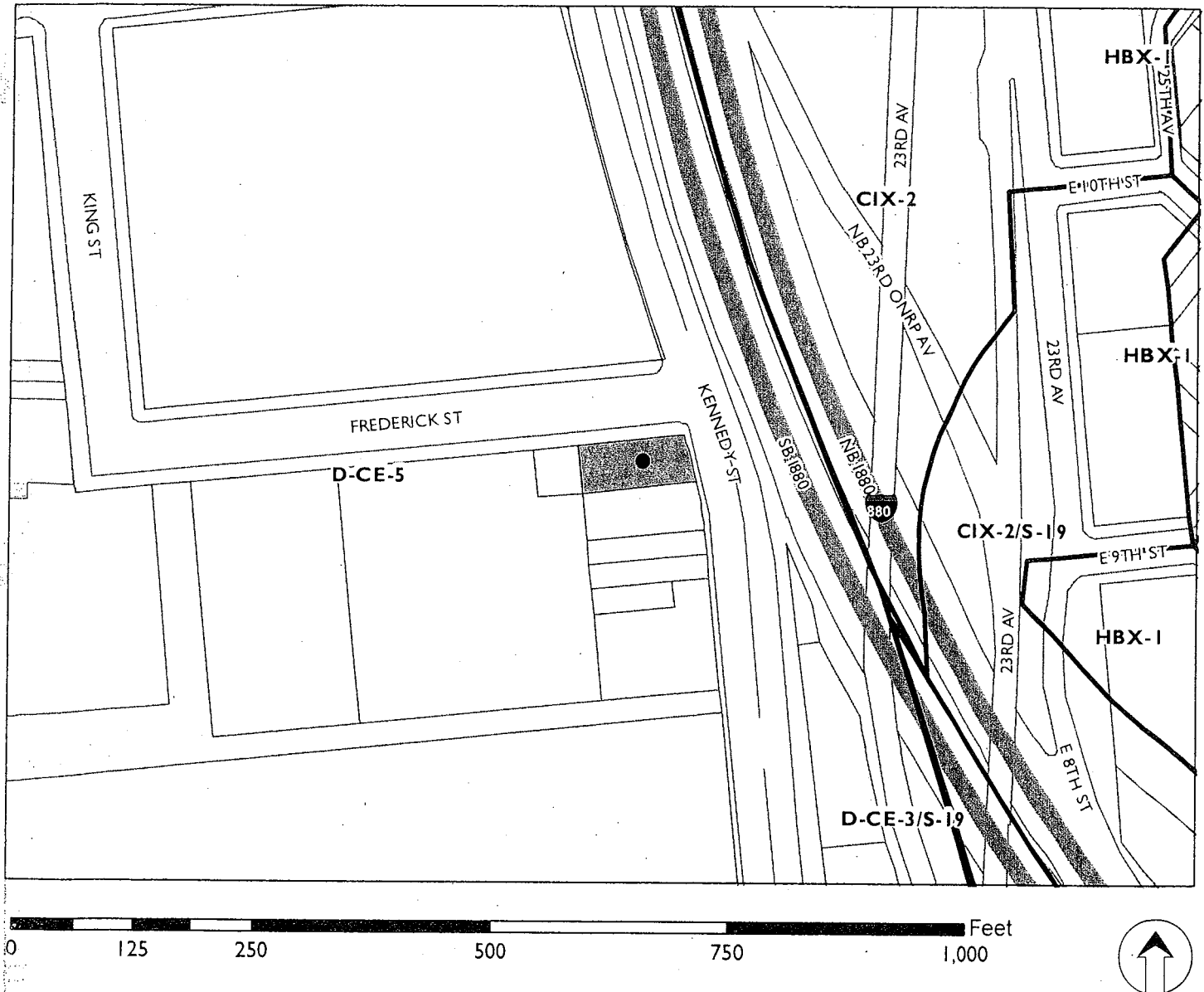
On March 5, 2014, the Zoning Manager issued Zoning Determination DET13-079 ("2014 Determination"), which concluded that slaughter of 50,000 birds per year is not permitted at Saba Live Poultry, located at 845 Kennedy Street. On appeal, the Planning Commission overturned the 2014 Determination. On March 24, 2015 the applicant filed Zoning Determination DET15-026 ("2015 Determination") requesting approval to slaughter of up to 2,500 goats and sheep annually as well. On May 4, 2015 the Zoning Manager issued a Determination letter that adding goats and sheep to slaughter capacity would be inconsistent with the Oakland Planning Code, including the DCE-5 Central Estuary District Industrial Zone and the definition of General Industrial in OPC Section 17.10.570. On May 6, 2015 the owner appealed to the Commission; the appeal is attached Exhibit D.

The appeal fails to correctly cite any error or abuse of discretion by the Zoning Manager, or wherein the decision is not supported by appropriate evidence in the record, and therefore, staff recommends that the Planning Commission deny the Appeal and uphold the Zoning Manager's Determination.

## **BACKGROUND**

On May 25, 2012, the Zoning Manager issued Zoning Determination DET12-031 ("2012 Determination") related to poultry slaughter within a 5,000 square foot lease space in an industrial park located at 845-849 Kennedy Street, near the Estuary and Coast Guard Island. The 2012 Determination concluded that slaughter of 20,000 birds per year at this site was (1) consistent with the then-current M-40 Industrial zoning and (2) a permitted General Manufacturing Activity in the Estuary Plan designation, but limited slaughter to 20,000 birds annually. The Commission changed the limit to 50,000 birds per year. The activity is custom (one by one) slaughtering for Islamic religious practices known as halal, which includes customer selection of each bird to be slaughtered and humane treatment of birds. This is different than the large industrial slaughterhouses in the San Joaquin Valley and elsewhere.

# CITY OF OAKLAND PLANNING COMMISSION



Case File: DET15026-A01  
Applicant: Abdulsalam Mused  
Address: 845-849 Kennedy Street  
Zone: DCE-5

Since the original Determination, the site and area have been rezoned to D-CE-5, in which General Industry is permitted but Heavy Industry is prohibited. General Industry is compatible with the adopted Central Estuary Plan as well as the Estuary Plan.

The Appellant states that being limited to slaughtering 50,000 birds per year causes an economic hardship for the business and requested a new Zoning Determination to increase the slaughter operation to allow up to 2,500 goats and sheep per year. The Appellant's statement is attached. In response to Appellant's request, the Zoning Manager issued the 2015 Determination denying addition of goats and sheep to slaughtering at this site. Both the 2014 Determination and the 2015 Determination are attached and contain more details and analysis.

## **PROPERTY DESCRIPTION AND NEARBY LAND USES**

The flat corner site contains a one-level concrete industrial building. Nearby activities include commercial (Buttercup Restaurant), industrial and institutional (Coast Guard Island). Office parks and yacht harbors are nearby. Few residential activities are nearby. The site fronts on the main southbound Highway 880 off-ramp leading to Downtown Alameda via Park Street.

## **ENVIRONMENTAL DETERMINATION**

The California Environmental Quality Act (CEQA) Guidelines statutorily and categorically exempts specific types of projects from environmental review. CEQA Guidelines section 15301 provides that CEQA does not apply to projects in existing buildings of a scale like the Appellant's request to increase slaughter to 2,500 goats and sheep per year falls under this exemption.

## **APPEAL DESCRIPTION**

On May 6, 2015, the Appellant filed a timely appeal to the 2015 Determination (Attachment B). This action constitutes an administrative appeal of a determination made by the Zoning Manager, pursuant to the Planning Code's Administrative Appeal Procedures (Planning Code, Chapter 17.132). The Appellant's reason for appeal is that the business needs to augment slaughter of 50,000 birds per year with slaughter of up to 2,500 goats and sheep per year in order to be financially viable and to meet market demand.

## **STAFF'S RESPONSE TO APPEAL**

The Planning Code's Administrative Appeal Procedures describe the procedure for appeal of a Determination of the Zoning Manager: "the appeal shall state specifically wherein it is claimed there was an *error or abuse of discretion* [by the Zoning Manager] or wherein his or her decision is not supported by the evidence in the record." Planning Code section 17.132.020. The Planning Commission considers the appeal in light of the intent of the applicable Zoning Ordinance, and the Planning Commission's decision is final (non-appealable).

The following are staff's responses to the Appellant's basis for appeal:

- Animal slaughtering was not allowed on the site when it was zoned "I" industrial in 1948, or in subsequent years; and
- Although animal slaughtering was not allowed at the Heavy Industrial scale when the 2012 Determination was issued, the slaughter of up to 50,000 birds per year (over 150 per workday) was allowed as a General Industrial activity. Allowing animal slaughtering in addition changes the scale and nature of the work.

The United States Department of Agriculture ("USDA") sets a threshold of 20,000 birds annually in its definition of a "Producer Grower/PPIA Exemption" which allows smaller-scaled slaughtering to avoid certain Federal inspections. It is this threshold, in part, that informed the 2012 Determination that slaughter of goats and sheep in addition to already approved bird slaughtering annually would put the operation in a higher (more intense) activity classification (i.e. Heavy Industrial).

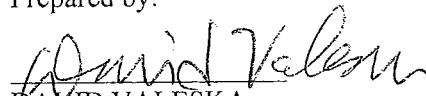
The 2014 Determination is based on the existing zoning at the site, D-CE-5, in which General Industrial activity is allowed and Heavy Industry is prohibited. The Appellant requests to increase the slaughtering volume to include up to 2,500 goats and sheep per year is considered a Heavy Industrial Activity, which is not in conformity with the D-CE-5 zoning, plans or neighborhood specifications. Additional staff comments are contained in the Zoning Determination letters, which outline other concerns about effects on nearby activities.

The Appellant has not demonstrated that there was either an error or abuse of discretion by the Zoning Manager or wherein his decision is not supported by the evidence in the record. As a result, staff makes the following recommendations.

**RECOMMENDATIONS:**

1. Affirm staff's environmental determination
2. Deny the Appeal, thereby upholding the Zoning Manager's Determination, and confirming that the applicant must limit poultry slaughtering to 50,000 birds per year with no goat or sheep slaughtering at the subject location.

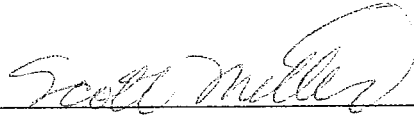
Prepared by:



DAVID VALESKA

Planner II

Approved by:



SCOTT MILLER  
Zoning Manager

Approved for forwarding to the  
City Planning Commission:

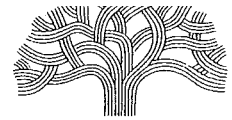


DARIN RANELLETTI, Deputy Director  
Bureau of Planning

**ATTACHMENTS:**

- A. Zoning Manager's Determination letter DET12-031 dated May 25, 2012
- B. Zoning Manager's Determination letter DET13-079 dated March 5, 2014
- C. Zoning Manager's Determination letter DET 15-026 dated May 4, 2015
- D. Appeal letter dated May 6, 2015 with Exhibits

**LEGAL NOTICE:** This action of the Planning Commission is final and is not administratively appealable. Any party seeking to challenge such decision in court must do so within ninety (90) days of this decision, unless a different date applies.



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Community and Economic Development Agency  
Planning & Zoning Services Division

(510) 238-3911  
FAX (510) 238-4730  
TDD (510) 238-3254

May 25, 2012

Abdul Mused  
1580 E. 45<sup>th</sup> Street  
Brooklyn, NY 11234

**RE: REQUEST FOR ZONING DETERMINATION**

**CASE FILE NO: DET12-031: 849 Kennedy Street (APN: 019-0066-001-00)**

Dear Mr. Mused:

This letter is sent in response to your request for a zoning determination pursuant to Section 17.01.100A of the City of Oakland Planning Code, in followup to the April 23, 2012 letter from this Department clarifying Zoning Clearance ZC120265 which did not allow poultry slaughtering. You indicated that your customers require slaughtering in order to fulfill cultural practices of food handling. On March 30, 2012 you applied to the California Department of Food and Agriculture Meat & Poultry Inspection Branch for slaughterhouse approval, as well as to the Alameda County Environmental Health Department.

**PROJECT PROPOSAL**

To confirm that a poultry slaughter and sales operation at 849 Kennedy Street of a particular description and scale conforms to General Plan/Estuary Plan and zoning regulations.

**BACKGROUND**

The site contains a one-level industrial building with a 5,000 square foot lease space. The request is a particular poultry slaughtering operation, a halal (Islamic method similar to Kosher) business. The customer picks out a live bird from cages, and staff custom-slaughters each bird. The description lists a maximum of 40 birds per day, less than the 20,000 birds per year (USDA definition of a "Producer Grower/PPIA Exemption" from certain Federal inspections). Your photographs show the machinery used, the cages (3 to 4 birds in each cage of approximately 7 to 8 square feet). There would be daily deliveries of live birds, who would either be slaughtered within 24 to 48 hours, or offered as a reduced price or free "special" with the sale of fresh live birds soon after. Pursuant to halal methods, each bird would receive food and water regularly, with cage cleaning and other humane care. Waste would be handled by an appropriate disposal business. There would be no animal abuse or no mass slaughter of birds. No other kinds of animals (e.g. goats) would be on the premises or slaughtered. You would offer packaged spices and other products for cooking in the customer reception area, which would be separate from the bird processing area. The Oakland business would be similar to businesses that you operate in New York and other areas.

**ATTACHMENT A**



## GENERAL PLAN CLASSIFICATION

The General Plan designation for this site is Estuary Plan. This Determination responds to the difference between Heavy Industrial (for which your type of business is not allowed) and General Industrial (on which the Estuary Plan is silent for animal slaughtering).

## ZONING

In 1948, City records show that the site was in the Heavy Industrial district ("T"), and a similar zone in 1967, in which animal slaughtering was not allowed. The site is now zoned M-40 (Industrial) in which animal slaughtering is a permitted General Manufacturing Activity. Zoning must be in conformity with General Plan designations. Pending DCE zoning regulations implementing the Estuary Plan would make this activity even more acceptable.

Zoning Bulletin 08-01 addresses animal slaughtering. A distinction is made between large operations not permitted and possibly lesser or accessory activities which may be considered.

## ANALYSIS

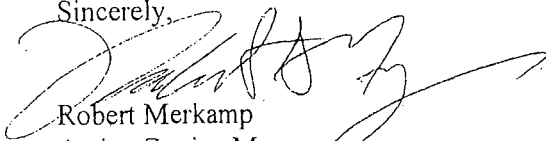
Based on information provided by yourself and our own research, it is our determination that a halal poultry slaughter and sales business that you described is consistent with the General Industrial category and M-40 zoning designation, provided that all of the following continue to apply in the future:

- Less than 5,000 square feet of business, of which less than 75% is slaughter and bird storage area.
- 40 or fewer birds slaughtered per day, on custom orders, less than 20,000 birds per year
- All birds to be slaughtered or sold live within five (5) days, with the majority within 48 hours
- All animals to be treated humanely, under halal custom and approved Alameda County, State and Federal practices, including regular food and water, and at least 2 square feet of cage area per bird
- All entrails and other cleanup to be provided in lawful and sanitary manner using approved services and providers, without odors, noise, effluent or other byproducts evident from neighboring properties.
- No other animals (e.g. goats) are to be on the property or slaughtered.
- Incidental and accessory sales of other products (e.g. packaged spices, cookbooks, etc.) is allowed

Failure to follow this determination may result in City code enforcement action and penalties.

If you have further questions regarding this matter, please contact us at (510) 238-2075 by e-mail at [dvalesska@oaklandnet.com](mailto:dvalesska@oaklandnet.com).

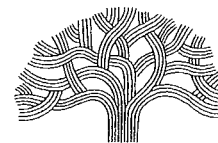
Sincerely,



Robert Merkamp  
Acting Zoning Manager

Cc: Ray Derania, Building Official  
David Harlan, Principal Engineer  
Heather Klein, Planner III  
David Valeska, Planner II

# CITY OF OAKLAND



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Community and Economic Development Agency  
Planning & Zoning Services Division

(510) 238-3911  
FAX (510) 238-4730  
TDD (510) 238-3254

March 5, 2014

Abdul Mused  
1580 E. 45<sup>th</sup> Street  
Brooklyn, NY 11234

**RE: REQUEST FOR ZONING DETERMINATION**  
**CASE FILE NO: DET13-079: 849 Kennedy Street (APN: 019-0066-001-00)**

Dear Mr. Mused:

This letter is sent in response to your request for a zoning determination pursuant to Section 17.01.100A of the City of Oakland Planning Code, to clarify Zoning Determination DET12-031, which allowed poultry slaughtering of up to 20,000 birds annually. You indicated that your customers require slaughtering in order to fulfill cultural practices of food handling. In 2012 you obtained a California Department of Food and Agriculture Meat & Poultry Inspection Branch slaughterhouse approval, and approvals from the Alameda County Environmental Health Department.

## **PROJECT PROPOSAL**

This is a request to increase a poultry slaughter and sales operation at 849 Kennedy Street of a particular description and scale conforms to General Plan/Estuary Plan and zoning regulations, for up to 50,000 birds annually.

## **BACKGROUND**

The site contains a one-level industrial building with a 5,000 square foot lease space. The request is regarding a halal poultry slaughtering operation that adheres to Islamic law that customers picks out live birds from cages, and that are custom-slaughtered by the staff. The previous City approval lists a maximum of 20,000 birds per year or about 100 per weekday work day (which meets the USDA definition of a "Producer Grower/PPLA Exemption" from certain Federal inspections). Your photographs show the machinery used, the cages (3 to 4 birds in each cage of approximately 7 to 8 square feet). There are daily deliveries of live birds, which are either be slaughtered within 24 to 48 hours or offered at a reduced price or free "special" with the sale of fresh live birds soon after. Pursuant to halal methods, each bird receives food and water regularly, with cage cleaning and other humane care. Waste is handled by an appropriate disposal business. No other kinds of animals are on the premises or slaughtered. Packaged spices and other products for cooking are in the customer reception area, which is separate from the bird processing area.

**ATTACHMENT B**

## GENERAL PLAN CLASSIFICATION

The General Plan designation for this site is Estuary Plan and the Estuary Policy Plan designates the area PWD-2 Planned Waterfront Development 2. The D-CE 5 zone is compatible with this designation.

## ZONING

This Determination responds to the difference between Heavy Industrial and General Industrial. The Central Estuary Plan (page 53) states that "D-CE-5 Food Industry Cluster...appropriate for a wide variety of heavy commercial and industrial establishments. Uses with greater off-site impacts may be permitted provided they meet specific performance standards."

In 1948, City records show that the site was in the Heavy Industrial district ("T"), and a similar zone in 1967, in which animal slaughtering was not allowed. At the time of Zoning Determination DET12-031, the site was zoned M-40 (Industrial) in which limited animal slaughtering (e.g. 20,000 birds per year) was a permitted General Manufacturing Activity. Zoning must be in conformity with General Plan designations. The site is now in the new D-CE-5 zoning regulations implementing the Estuary Plan in which General Industry is permitted and Heavy Industry is prohibited.

Zoning Bulletin 08-01 states that animal slaughtering is defined generally as Heavy Industry. A distinction is made between large operations not permitted and possibly lesser or accessory activities, which may be considered to extend the definition of General Industry. Heavy Industry processes in Oakland Planning Code include "high impact or hazardous manufacturing processes," implying high-volume production in bulk loads of items such as "...lime and gypsum...non-ferrous metals production, processing, smelting and refining...petroleum and coal products manufacturing and refining...leather tanning...cement and asphalt manufacturing." The existing operation for up to 20,000 birds per year was found to fit within the General Manufacturing/Industrial category.

## ANALYSIS

An increase above 20,000 birds per year triggers a much higher scrutiny from USDA and other food business regulation, and increases by 2 ½ times the amount of slaughtering currently allowed. Since slaughtering 50,000 birds per year is a Heavy Industrial activity, it is not an activity that can be allowed in the DCE-5 zoning designation. Thus you may continue to operate pursuant to your project description for Zoning Determination DET12-031, 20,000 birds slaughtered per year without expansion, provided that all of the following continue to apply in the future:

- Less than 5,000 square feet of business, of which less than 75% is slaughter and bird storage area.
- All birds to be slaughtered or sold live within five (5) days, with the majority within 48 hours
- All animals to be treated humanely, under halal custom and approved Alameda County, State and Federal practices, including regular food and water, and at least 2 square feet of cage area per bird
- All entrails and other cleanup to be provided in lawful and sanitary manner using approved services and providers, without odors, noise, effluent or other byproducts evident from neighboring properties.
- No other animals (e.g. goats) are to be on the property or slaughtered.
- Incidental and accessory sales of other products (e.g. packaged spices, cookbooks, etc.) is allowed

Failure to follow this determination may result in City code enforcement action and penalties.

Within 10 days of the date of this notice, any interested party may file an appeal of this decision to the Planning Commission by filing a letter and paying \$1,352.91 to the City cashier at 250 Frank Ogawa Plaza, 2<sup>nd</sup> floor. The letter should state wherein staff erred or abused its discretion in this matter. If you

challenge the decision in court, you may be limited to issues raised in written correspondence delivered to the Planning and Zoning staff as part of an appeal. If you have further questions regarding this matter, please contact David Valeska, Planner II, at (510) 238-2075.

If you have further questions regarding this matter, please contact us at (510) 238-2075 by e-mail at [dvalueska@oaklandnet.com](mailto:dvalueska@oaklandnet.com).

Sincerely,

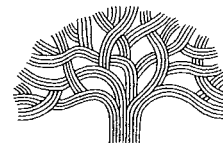
A handwritten signature in black ink that reads "Scott Miller". The signature is written in a cursive, flowing style.

Scott Miller  
Zoning Manager

Cc: Deborah Sandercock, Building Official  
David Harlan, Principal Engineer  
Heather Klein, Planner III  
David Valeska, Planner II

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# CITY OF OAKLAND



DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA, SUITE 2114 • OAKLAND, CALIFORNIA 94612-2032

Department of Planning and Building  
Zoning Division

(510) 238-3911  
FAX (510) 238-4730  
TDD (510) 238-3254

May <sup>4</sup>/<sub>7</sub>, 2015

Abdul Mused  
Saba Live Poultry  
845 Kennedy Street  
Oakland CA 94606

**RE: REQUEST FOR ZONING DETERMINATION**  
**CASE FILE NO: DET15-0026: 845 Kennedy Street (APN: 019-0066-001-00)**

Dear Mr. Mused:

This letter is sent in response to your request for a zoning determination pursuant to Section 17.01.100A of the City of Oakland Planning Code, to clarify Zoning Determination DET13-079, which after Planning Commission review allow poultry slaughtering of up to 50,000 birds annually. You indicated that your customers require slaughtering in order to fulfill cultural practices of food handling. In 2012 you obtained a California Department of Food and Agriculture Meat & Poultry Inspection Branch slaughterhouse approval, and approvals from the Alameda County Environmental Health Department.

## PROJECT PROPOSAL

This is a request to increase slaughter and sales operation at 845 Kennedy Street for up to 2,500 animals (mix of goats, lambs and rabbits) annually, in addition to the allowance for up to 50,000 birds annually.

## BACKGROUND

The site contains a one-level industrial building with a 5,000 square foot lease space. The previous City approval was for a maximum of 50,000 birds per year or about 130 birds per weekday work day. No other kinds of animals are currently on the premises or slaughtered. The current proposal is to add slaughter of goats, lambs and rabbits in halal procedures in this building.

## GENERAL PLAN CLASSIFICATION

The site is located within the Estuary Policy Plan area which designates the area PWD-2 Planned Waterfront Development 2.

## ZONING

In 1948, City records show that the site was in the Heavy Industrial district ("I"), and a similar zone in 1967, in which animal slaughtering was not allowed. At the time of Zoning Determination DET12-031, the site was zoned M-40 (Industrial) in which limited animal slaughtering (e.g. 20,000 birds per year) was considered a permitted General Manufacturing Activity. The site is now in the new D-CE-5 zoning regulations implementing the Estuary Plan in which General Industry is permitted and Heavy Industry is prohibited.

Zoning Bulletin 08-01 states that animal slaughtering is defined generally as Heavy Industry which is not permitted in the D-CE-5 zone. The existing approved operation for up to 50,000 birds per year was found to fit within the General Manufacturing/Industrial category pursuant to Planning Commission determination.

## ANALYSIS

An increase beyond poultry to include a mix of up to 2,500 goats or lambs or rabbits per year triggers a much higher scrutiny from USDA and other food business regulation, and increases the amount and scope of the slaughtering currently allowed. It increases the number of truck trips with larger animals and adds a different level of processing and waste. It is staff's determination that animal slaughtering beyond the currently approved 50,000 birds per year, to include goats, lambs and rabbits, would be considered a Heavy Industrial activity, and therefore it is not an activity that can be allowed in the DCE-5 zoning designation. You may continue to operate pursuant to your project description for Zoning Determination DET13-07, 50,000 birds slaughtered per year without expansion.

If you, or any interested party, seeks to challenge this decision, an appeal **must** be filed by no later than ten calendar (10) days from the date of this letter, by **4:00 pm**. An appeal shall be on a form provided by the Planning Bureau/Zoning Division, and submitted to the same at 250 Frank H. Ogawa Plaza, Suite 2114, to the attention of **David Valeska, Planner II**. The appeal shall state specifically wherein it is claimed that there was error or abuse of discretion by the Zoning Manager or wherein his/her decision is not supported by substantial evidence and must include payment of **\$1,352.91** in accordance with the City of Oakland Master Fee Schedule. Failure to timely appeal will preclude you, or any interested party, from challenging the City's decision in court. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record which supports the basis of the appeal; failure to do so may preclude you, or any interested party, from raising such issues during the appeal and/or in court. However, the appeal will be limited to issues and/or evidence presented to the Zoning Manager prior to the close of the previously noticed public comment period on the matter.

If you have further questions regarding this matter, please contact us at (510) 238-2075 by e-mail at [dvaleska@oaklandnet.com](mailto:dvaleska@oaklandnet.com).

Sincerely,



Scott Miller  
Zoning Manager

Cc: Deborah Sandercock, Building Official  
David Harlan, Principal Engineer  
Heather Klein, Planner III  
David Valeska, Planner II

**Saba Live Poultry  
845 Kennedy St  
Oakland, CA 94606  
(510) 535-1111**

03/24/2015

To whom it may concern;

I, Abdulsalem Mused, am the owner of the above-mentioned business. I currently co-own and operate similar businesses in New York, Connecticut, and Pennsylvania, totaling eight of them in all. I have been in this business since 1998 and have a lot of experience in this field. Our business continues to grow and expand as the demand for fresh chicken and meat increases. With this regard, I am requesting that you allow us to sell and process (slaughter, skin, clean and cut) live animals such as lamb and goat in addition to the chicken that we are already selling and processing.

We have been in business here in Oakland, CA for almost two years now, and we have many customers who have requested that we provide them with the services for livestock (lambs and goats). Many complain of the unavailability of this service at our business. Many of them go to farms to buy the animals and do the slaughtering and processing of the meat at their house or other places. This practice is unregulated and therefore can be harmful and hazardous. We can perform these services in a professional manner that is compliant with the rules and regulations of USDA and the health department. We have an inspector at all times onsite to make sure that we comply with all rules and regulations

Our business has been successful in the past two years, and we hope to expand to meet the demand of our customers. We have received great reviews from our customers for the services that we already provide, and they are in need for this extra service that we are requesting from you to approve of. Please visit our yelp site to see our customer reviews: <http://www.yelp.com/biz/saba-live-poultry-oakland>. Enclosed you will find a letter of support from our customers demanding that we provide them with livestock animals and services.

We are expecting to sell and process about 25 to 50 lambs and goats a week to the community. We will be bringing orders of livestock (lambs and goats) in small quantities multiple times a week so that the same animals do not remain in the shop for more than 2 to 3 days at a time. We will receive the orders of livestock during evening hours or early morning hours to avoid causing traffic.

When a customer places an order for an animal, we slaughter it and drain as much blood as possible. We remove the skin and clean out all internal organs and dispose of all waste in a proper manner according to sanitation rules. According to customer preference, we then cut the meat to their desire. The meat is then packaged into several bags and handed over to the customer with safe handling instructions of the meat. During this entire process, we maintain a safe and clean environment.

I hope that you will approve our request and allow us to move forward with our plans. I appreciate your cooperation and understanding. If you have any concerns or need

any further information, please feel free to contact me directly to my cell number at 347-408-5850 or email at [abdulmused@yahoo.com](mailto:abdulmused@yahoo.com).

Thank You,

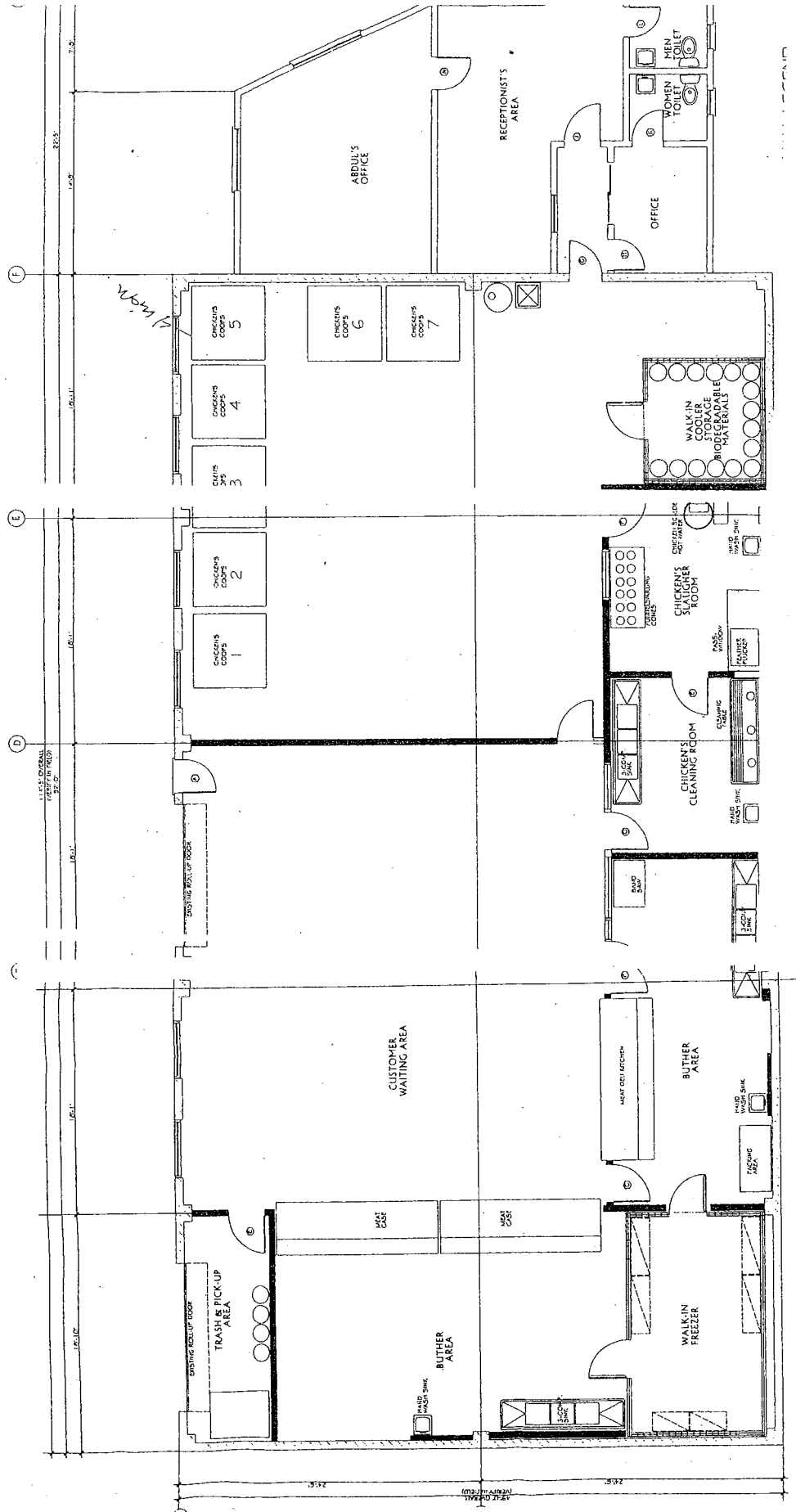
A handwritten signature in black ink, appearing to read "Abdulmused". The signature is fluid and cursive, with the first name "Abdul" and the last name "mused" clearly distinguishable.



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To see all the details that are visible on the screen, use the "Print" link next to the map.





## ZONING

The Zoning Ordinance will regulate densities, intensities and allowed activities (such as residential, commercial and industrial uses). Zoning will further refine direction provided by the eight EPP land use designations by determining which activities are permitted as-of-right, and which will be permitted conditionally with careful consideration of possible impacts to adjacent properties. Limitations on uses have been designed to reduce the impacts on more sensitive residential uses in the Jinglestown/Elmwood area, while providing maximum flexibility for operations in more heavy industrial areas such as in the Tidewater area. Zoning also establishes detailed development standards (such as height limits and permitted and conditionally permitted density, etc.). Refer to the Design Guidelines for the Central Estuary for additional design guidance.

The zoning designations within the Central Estuary are contained in a Chapter 17.101E of the Oakland Zoning Code. The intent of each zone is described below. Refer to Figure II-14: *Zoning* for the location of each zoning district within the Central Estuary.

The applicable zones follow:

- **D-CE-1** (Embarcadero Cove) – The D-CE-1 zone is intended to create, maintain, and enhance the marine, office and other commercial uses in the Central Estuary area.

- **D-CE-2** (High Street Retail) – The D-CE-2 zone is intended to create, maintain, and enhance areas of the Central Estuary with a wide range of commercial uses with direct street frontage and access to the freeway.
- **D-CE-3** (Jinglestown/Elmwood) – The D-CE-3 zone is intended to provide development standards for areas of the Central Estuary that have a mix of industrial, heavy commercial and residential development. This zone is intended to promote housing with a strong presence of commercial and industrial activities.
- **D-CE-4** (Mixed Use Triangle). The D-CE-4 zone is intended to create, maintain and enhance areas of the Central Estuary that have a mix of industrial and heavy commercial activities. Higher density residential development is also appropriate in this zone.
- **D-CE-5** (Food Industry Cluster, High Street Warehouse Wedge, Tidewater South) – The D-CE-5 zone is intended to create, preserve, and enhance areas of the Central Estuary that are appropriate for a wide variety of heavy commercial and industrial establishments. Uses with greater off-site impacts may be permitted provided they meet specific performance standards.



# **ZONING CODE BULLETIN 08-1**

**EFFECTIVE DATE:** August 8, 2008

**PERTINENT CODE SECTIONS:** 17.10.580 Heavy/High Impact Manufacturing Activities  
17.72 M-40 Heavy Industrial Zone Regulations  
17.73 CIX-1, CIX-2, IG, and IO Industrial Zone Regulations

**QUESTION/ISSUE:** How are Animal Slaughtering Activities to be classified?

This bulletin addresses the use classification for a principal activity involving the slaughtering and subsequent processing of animals. This bulletin makes the determination that such use is to be considered a Heavy/High Impact Manufacturing Activity (17.10.580).

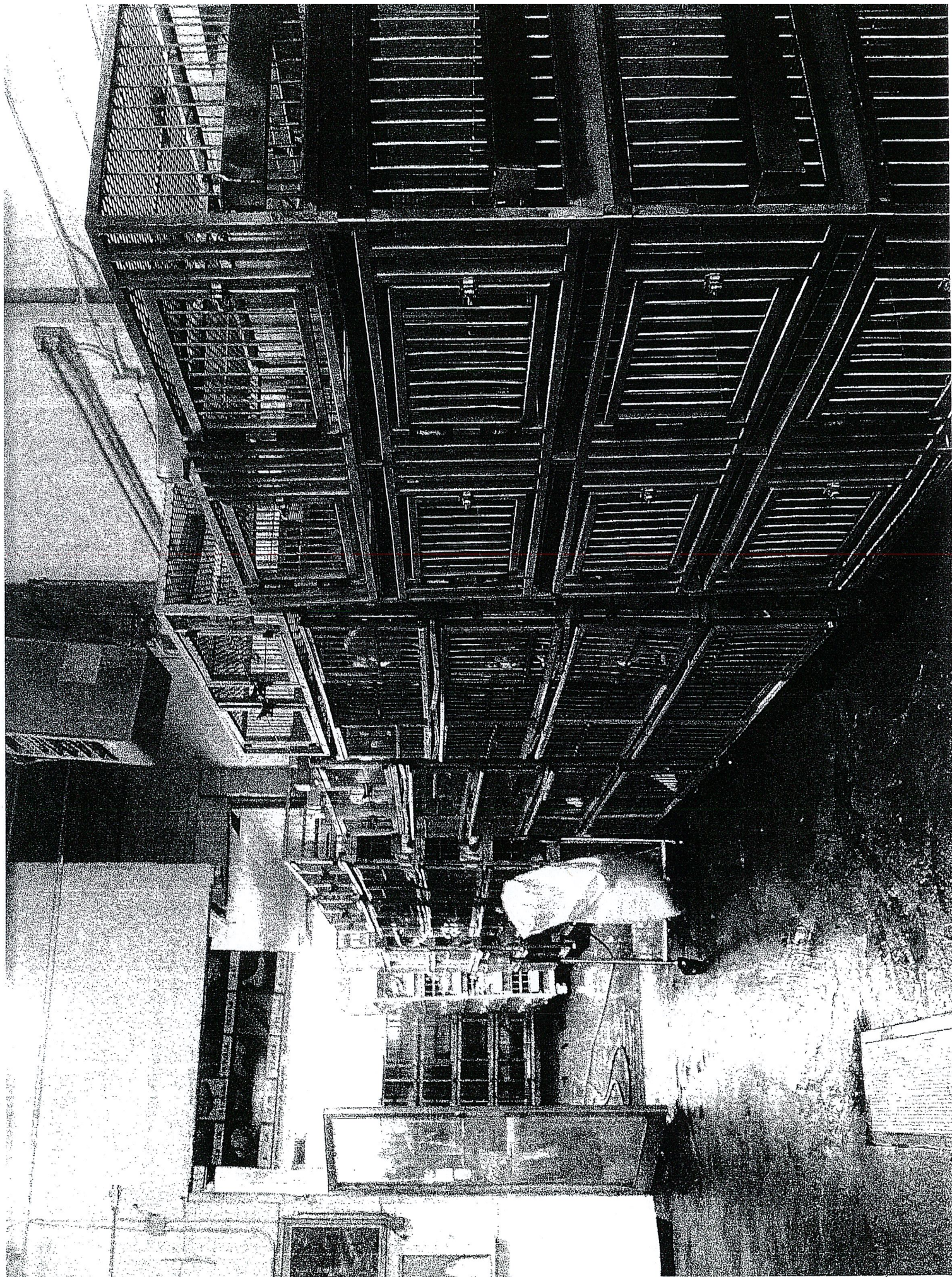
This determination is based on the following factors: 1) Prior to the adoption of Ordinance C.M.S. 12875 (June 17, 2008), Section 17.10.580 included a specific listing of *Stocking or slaughtering of animals*. Through the ordinance amendment process culminating in the adoption of Ordinance C.M.S. 12875, there was no specific reference to reclassifying such activity into a different (lesser) category. One of the general goals of the aforementioned ordinance amendment was to simplify and update the specific references to various heavy industrial/manufacturing activities. As part of that simplification and update, several specific line items were removed, including *Stocking or slaughtering of animals*. However, language in the Heavy/High Impact Manufacturing Activities classification now includes a general reference to "high impact or hazardous manufacturing processes". It also includes the phrase: "This classification includes, but is not limited to:" (underlining added for emphasis), which shows the intent that the list was not to be considered all-inclusive. 2) In addition, such activity may include the following potential impacts: noise, odors, waste disposal and other health or nuisance issues commonly associated with activities classified in the heavy/high impact category.

This determination is to apply to any and all proposals for such animal slaughtering operations; however, it is possible that such a proposal, if very limited in size and scope, may qualify for a different use classification (such as *General Manufacturing Activities*). Such determinations, upon submittal of an application and application fee, would need to be made on a site- and project-specific basis, and would require notice to property owners within 300 feet, pursuant to the provisions of Sections 17.10.090 and 17.132.

A handwritten signature in cursive script that reads "Scott Miller".

Scott Miller, Zoning Manager  
Planning and Zoning Division







May 3, 2012

City of Oakland  
Planning and Zoning Department  
250 Frank H. Ogawa Plaza, Suite 2114  
Oakland, CA 94612

RE: Saba Live Poultry, 845 Kennedy Street, Oakland, CA 94606-5329

To Whom It May Concern:

Saba Live Poultry was established in 1998 and opened its first facility in 2001 in Brooklyn, NY. Saba Live Poultry is a privately owned and operated company by myself, Abdul Mused. Currently, there are five locations in the New York Tri-Area and one facility in Philadelphia, PA. Saba Live Poultry use the *Halal* method of slaughter to process poultry. The question most usually asked about *Halal* concerns the method of slaughter. All meat and poultry we process will be slaughtered strictly in accordance with *Islamic rites*, where one of the most important prerequisites is the humane treatment of any animal intended for human food. Saba Live Poultry believes that the concept of *Halal* involves the whole process of meat production, from the wholesome food fed to the animals in their rearing right through until the meat reaches the consumer.

In order to give our customers, the assurance of the quality of our products, we have independent checks and inspection throughout our whole meat handling processes. We adhere to the State of California, Department of Food and Agriculture, Meat, Poultry, and Egg Safety Branch, especially where the care and slaughter of animals are concerned. The slaughtering rules for *Halal*, which are based on Islamic teachings, ethics and jurisprudence, are strictly followed. Saba Live Poultry is a slaughter-to-order facility that expects to process 350 to 420 live chickens weekly. The customers view every step of the process, as presentation of the process is essential. Below are the steps used by Saba Live Poultry in processing the *Halal* meats and poultry.

## **Delivery**

- Daily between 6:30 – 8:00 AM
- Live chickens from the Watkins Poultry Company
- Chicken are delivered in coups and then transferred into stainless steel cages in view for the customers

## **Identification**

- A customer identifies a chicken they would like to purchase
- Chicken's leg is identified with a number that is attached to a wire. Half of the ticket goes to the customer, the other half is attached to the chicken leg
- A chicken is weighed by hanging scale for pricing before being transferred to the slaughter room. In accordance with Halal tradition, slaughters are conducted out of sight of the other animals

## **Slaughter Process/Room**

- Prayers *Halal* (in the name of god)
- The chicken's throat is slit. Just as fast, it's transferred to a tank designed to collect the blood. The chicken's movement is limited, making it less likely to hurt itself during spasms. The chicken bleeds for one minute or until the chicken is dead.
- It's then transferred to a hot water bath to ease plucking. The chicken is in the hot water for about a minute.
- Next, the chicken is placed in a giant drum with paddles that carry the chicken in a circle that is removing the feathers. The machine looks a lot like a clothes dryer outfitted with rubber fingers, whips the carcasses around at a high speed.
- After plucking, birds are transferred to a separate cleaning room.

## **Cleaning Room**

- Internal organs are removed quickly and delicately.
- The organs are put into a lined drum (collector)
- Chicken is then moved to the chilling tank of water and ice for approximately one minute
- After the organs have been thoroughly cleaned the chicken is moved to the butchering table

## **Butchering Table**

- Once on the butchering table the customer decides how they would like to have their chicken cut.
- Chickens are then bagged and delivered to the customer.

## **Waste/Garbage Disposal**

- All biodegradable materials are stored in the walk in cooler in designated sections to prevent odor and contamination.
- Feathers and workers paper towels are put into large garbage bags (that are sealed) and stored in a walk in cooler in the designated area labeled "inedible garbage."
- The drums housing the internal organs are sealed then stored in the walk in cooler in the designated area labeled "fat, bones, & organs."
- Blood goes into the walk in cooler, stored in sealed, five-gallon clear packets.
- All waste is picked up daily by Darling International, Inc



## **Cleaning/Sanitizing of the Facility**

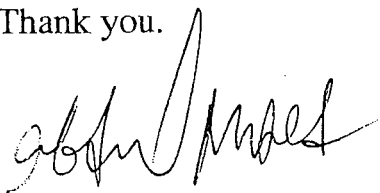
- The Saba Live Poultry facility is clean and sanitized daily.
- Cleaning of all of the equipment is completed with an approved detergent.
- All equipment, utensils are sanitized.
- In the mornings all equipment is sanitized again prior to opening for business.

## **Workers**

- Workers wear uniforms that identify which role they play in the process of preparing *Halal* chicken
- Workers are not allowed to go from one section of the process without changing into the appropriate apron and proper sanitization.

Saba Live Poultry will be a full service butcher and Halal facility. There will be USDA Halal meats available for customers to purchase. Saba Live Poultry will be open to the public Monday through Saturday, from 8:00 AM – 4:00 PM. For additional information, there is a YouTube Video of the Brooklyn Saba Live Poultry facility, where the entire Halal process is recorded at [http://www.youtube.com/watch?v=89tnJquFXFY&feature=youtube\\_gdata\\_player](http://www.youtube.com/watch?v=89tnJquFXFY&feature=youtube_gdata_player). Should you have any further questions please feel free to contact Norris Mitchell at 209-221-7090.

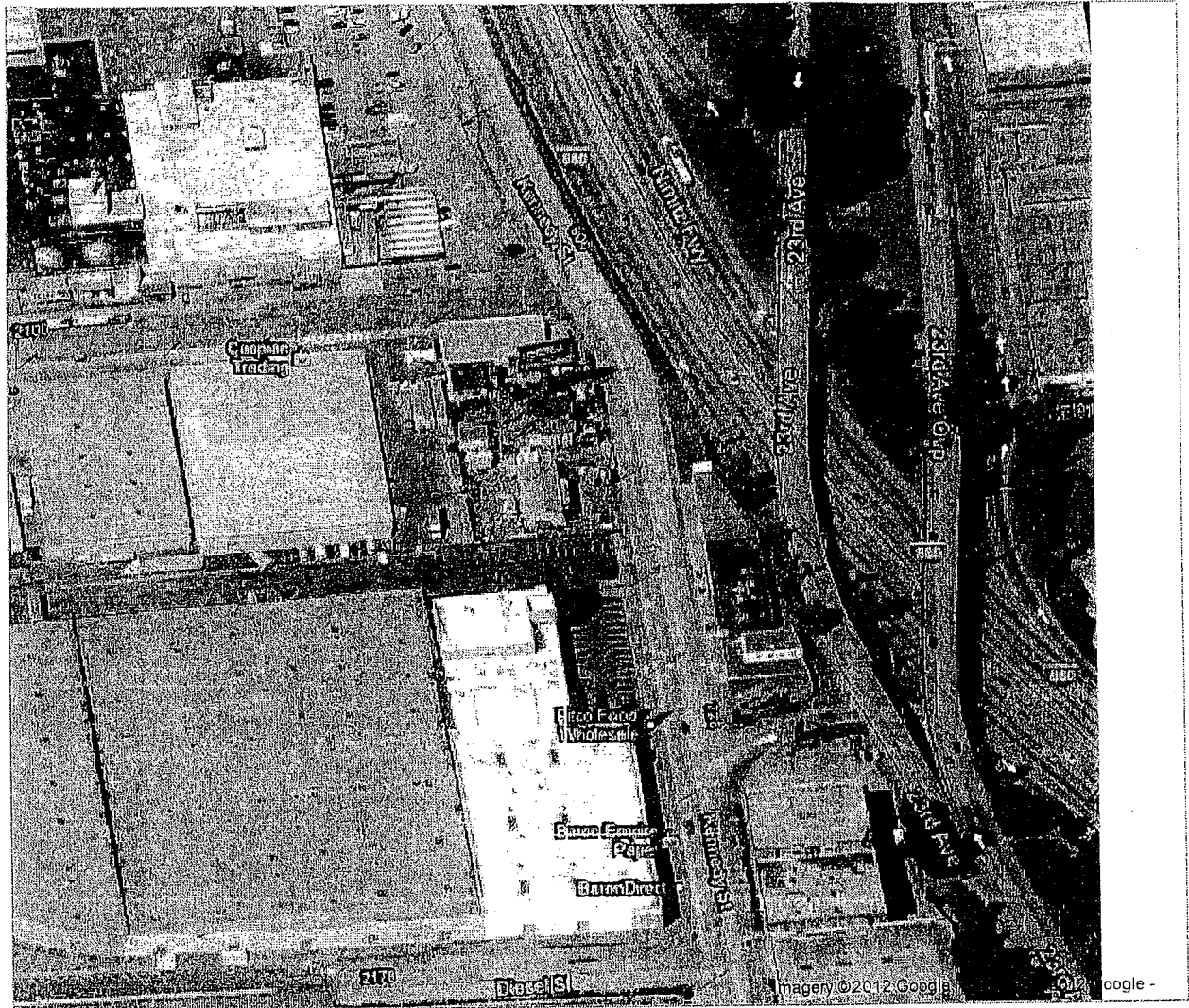
Thank you.



Abdul Mused, Owner  
Saba Live Poultry  
1580 E 45<sup>th</sup> Street  
Brooklyn, NY 11234

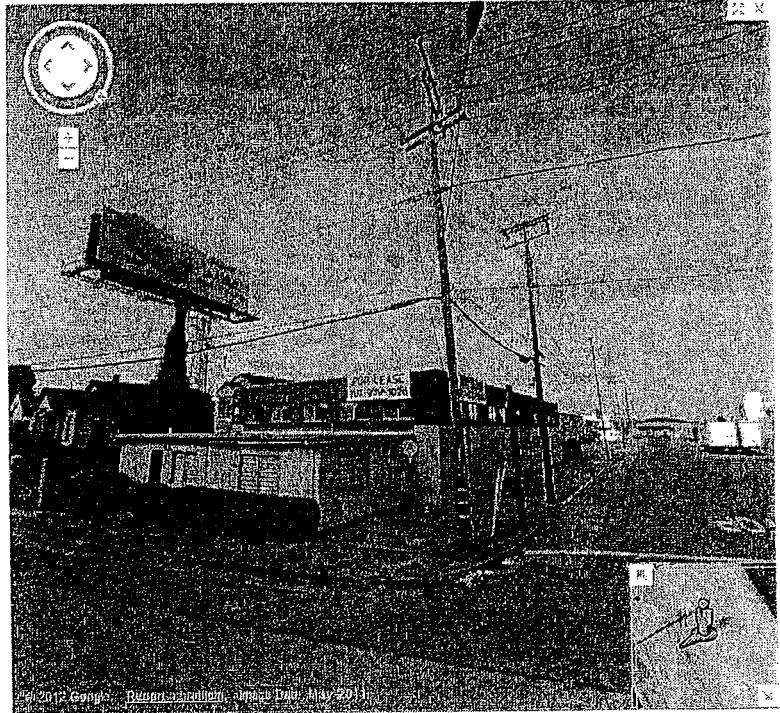
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845 Kennedy St, Oakland Ca - Google Maps

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