

Case File Number: REV04006

June 16, 2004

Location:	3426 Peralta St (See map on reverse)
Assessors Parcel Numbers:	005-0476-007-00; 005-0476-008; 005-0476-011; 005-0476-010-01
Proposal:	Revise the existing conditions of approval to expressly require compliance with the noise standards in the Planning Code, Section 17.120.050.
Applicant:	Planning Commission
Owner:	Jay Anast / Alliance Metals (510) 547-2408
Planning Permits Required:	Existing Conditional Use Permit for Extensive Impact Civic activity
General Plan:	Housing & Business Mix
Zoning:	M-30 General Manufacturing
Environmental Determination:	CEQA Exemption 53501- Minor Alterations to Existing Facilities
Historic Status:	No Historic Record
Service Delivery District:	1- West Oakland
City Council District:	3
Date Filed:	May 28, 2004
Last Date for Consideration:	
Support/Opposition:	
Staff recommendation:	Revise existing conditions to add a condition specifically requiring compliance to the noise standards in the Municipal Code Section 17.120.
For further information:	Contact case planner Margot Lederer Prado at 510-238-6766 .

SUMMARY

The Planning Commission directed staff to bring the existing Conditional Use Permit (CM95-143) back for consideration in order to add specific conditions requiring the operator to comply with the noise standards in the Planning Code to specifically request compliance with the noise standards in the Planning Code, Section 17.120.050. A site plan dated May 26, 2004 and elevations depicting acoustical awnings is attached (Attachment B). Alliance Metals is a recycling collection and buyback center located at 3246 Peralta Street in West Oakland. The Planning Commission reviewed their existing activities in two recent meetings (November 5, 2003 & May 5, 2004 under Director’s Report). In those meetings, the Planning Commission confirmed staff’s determination that the activity is in compliance to all other conditions of approval, but found the activity in violation of the noise standards (Planning Code Section 17.120.050) in two locations- at Peralta and 34th Street and on Peralta towards Fitzgerald Street. The owner/operator of the facility has initiated design and construction of acoustical awnings which were presented as alternatives to the Commission on May 5, 2004. Additional noise readings shall be required to be taken by the owner’s noise consultant after installation of the proposed alterations and the data shall be presented to staff as satisfaction of requirement for

compliance with the Planning Code standards for noise. The suggested wording which would appear as Conditional of Approval #26 (a-e) is included as Attachment "A".

BACKGROUND

A Conditional Use Permit for a scrap operation was granted to Alliance Metals in 1989 (CM89-395) and a subsequent Conditional Use Permit was granted in 1995 (CM95-143) for expansion of the site. The Conditional Use Permit was modified by the Planning Commission in 1998 per the owner's request in order to clarify the existing conditions of approval. Community complaints initiated the review of the current compliance status before the Planning Commission on November 5, 2003 and May 5, 2004. The Planning Commission suggested the addition of a condition to specifically require compliance to City noise standards at the May 5, 2004 hearing. This application is a result of that request.

PROPERTY DESCRIPTION

The property is a 26,500 square foot site in the West Clawsen neighborhood of West Oakland. It is bounded by 34th Street on the south and Peralta Street on the west, and Magnolia Street on the west. It is in an area of West Oakland that was once predominately industrial and zoned M-30 General Manufacturing. The general plan designation of Housing & Business Mix accurately reflects the mixed use composition of the neighborhood. The main entry for the site is on Peralta Street

GENERAL PLAN ANALYSIS

The facility is located on an industrially zoned parcel (M-30, General Industrial) but within the Housing & Business Mix General Plan designation. The Housing and Business Mix General Plan designation allows light industrial uses as well as a wide range of commercial, light industrial and residential uses.

ZONING ANALYSIS

The property is in the M-30 General Industrial zone. The parcel is adjacent to a residential zone (R-36 Small Lot Residential District). The area will be proposed to be re-zoned as Housing & Business Mix zoning district within the next year. The new proposed HBX district allows residential, commercial and light industrial uses.

NOISE ISSUES/PROPOSED MITIGATIONS

The applicant will re-locate some activities within the site in order to lessen noise levels (See Attachment "B" site plan and elevation). These actions include moving the "Shopping cart sorting" activities partially inside and to the rear of the building along Peralta Street ("Building A"), and moving the baler to an outside location along the east wall. The baler is a relatively quiet activity, but will be covered by acoustical awning to maintain compliance with noise standards. The metal sorting will be moved inside "Building C". This will allow the foot traffic to be moved partially inside "Building B". Acoustical absorption material will be installed on the walls of the Building B". Acoustical awnings will also be installed over the "automobile sorting"

activities that will remain in the yard along Peralta Street and at the corner of 34th and Peralta Streets.

ENVIRONMENTAL DETERMINATION

This project is exempt from the California Environmental Quality Act (CEQA) per Section 15301, Minor Alternations to Existing Facilities.

RECOMMENDATIONS:

1. Affirm staff's environmental determination.
2. Approve the additional condition of approval (Attachment A) as part of the facilities approved Conditional Use Permit CM-95-143.

Prepared by:

Margot Lederer Prado, AICP
Planner III

Approved for forwarding to the
City Planning Commission:

GARY PATTON
Deputy Director of Planning and Zoning

ATTACHMENTS:

- A. New Condition of Approval
- B. Site Plans and Elevations for Acoustical Awnings

Attachment A

Additional Condition of Approval to CM95-143

In addition to all Conditions approved by CM95143 and all subsequent revisions, the following shall apply:

#26. Required compliance to noise standards Planning Code Section 17.120.050

a. On-going.

All activities conducted at the facility shall operate in compliance with Section 17.120.050 of the City of Oakland Planning Code. The facility shall be amended with the addition of acoustical baffles or any other such means as to insure compliance. Alternatives to (b-e) which meet the goal of compliance with Section 17.120.050 may be *approved at the discretion of the Planning Director.*

b. Apply for Building Permits by July 1, 2004.

Shopping cart sorting will partially enclosed and moved to the Building A, per site plan of May 26, 2004, to reduce noise impacts.

c. Apply for Building Permits by July 1, 2004.

Baling activities will be moved to the yard and covered by acoustical awnings to reduce noise impacts.

d. Apply for Building Permits by July 1, 2004.

Metal-sorting activities shall be moved inside "Building C" per site plan of May 26, 2004 to reduce noise impacts.

e. Apply for Building Permits by July 1, 2004.

Acoustical awnings will be installed over the automobile-sort area along Peralta Street and the corner of 34th and Peralta Streets to reduce noise impacts.

f. By September 1, 2004.

Upon completion of the acoustical amendments and relocation required in the above conditions, the owner shall supply staff with a certified acoustical noise report confirming compliance of the facility with the noise standards, Planning Code Section 17.120.050.

APPROVED BY: City Planning Commission: _____(date)_____ (vote)

City Council: _____(date)_____ (vote)