



7745 Greenback Ln Suite 250
Citrus Heights, CA 95610

September 19, 2025

P: 916.969.0900
F: 916.729.0900

deacon.com

CA# 760475

Attention: Chadrick Smalley
Community Development Director
City of Emeryville
1333 Park Avenue
Emeryville, CA 94608

RE: 3938 Horton Street
Noise Waiver Request

Dear Director Smalley,

We are requesting that the City of Emeryville approve the Noise Waiver Request for 3938 Horton Street.

The reason for requesting to do this work during non-business hours is to avoid having to run the seven RTUs on unstable generator power. Total Wine is closed between 9:00 pm and 9:00 am.

This PG&E shutdown will require a generator, either way, to provide power to Total Wine's single-phase equipment, such as their walk-in coolers, box refrigerators, and computers, while the work is being completed. The HVAC system is the challenge.

HVAC units are not conducive to being run on generator power because generator power is unstable power, with fluctuating voltage and frequency. Doing this work during regular business hours has the real potential for damage to their seven HVAC units on the roof.

This request is based on the following:

Hours and Days of Work Requested

PG&E Revised Date: 12 Hours Dec. 4th-5th, 2025
Set Up Time: 8:00 pm to 10:00 pm
Work Time: 10:00 pm to 6:00 am
Breakdown Time: 6:00 am to 8:00 am

Type of Work to be Conducted

This work involves replacing a transformer located in the Northeast corner of the building. This requires shutting down power to the building while the work is being completed.

Work done before Shutdown

The transformer concrete pad has already been placed, the underground conduit has been installed and inspected, and trench plates currently cover the trench.

The electrician will set up and prepare the generator on the weekday (regular business hours) prior. The generator will not be run until the night of work.

Night of Shut Down

PG&E will disconnect the power at 10 pm.

The electricians will start up the generator.

PG&E will place the transformer, connect the existing primary lines to the new transformer, and energize the transformer.

HVAC units and any equipment that has multiple phases will be tested before turning on the new power

Crew Size

This will start with the crew showing up at 8 pm to set up. PG&E will have a four-person crew, the electrician will have a four-person crew, the HVAC subcontractor will have a one-person crew, and Deacon will have a superintendent onsite; a total of 10 individuals. All crew members will park on the opposite side of the building from where the residents on 40th street reside.

Type of Equipment to Be Used

Crane Truck

Light Tower

300 kW Generator

Location Where Work Will Take Place

Please see attached Plan C4.0 – Overall Site Plan.

Anticipated Impacts

Anticipated Impacts include minimal crew talking, equipment noise, and minimal light pollution.

- **Crane Truck** rated at 55 dB – only needed to place the transformer
- **Light Tower** rated at 45 dB – only required when doing PG&E work
- **300 kW Generator** rated at a range of 60-70 dB – duration of work

Not all equipment will be running simultaneously.

The Light Tower will be pointed directly down at the electrical trench, which is necessary for the crew to work safely. This work area is in a planter.

Why the Waiver is Needed

The reason for requesting to do this work during non-business hours is to avoid having to run the seven RTUs on unstable generator power. Total Wine is closed between 9:00 pm and 9:00 am.

This PG&E shutdown will require a generator, either way, to provide power to Total Wine's single-phase equipment, such as their walk-in coolers, box refrigerators, and computers, while the work is being completed.

HVAC units, on the other hand, are not conducive to being run on generator power because generator power is unstable power, with fluctuating voltage and frequency. Doing this work during regular business hours has the real potential for damage to their seven HVAC units on the roof.

We request the approval of this Noise Waiver. We are committed to creating a job site that is conscious, respectful, and committed to minimizing the impact on the surrounding neighbors.

Contact Person

Jeanine Fuller
Deacon Construction LLC
jeanine.fuller@deacon.com
949.254.2250

Sincerely,

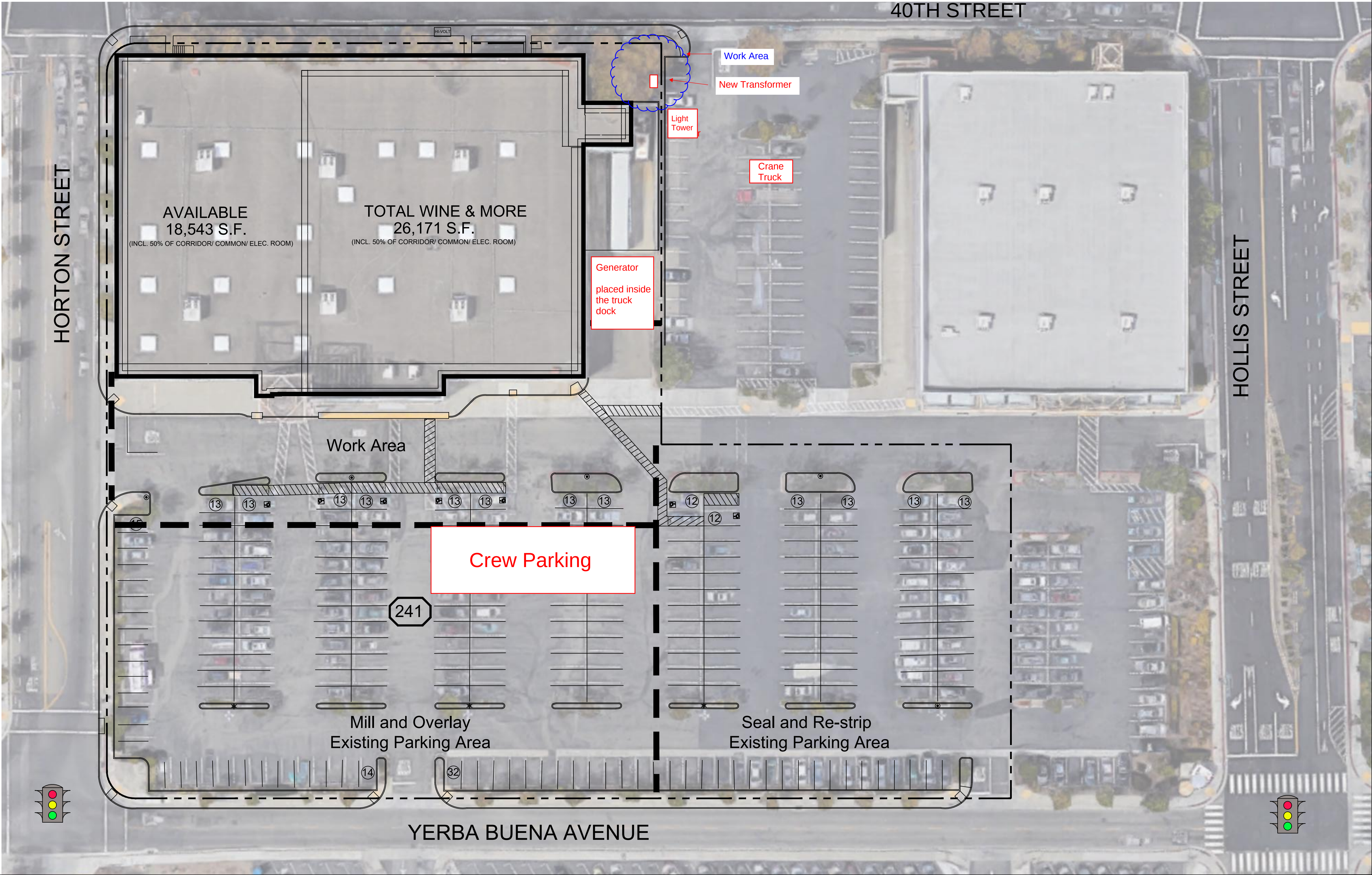
Jeanine Fuller

Jeanine Fuller, Project Manager
Deacon Construction, LLC

PROPOSED PARKING ANALYSIS			
USE	CODE	REQUIRED	PROVIDED
RETAIL (Oakland)	1 SPACE / 500 SF per §17.116.080	44,714 S.F. / 200 = 90 SPACES	
RETAIL (Emeryville)	3 SPACE / 1000 SF per Table 9-4.404	44,714 S.F. 3/1000 = 135 SPACES	
TOTAL		135 SPACES	241 SPACES
STALL SIZE		9'x18'	9'x18'

* AVAILABLE SPACE AND STORAGE AREAS CALCULATED AS RETAIL USE

- Permitting Notes:
- 1) GC responsible for submitting for and pulling permit for doing work within the ROW
 - 2) GC responsible for submitting for and pulling all permits for site work city



DRAWING REVISIONS:			
No.	DATE	BY	REMARKS

SPECIAL INFORMATION:
ALL CONTRACTORS SHALL GUARANTEE THEIR WORK FOR A PERIOD OF ONE YEAR FROM THE DATE OF OWNERS ACCEPTANCE.
SHOP DRAWING SUBMITTALS ARE REQUIRED FOR ANY AND ALL STRUCTURES.
NOTICE
UNAUTHORIZED ALTERATIONS OF THIS DOCUMENT ARE IN VIOLATION OF SECTION #7209 OF THE STATE EDUCATION LAW.



PROPERTY NUMBER: # 5207
AREA: -

3938 HORTON STREET
EMERYVILLE, CA 94608

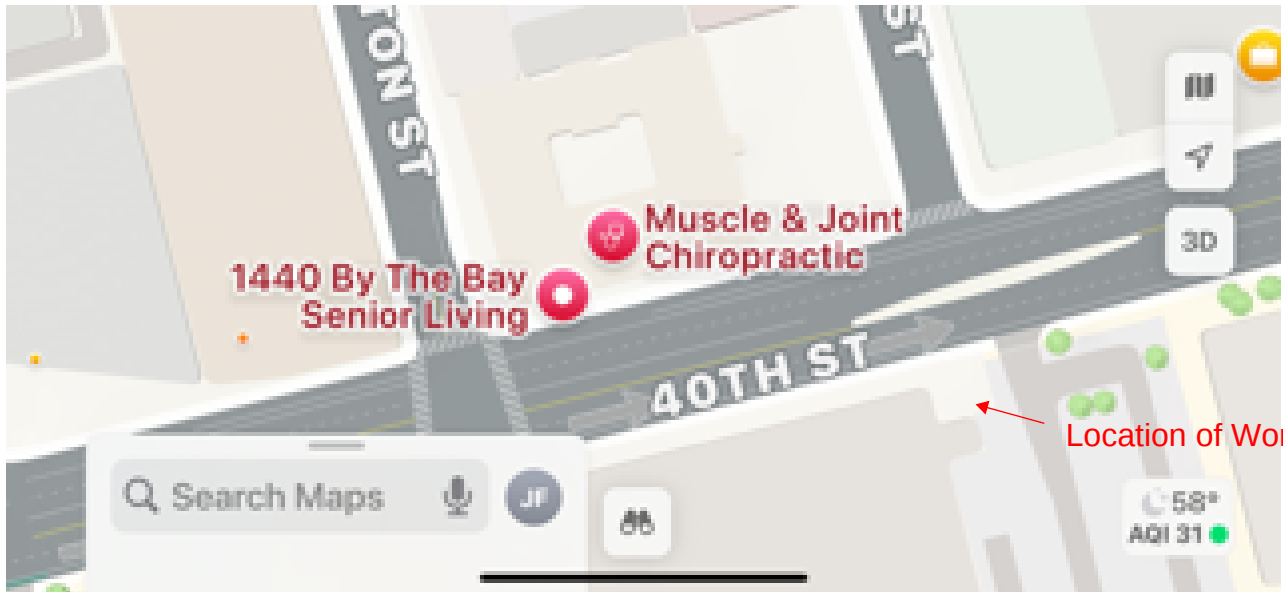
SIDEWALK RENVOATIONS

CONSULTANT

PREPARED FOR
BENDERSON DEVELOPMENT
570 DELAWARE AVE., BUFFALO, NY 14202
(716) 886-0211
SEAL

TITLE:
Overall Site
Plan

SCALE:
1" = 30'
DRAWN BY:
DMZ
CHECKED BY:
MAO
DATE:
04.09.2024
DRAWING NO.
C4.0





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Crane Truck