

RESOLUTION NO. 17-_____

Resolution Of The City Council Of The City Of Emeryville Granting A Waiver From The Noise Ordinance To AG-CCRP Public Market, L.P. For Construction Work On All Saturdays Between July 15, 2017 And October 28, 2017 At the Public Market For Streetscape Work

WHEREAS, on June 1, 2017, AG-CCRP Public Market requested a noise waiver to allow work from 9:00 a.m. to 6:00 p.m. on all Saturdays between July 15, 2017 and October 28, 2017 at the Public Market Project located in the vicinity of 5959 Shellmound Street; and

WHEREAS, the request is being made to facilitate the timely completion of construction of the new grocery store and associated parking, which in turn will allow construction of the redesigned and expanded Christie Avenue Park on a lot that is currently providing surface parking for the Public Market; and

WHEREAS, Chapter 13 of Title 5 of the Emeryville Municipal Code limits construction noise to 7:00 a.m. to 6:00 p.m. weekdays, but allows a developer or contractor to ask the City Council for a waiver of the construction noise restrictions subject to such conditions as the Council deems necessary to fulfill the purposes of the Noise Ordinance; now, therefore, be it

RESOLVED, that the City Council of the City of Emeryville hereby finds that the noise waiver for construction associated with the streetscape work at the Public Market Project in the vicinity of 5959 Shellmound Street is exempt from the California Environmental Quality Act (CEQA) under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, as stated in Section 15061(b)(3) of the State CEQA Guidelines; and be it further

RESOLVED, that the City Council finds that the conditions of approval listed below provide adequate protection for nearby residents and businesses; and be it further

RESOLVED, that the City Council hereby approves the request of AG-CCRP Public Market, L.P. for a waiver of construction noise hours for Saturday work in the vicinity of 5959 Shellmound Street with the following conditions:

1. Work shall be allowed on all Saturdays from July 15, 2017 to October 28, 2017, inclusive, between 9:00 a.m. and 6:00 p.m. All work and equipment shall be limited to that described in the attached letter from AG-CCRP Public Market, L.P. dated June 1, 2017, and attached hereto as Exhibit A.
2. Two signs shall be posted indicating the name and telephone number of a person to contact for concerns or complaints. This telephone must be answered by a live person during construction hours (not by voice mail or answering

machine). This person must have the authority to stop work. These signs must be clearly legible from Shellmound Street.

3. The applicant shall notify all neighbors within 300 feet of the site, and the Emeryville Police, Fire and Public Works departments, prior to commencing weekend work.
4. If residents or local businesses complain, all work on the site and in the vicinity shall cease until the issue is resolved.
5. The City Council may revoke or modify this approval if the applicant fails to comply with any of these conditions of approval, or if any complaints are received and not satisfactorily resolved.

ADOPTED by the City Council of the City of Emeryville at a regular meeting held on Tuesday, July 11, 2017 by the following vote:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

ATTEST:

CITY CLERK

MAYOR

APPROVED AS TO FORM:



CITY ATTORNEY