



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: July 11, 2017

TO: Carolyn Lehr, City Manager

FROM: Charles S. Bryant, Community Development Director

SUBJECT: 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 (CEQA Status: Exempt Pursuant To State CEQA Guidelines Section 15061(b)(3))

RECOMMENDATION

Staff recommends that the City Council adopt the attached Resolution granting a waiver from the Noise Ordinance to allow work on all Saturdays between July 15, 2017 and October 28, 2017 from 9:00 a.m. to 6:00 p.m. at the Public Market for streetscape work generally located in the vicinity of 5959 Shellmound Street.

BACKGROUND

On October 22, 2015, the Planning Commission approved a Tentative Map that included realignment of Shellmound Street and construction of new 62nd and 63rd Streets and Market Drive. Construction on Parcel C (the New Seasons grocery store and associated parking) and Parcel D (residential building at the former Theater site) is currently underway in accordance with the approved Final Development Plans.

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.

DISCUSSION

Saturday work is being requested on each Saturday between July 15, 2017 and October 28, 2017 from 9:00 a.m. to 6:00 p.m. in order to accelerate the construction schedule to achieve two major milestones as soon as possible.

- The first milestone is to achieve the opening of the parking structure on Parcel C. The opening of this parking structure is the trigger that then allows the Parcel E surface parking lot to be closed and demolished in order to begin construction of the Christie

Avenue Park Redesign and Expansion. (Please see Attachment 3 for location of Parcels C and E.)

- The second milestone is the opening of New Seasons Market, which is currently scheduled for early November. If the surrounding streetscape work is not completed by late October, then the grocery store will likely not open until March of next year.

As both of these milestones require the same streetscape work to be completed, the request is for additional time to accelerate the work, specifically on South Market Drive, the Parcel B portion of realigned Shellmound, and 62nd Street.

Type of Work

Attached to the Applicant's Noise Waiver Request letter is a spreadsheet that outlines the type of work and equipment and number of workers that will be present on each Saturday.

Staff Analysis

Typically, staff does not recommend approval of a noise waiver that is requested in order to accelerate a construction schedule. However, in this case staff believes that the benefit of allowing Saturday work exceeds inconvenience caused to the residents living in the surrounding development. This is because opening of the new grocery store on time and beginning the construction of Christie Avenue Park in a timely manner will be of benefit to the residents. In addition, work on realignment of Shellmound Street that is a busy street is a cause of inconvenience and it is to the City's benefit if the work is completed sooner rather than later. In addition, a notice was sent to the surrounding residents and no comments were received at the time of writing of this staff report.

FISCAL IMPACT

None.

STAFF COMMUNICATION WITH THE PUBLIC

A written notification of this public hearing item was sent to both owners and tenants of buildings within 300 feet of the project site including owners and residents of the Pacific Park Plaza, Avenue 64 and Artistry Apartments. A notice was also published in the Oakland Tribune.

CONFLICT OF INTEREST

There are no conflicts of interest regarding Council members' residences or work.

CONCLUSION

Staff recommends approval of the noise waiver request subject to the conditions of approval outlined in the draft resolution.

PREPARED BY: Miroo Desai, Senior Planner

**APPROVED AND FORWARDED TO THE
CITY COUNCIL OF THE CITY OF EMERYVILLE:**



Carolyn Lehr, City Manager

Attachments:

1. Resolution
2. Exhibit A. Applicant Letter
3. Site Map