

RESOLUTION NO. 18-____

Resolution Of The City Council Of The City Of Emeryville Granting A Waiver From The Noise Ordinance To DPR Construction For Crane Work In The Public Right-Of-Way On Saturday, January 20, 2018; Saturday, January 27, 2018; Saturday, February 10, 2018; And Saturday, February 24, 2018 Between The Hours Of 9:00 A.M. And 5:00 P.M. At The EmeryStation West/Transit Center Project Located At 5959 Horton Street (APN: 49-1489-15)

WHEREAS, on December 14, 2017 DPR Construction requested a Noise Waiver for exterior work on Saturday, January 20, 2018; Saturday, January 27, 2018; Saturday, February 10, 2018; and Saturday, February 24, 2018 between the hours of 9:00 a.m. and 5:00 p.m. for crane work to facilitate the installation of exterior paneling at the EmeryStation West/Transit Center Project located at 5959 Horton Street; and

WHEREAS, the request is being made to accommodate the use of a crane on Horton Street to install exterior paneling adjacent to the public right-of-way; and

WHEREAS, performing the work on Saturday will be safer and result in fewer traffic impacts due to fewer people being in the area on a weekend; 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; now therefore, be it

RESOLVED, that the City Council of the City of Emeryville hereby finds that the noise waiver for weekend construction work at the EmeryStation West/Transit Center Project at 5959 Horton 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 in this instance it can be seen with certainty that there is no possibility that the noise waiver will cause a significant effect on the environment; and be it further

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

RESOLVED, that the City Council hereby approves the request for a waiver of construction noise hours for Saturday work at the EmeryStation West/Transit Center Project located at 5959 Horton Street with the following conditions:

1. Work shall be allowed on January 20, January 27, February 10, and February 24, 2018 from 9:00 a.m. to 5:00 p.m. All work shall be limited to that described in the attached letter from DPR Construction Company dated December 20, 2017, and attached hereto as Exhibit A.

2. During welding operations flaggers shall be stationed on Horton Street to stop traffic when welding is occurring, or the block of Horton Street between 59th and 62nd Streets shall be closed to traffic and a detour implemented to the satisfaction of the Public Works Director.
3. The applicant shall obtain an encroachment permit from the Public Works Department that shall include a plan for proposed rerouting and detour for crane mobilization and demobilization work.
4. 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 Horton Street.
5. 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.
6. If residents or local businesses complain, all work on the site and in the vicinity shall cease until the issue is resolved.
7. 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, January 16, 2018 by the following vote:

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

ATTEST:

MAYOR

APPROVED AS TO FORM:



CITY CLERK

CITY ATTORNEY