

RESOLUTION NO. 18-____

Resolution Of The City Council Of The City Of Emeryville Granting A Waiver From The Noise Ordinance To Arrow Sign Company On Saturday, February 3, 2018 Between The Hours Of 6:00 A.M. And 5:00 P.M. For Removal Of The Art.com Signs At 2100 Powell Street (APN: 49-1495-9)

WHEREAS, on December 18, 2017 Arrow Sign Company requested a Noise Waiver for exterior work on Saturday, February 3, 2018 between the hours of 6:00 a.m. and 5:00 p.m. for crane work to facilitate the removal of the two Art.com high-rise identification signs at 2100 Powell Street; and

WHEREAS, the request is being made to accommodate the use of a crane and truck loading that will limit pedestrian and vehicular traffic around 2100 Powell Street; 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 2100 Powell 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 2100 Powell Street with the following conditions:

1. Work shall be allowed on February 3, 2018 from 6:00 a.m. to 5:00 p.m. All work shall be limited to that described in the attached letter from Arrow Sign Company dated December 18, 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 Frontage Road.

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, January 16, 2018 by the following vote:

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

ATTEST:

CITY CLERK

MAYOR

APPROVED AS TO FORM:



CITY ATTORNEY