



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: January 16, 2018

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 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) (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 (Chapter 13 of Title 5 of the Emeryville Municipal Code) to allow work hours between 6:00 a.m. and 5:00 p.m. on Saturday, February 3, 2018 for removal of the Art.com signs at 2100 Powell Street.

BACKGROUND

On August 25, 2011, the Planning Commission reviewed and approved the original sign application for Art.com (SIGN11-013), which proposed two “art.com” signs, all in lower case letters and in a single line, at the top of the north and south sides of the high-rise building at 2100 Powell Street. On February 23, 2012, Art.com came back to the Commission with a proposal to revise the design of the sign to “ART.COM” in all capital letters, with “ART.” on the top line and “COM” below it, resulting in a slightly larger sign. The Commission approved the signs, adding a condition of approval requiring that the newly proposed sign be shrunk by 10% in each direction.

In early June 2012, after the signs were installed, staff began receiving complaints from citizens residing in Pacific Park Plaza about the brightness of the north facing Art.com sign during nighttime hours. This ultimately resulted in revised conditions of approval adopted by the Planning Commission on November 19, 2012, that limited the colors and brightness level of the north facing sign.

Due to ongoing operational issues with the signs, the applicant proposed replacing the existing multi-color LED “pucks” with standard white LED technology commonly used in illuminated signs. This proposal was reviewed and approved by the Planning Commission on August 24, 2017. After the approval of the revised signs, Art.com has decided not to

move forward with sign replacement, but rather to remove the existing signs entirely. Staff understands that another tenant of 2100 Powell Street may wish to place their own high-rise identification signs at the top of the building; however, to date, no application has been filed. Any such new sign will require Planning Commission approval.

DISCUSSION

Noise Ordinance Waiver Procedures

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. Section 5-13.06 sets forth the procedures for a waiver. The applicant must submit a request, accompanied by the required fee, to the Planning Director, stating the hours and days of work requested, type of work to be conducted, type of equipment to be used, location on the property where work will take place, and reason(s) why a waiver is needed. The City Council then holds a noticed public hearing on the request, and may grant the request by resolution and designate such conditions as it deems necessary. After granting the request, the City Council may revoke or modify the waiver if the applicant fails to comply with any of the conditions upon which the waiver was granted, or if complaints are received and not satisfactorily resolved.

Reason for Noise Waiver Request

Removal of the signs requires a 250-ton wheeled hydraulic crane to remove and lower the signs into a truck. The crane is used to hold the sign in place while workers, located behind the signs on the building, detach the signs using hand tools. Parking the crane and truck on the north and south side of the building will block both pedestrian and vehicular traffic. On the north side of the property, this will impact not only those going to and from 2100 Powell Street, but also those traveling to nearby businesses using Access Road (a private street).

Staff believes that the request for Saturday work is reasonable given the nature of the work to be performed. There are no residential developments within 300 feet of the site, the required notification distance. Allowing work on a Saturday when there is less local traffic and fewer commuters will reduce the number of people impacted by the removal of the signs.

FISCAL IMPACT

None.

STAFF COMMUNICATION WITH THE PUBLIC

As required by the Noise Ordinance, staff mailed notices to property owners and site addresses within 300 feet of 2100 Powell Street and published a legal advertisement in the Oakland Tribune.

CONCLUSION

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

PREPARED BY: Navarre Oaks, Assistant Planner

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



Carolyn Lehr, City Manager

ATTACHMENTS

1. Resolution
2. Exhibit A - Applicant Request Letter