



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 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) (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 9:00 a.m. and 5:00 p.m. on four Saturdays: January 20, 2018; January 27, 2018; February 10, 2018; and February 24, 2018 at the EmeryStation West/Transit Center Project located at 5959 Horton Street.

BACKGROUND

On February 16, 2010, the City Council approved a Conditional Use Permit and Design Review to construct a seven-story office/laboratory building above two levels of parking ("EmeryStation West/Transit Center"). A building permit was issued on November 4, 2016 and construction is currently underway.

On May 2, 2017, the City Council approved a request from DPR Construction to work on four Saturdays (May 6, May 13, May 20 and May 27, 2017) to allow overhead electric welding, a concrete pour, and crane demobilization. No violations of the noise waiver conditions of approval occurred during this time.

DPR Construction now requests permission to work on four Saturdays (January 20, January 27, February 10, and February 24) between 9:00 a.m. and 5:00 p.m. The building under construction at 5959 Horton Street (EmeryStation West) requires crane work to install metal and precast concrete panels on the façade of the building. In order to install paneling along the Horton Street building façade, panels need to be lifted by a crane placed on Horton street. The panels then must be lifted above Horton Street, with welding

and installation taking place directly adjacent to Horton Street. This necessitates the complete closure of one traffic lane on Horton Street.

Section 5-13.05(a) of the Emeryville Municipal Code (EMC) states that “General construction noise on private and public projects shall be limited to weekdays from 7:00 a.m. to 6:00 p.m. Pile driving and similarly loud activities shall be limited to weekdays from 8:00 a.m. to 5:00 p.m.” Section 5-13.05(d)(3) states that “The City Council may allow construction noise beyond the hours contained in this chapter, upon request of a developer, owner or contractor for a waiver, following the procedure set forth in Section 5-13.06.”

Section 5-13.06 stipulates that 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 public hearing on the request, with notices sent to property owners within 300 feet of the site where work will take place, and a legal advertisement published in the Oakland Tribune. Following the public hearing, the Council 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.

DISCUSSION

Lifting and installing the panels along Horton Street requires crane work on, and above, Horton Street. To minimize impacts to the public and increase safety, the applicant proposes to conduct this work on the weekend when fewer commuters are in the area. The applicant’s letter describing the work and street closure is attached.

Staff believes that the request for Saturday work is reasonable given the nature of 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 area traffic and fewer commuters will reduced the number of people impacted by the construction necessary to complete this project.

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 5959 Horton Street and published a legal advertisement in the

Oakland Tribune. The Terraces and Hollis Street Complex are both about over 300 feet from the project site but have been included in this notification.

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