

RESOLUTION NO. 18-04

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:	<u>5</u>	Mayor Bauters, Vice Mayor Medina and Council Members Donahue, Martinez and Patz
NOES:	<u>0</u>	
ABSTAIN:	<u>0</u>	
ABSENT:	<u>0</u>	

ATTEST:



CITY CLERK


MAYOR

APPROVED AS TO FORM:



CITY ATTORNEY



DPR Construction
945, Front Street
San Francisco, CA 94111
Tel: (415) 782-3700

December 20, 2017

Charles S. Bryant, Director of Planning and Building
1333 Park Avenue, Emeryville, CA 94608

Attention: Charles S. Bryant
Reference: Emery Station West Transit Center – 5959 Horton Street, Emeryville CA
Subject: Saturday Work Authorization for 1/20/18, 1/27/18, 2/10/18, and 2/24/18

Dear Mr. Bryant,

DPR Construction is requesting approval from Emeryville City Council to work Saturday 1/20/18, 1/27/18, 2/10/18, and 2/24/18, from 9am to 5pm, at the Emery Station West project located at 5959 Horton Street, Emeryville, for work consisting of hoisting and install of exterior skin panels above the sidewalk and street zone.

Saturday work authorization is being requested to perform overhead exterior skin systems installation (glazing, metal panels, precast concrete panels) including a crane mobilization and de-mobilization. We wish to perform the overhead skin installation and welding work at the Horton St. elevation over the course of four Saturdays to increase safety measures due to panel hoisting and installation occurring over Horton St., as well as to limit traffic disruptions, mitigating any impacts to pedestrians, bicyclists, or vehicles. If the work were to be conducted under regular work hours, lane closures and pedestrian and vehicular traffic re-routing would be implemented for a longer period of time during the busier weekdays. More importantly, it is a significantly safer operation during the slower pedestrian and vehicular traffic experienced during the weekend.

While installation of the skin system not adjacent to Horton Street will be performed during normal working hours, as we go up nine additional stories directly adjacent to Horton Street we would like to limit potential exposure to the public. Appropriate signage and a flagger will be stationed on the street to caution and reroute people as needed. Working Saturday January 20th, 27th, and February 10th and 24th would allow us to perform this work more safely given that pedestrian, bicyclist, and vehicle traffic is significantly reduced during the weekend when thru traffic is greatly reduced, therefore allowing us to minimize disruption to the surrounding neighborhood and traffic patterns in a safely manner.

Please note that DPR previously implemented this strategy successfully in a similar approved request to work Saturdays in May of 2017 during the structural steel erection welding activities. Working strategically on Saturdays resulted in a safer environment and minimal disruption during activities involving overhead work adjacent to Horton Street.

- **Hours and Days of Work:** 1/20/18, 1/27/18, 2/10/18, and 2/24/18. Hours: 9am to 5pm. Workers will arrive by 9am and work will commence no earlier than 9am. Breakdown of activities and equipment shutdown will commence at 4:30pm and work will end no later than 5pm.
- **Area and Type of Work:** Exterior skin panel installation work at East side of 5959 Horton St. See attached map for location. Lane closures and equipment setup will be the same as with normal work hours with the exception being equipment and exterior skin panels will be hoisted, installed, and welded, directly over Horton St. Weekend hours mitigate pedestrians and vehicular traffic, therefore making it a safer and less disruptive operation.
- **Equipment to be used:** Crane, fork lift, oxyacetylene tanks and three 480 Volt welding generators. This is the same equipment used at other elevations with the difference being they will be in closer proximity to active Horton St.
- **Area and Location:** East side of 5959 Horton St. See attached highlighted plan for location.
- **Site Reference:** Parcel 2 of parcel map No. 7258 in book 236 of parcel maps in the City of Emeryville.
- **Number of workers:** 8 workers on site
- **Person to Contact:** Lane McCrea. e-mail: LaneM@dpr.com cell: 650-868-1923

Thanking you in advance for your consideration of this request,

By: 

Lane McCrea – Project Manager

Exhibit A

EmeryStation West
Lane Closure Traffic Control Plan



