

RESOLUTION NO. 18-_____

Resolution Of The City Council Of The City Of Emeryville Granting A Waiver From The Noise Ordinance To AvalonBay Communities For Construction Work On All Saturdays From May 5, 2018 To May 18, 2019 (Except May 26, 2018, November 24, 2018, And December 22, 2018) At The Marketplace Project (Parcel C-2 And Parcel D) Located At 6251 And 6301 Shellmound Street (APN: 49-1556-1; -2)

WHEREAS, on March 5, 2018, AvalonBay Communities (the applicant) requested a noise waiver to allow Saturday work from 10:00 a.m. to 5:00 p.m. on all Saturdays from May 5, 2018 to May 18, 2019 (except May 26, 2018, November 24, 2018, and December 22, 2018) at the Marketplace project (Parcel C-2 and Parcel D) located at 6251 and 6301 Shellmound Street; and

WHEREAS, the request is being made to the accelerate construction schedule; 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; and

WHEREAS, on May 1, 2018, the City Council held a public hearing to consider the noise waiver request; now, therefore, be it

RESOLVED, that the City Council of the City of Emeryville hereby finds that the noise waiver for construction work at the Marketplace Project (Parcel C-2 and Parcel D) at 6251 and 6301 Shellmound 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 be it further

RESOLVED, that the City Council finds that the conditions of approval listed 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 6251 and 6301 Shellmound Street with the following conditions:

1. Work shall be allowed on all Saturdays from May 5, 2018 to May 18, 2019, except May 26, November 24 and December 22, 2018, from 10:00 a.m. to 5:00 p.m. All work shall be limited to that described in the attached letter from AvalonBay Communities dated March 5, 2018, and attached hereto as Exhibit A.
2. The applicant shall obtain an encroachment permit from the Public Works Department for any work in the public right-of-way.
3. Signs shall be posted on each street frontage of each site 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 Shellmound Street, 64th Street, and the new 62nd Street, 63rd Street, and Market Drive.

4. No deliveries shall occur and no activities that require use of back-up beepers shall be done during Saturday construction.
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, May 1, 2018, by the following vote:

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

ATTEST:

CITY CLERK

MAYOR

APPROVED AS TO FORM:



CITY ATTORNEY

Exhibit A: Applicant Request Letter dated March 5, 2018