



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: July 10, 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, July 21, 2018 Between The Hours Of 6:00 A.M. And 5:00 P.M. For The Installation Of Two Tanium High-Rise 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 conduct a public hearing and then adopt the attached Resolution granting a waiver from the Noise Ordinance to allow work hours between 6:00 a.m. and 5:00 p.m. on Saturday, July 10, 2018 to Arrow Sign Company for the installation of two Tanium high-rise signs at 2100 Powell Street.

BACKGROUND

On January 16, 2018, the City Council approved a noise waiver requested by Arrow Sign Company for the removal of the two Art.com signs previously located at 2100 Powell Street. On February 3, 2018, the signs were removed. The City received no complaints or concerns from the public about the sign removal.

On April 26, 2018, the Planning Commission approved a Major Sign Permit for two new Tanium high-rise identification signs to be installed in the same location as the two previous Art.com signs at 2100 Powell Street. On June 12, 2018, Arrow Sign Company submitted a request for a noise waiver to install the new Tanium signs.

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

Installation of the signs requires a 250-ton wheeled hydraulic crane to lift the signs to the top of the building. The crane is also used to hold the sign in place while workers, located behind the signs on the building, attach 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 installation of the signs.

CEQA

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.

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 the 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 BY:**



Carolyn Lehr, City Manager

Attachments:

1. Resolution
2. Exhibit A - Applicant Request Letter