

RESOLUTION NO. 19-____

Resolution Of The City Council Of The City Of Emeryville Granting A Waiver From The Noise Ordinance To King Crane Service For Saturday Work On March 23, 2019, With A Backup Date Of March 30, 2019, Between The Hours Of 9:00 A.M. And 9:00 P.M. For Two Cranes To Remove And Replace 18 Rooftop Air Handling Units At 1400 65th Street (APN: 49-1510-3-1)

WHEREAS, on February 22, 2019 King Crane Service requested a Noise Waiver for crane work to remove and replace 18 existing rooftop air handling units at 1400 65th Street between 9:00 a.m. and 9:00 p.m. on Saturday, March 23, 2019, with a backup date of March 30, 2019; and

WHEREAS, the building at 1400 65th Street where the air handling units are being removing and replaced cannot be occupied during the crane work; and

WHEREAS, one side of 65th Street between Hollis Street and Overland Avenue will need to be closed for the staging and use of two cranes; 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, the City Council conducted a noticed public hearing to consider the application, the staff recommendation, and all public comments received; now therefore, be it

RESOLVED, that the City Council of the City of Emeryville hereby finds that the noise waiver for Saturday construction work at 1400 65th 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 1400 65th Street with the following conditions:

1. Work shall be allowed on Saturday, March 23, 2019 between 9:00 a.m. and 9:00 p.m. If weather or other issues prevent work from happening on Saturday, March 23, 2019, then the work may take place on Saturday, March 30, 2019. All work shall be limited to that described in the letter from King Crane Service dated February 22, 2019, attached hereto as Exhibit A.
2. Three 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 65th Street and Hollis Street.

3. 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.
4. If residents or local businesses complain, all work on the site and in the vicinity shall cease until the issue is resolved.
5. 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, March 19, 2019 by the following vote:


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

ATTEST:

CITY CLERK

MAYOR

APPROVED AS TO FORM:



CITY ATTORNEY