

RESOLUTION NO. 19-38

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 Any Single Saturday From April 27, 2019, Through May 18, 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, on March 19, 2019, the City Council held a duly and properly noticed public hearing to consider the Noise Waiver request, at which the applicant indicated that the dates of the Noise Waiver needed to be modified to accommodate construction delays; and

WHEREAS, the City Council directed that the item be continued to the next City Council meeting on April 2, 2019, and that notices of the continued hearing be distributed with the correct dates of the Noise Waiver request; and

WHEREAS, the applicant subsequently withdrew their request for an April 2, 2019 hearing in favor of having an April 16, 2019 hearing date for a work day request of April 27, 2019; and

WHEREAS, in order to plan for unforeseen circumstances, the applicant is requesting that the earliest available Saturday after April 27, 2019 be approved as an alternative work day, and thus staff is recommending that the City Council approve Saturday work from 9:00 a.m. to 9:00 p.m. on any single Saturday from April 27, 2019 through May 18, 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, on April 16, 2019 the City Council held a duly and properly 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 any single Saturday from April 27, 2019 through May 18, 2019 between 9:00 a.m. and 9:00 p.m. All work shall be limited to that described in the letter from King Crane Service, 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 mail notices to all neighbors within 300 feet of the site, and the Emeryville Police, Fire and Public Works departments, at least five days 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, April 16, 2019 by the following vote:

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


MAYOR

ATTEST:


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY



Hours and Days of Work Requested

Saturday April 27th, 2019 - 9:00AM to 9:00PM. Work must be done on a Saturday. If the 27th is not available or we are unable to perform the work because of weather, it will need to be the earliest available Saturday.

9:00AM – Set up traffic control, rig in, set-up (2) truck cranes for (2) hours. (2) Cranes are necessary to complete the amount of work required in one day.

11:00AM – Remove (18) existing Air Handling Units and hoist (18) new Air Handling Units into place on the roof of building for (8) hours. Time must be allowed for installation of each unit.

7:00PM – Take down (2) truck cranes, rig out, and take down traffic control for (2) hours.

9:00PM – All work is completed.

Type of Work to Be Conducted

Rig in (2) truck cranes into partial street closure with traffic control to remove and replace (18) Air Handling Units on the roof of 1400 65th Street.

Type of Equipment to Be Used

- (1) 75-ton mobile truck crane
- (1) 265-ton mobile truck crane

Location Where Work Will Take Place

1400 65th Street, Emeryville – Traffic Control Site Map is attached.

3 Out of 4 lanes on the North side of 65th Street between Shellmound Street and Hollis Street.

Why the Waiver is Needed

This noise waiver is needed because this work needs to be completed on the weekend. OSHA requires buildings under the swing path of cranes to be vacated while hoisting loads overhead. This would have a significant impact on businesses during weekday business hours. Completing this work on the weekend will also avoid congesting weekday commuter traffic.

Contact Person

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This permit is submitted by Peter Smith, mailto:psmith@bi(510)410-9370