

CITY OF EMERYVILLE

INTERPRETATION OF PLANNING REGULATIONS

Interpretation 13-01

INTERPRETATION

All telecommunication facility installations not located in the RM Medium Density Residential zone, whether a new site or co-located, will require Major Design Review for *any* changes to the exterior, including screens, walls, stealth installations, and other “hidden” facilities.

Any new installation completely within an existing structure and not visible from the exterior, and not located in the RM Medium Density Residential zone, will still be subject to the Application Requirements in Section 9-5.1703, including the documents listed in 9-5.1703(c), numbers (1) – (5), due at the time of building permit application, as well as the Post-Installation Verification and Monitoring requirements of Section 9-5.1706.

CODE SECTION

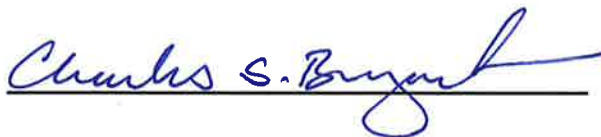
9-5.1700 Telecommunication Facilities

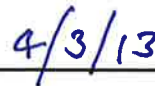
DISCUSSION

Section 9-5.1704(b) states that “Wireless Communications Antennas not in the RM Medium Density Residential zone are subject to major design review unless the antennas and all associated equipment are completely hidden from public view.” This is interpreted to mean that major design review is required for *any* exterior change resulting from the antenna, including a “stealth” treatment or screening of any kind. Major design review is not required *only* if there is no perceptible exterior change whatsoever. In that case, no discretionary review is required, but the Application Requirements in Section 9-5.1703 and the Post-Installation Verification and Monitoring requirements of Section 9-5.1706 shall still apply, in order to ensure compliance with the City’s requirements for telecommunication facilities. Note that, pursuant to Section 9-5.1704(a), Wireless Communications Antennas in the RM zone are subject to both a major conditional use permit and major design review, whether they are visible or not.

APPROVED BY:

ON:





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CITY OF EMERYVILLE

INTERPRETATION OF PLANNING REGULATIONS

Interpretation 13-02

INTERPRETATION

Pursuant to Emeryville Municipal Code Section 5-13.05(a), "General construction noise on private and public projects shall be limited to weekdays from 7:00 a.m. to 6:00 p.m. Pile driving and similarly loud activities shall be limited to weekdays from 8:00 a.m. to 5:00 p.m." The term "similarly loud activities" shall include jack hammering, grading, compacting, dump trucks, generators, chain saws, and any other equipment whose noise level measures more than 85 dB at the property line of the construction site. This applies regardless of the wording of the conditions of approval of any specific project, unless the Planning Commission or City Council has granted a specific exemption.

CODE SECTION

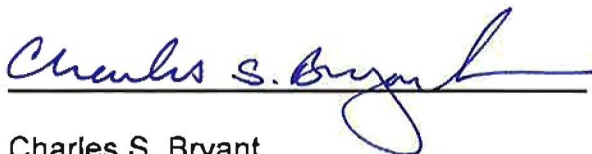
5-13.05(a) Construction Noise

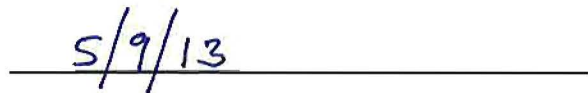
DISCUSSION

Although not part of the Planning Regulations, the Noise Ordinance in Chapter 13 of Title 5 of the Emeryville Municipal Code is referenced in conditions of approval adopted pursuant to the Planning Regulations, which occasionally require interpretation by the Director of Planning and Building. A number of previously approved projects include a condition that "construction hours shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday, and pile driving activity shall be limited to 8:00 a.m. to 5:00 p.m., Monday through Friday." While only pile driving is explicitly mentioned in these conditions, Section 5.13.05(a) still applies to all projects, including the phrase "similarly loud activities". This begs the question, "what are 'similarly loud activities'?" The above interpretation answers that question. The standard of 85 dB at the property line is based on the standard conditions of approval for non-impact tools, and because continual exposure to noises above that level can lead to permanent hearing loss. It stands to reason that anything louder than that should be restricted to the 8:00 a.m. to 5:00 p.m. hours. Note that noises louder than 85 dB are still allowed between 7:00 a.m. and 8:00 a.m., and between 5:00 p.m. and 6:00 p.m., as long as they are muffled in some way (include being inside a building) such that they are no louder than 85 dB at the property line of the construction site.

APPROVED BY:

ON:





Charles S. Bryant
Planning and Building Director