

RESOLUTION NO. 22-___

Resolution Of The City Council Of The City Of Emeryville Granting A Waiver From The Noise Ordinance To JS Builders LLC For Saturday Work On March 19, March 26 And April 2, 2022 From 8:00 A.M. To 4:30 P.M. At 6701 Shellmound Street (Formerly Known As The “Nady Site” And Now Known As “Bayview Apartments”) And Designating Conditions Of Approval (APN: 49-1490-2) (CEQA Status: Exempt Pursuant To State CEQA Guidelines Section 15061(b)(3))

WHEREAS, on February 3, 2022, Bayview Emeryville LLC and JS Builders LLC requested a noise waiver to allow work from 7:00 a.m. to 3:30 p.m. on three Saturdays (March 19, March 26, and April 2) to do rough framing and sprinkler work on the fifth and sixth floors of a 186-unit apartment development under construction at 6701 Shellmound Street; and

WHEREAS, the request is being made to make up for loss of time due to COVID outbreaks and quarantine requirements that the workers needed to follow per County guidelines; 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, upon the request of staff, the applicant has agreed to a later start time of 8:00 am and an end time of 4.30 pm; and

WHEREAS, on March 15, 2022, 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 6701 Shellmound Street is exempt from the California Environmental Quality Act (CEQA) under the “common sense exemption” 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 because the construction is temporary in nature; 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 work on March 19, March 26, and April 2, 2022 at 6701 Shellmound Street with the following conditions:

1. Work shall be allowed only on March 19, March 26, and April 2, 2022, between the hours of 8:00 a.m. and 4:30 p.m. All work shall be limited to that described in

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the letter from Bayview Emeryville LLC and JS Builders LLC dated February 3, 2022, attached hereto as Exhibit A.

2. Two 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 Shellmound 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 15, 2022, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

DocuSigned by:
John Kennedy

CITY ATTORNEY