



MEMORANDUM

DATE: March 15, 2022

TO: Christine Daniel, 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 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))**

RECOMMENDATION

Staff recommends that the City Council adopt the above-entitled Resolution granting a waiver from the Noise Ordinance to allow work from 8:00 a.m. to 4:30 p.m. on March 19, March 26 and April 2, 2022, for rough framing and sprinkler work on floors five and six of the Bayview Apartments under construction at 6701 Shellmound Street.

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

JS Builders LLC is the general contractor for the 186-unit apartment building that is under construction at 6701 Shellmound Way. The Planning entitlements were obtained in 2016 and, after remediation of the site, a building permit was issued on May 28, 2021. Bayview Emeryville LLC (the developer) and JS Builders LLC (general contractor) are requesting permission to do work on three Saturdays (March 19, March 26 and April 2) to do rough

framing and sprinkler work on the fifth and sixth floors. The reason for the request is to make up for loss of time due to COVID outbreaks and quarantine requirements that the workers needed to follow per County guidelines.

Type of Tools and Work: There will be 25-30 employees during Saturday work using air compressors, hammers and power saws. No heavy equipment (other than an existing construction crane) will be used.

Given that the site is over 600 feet from the nearest residential developments (Bridgewater, Artistry and Courtyards) and that the pandemic induced delays could not be foreseen, staff believes the request for weekend may be granted, particularly if notification of the proposed noise waiver request does not solicit objections and/or concerns.

The applicant had initially proposed 7:00 am as their preferred start time and 3:30 pm as their end time. However, upon staff request the applicant has agreed to a later start time of 8:00 am and an end time of 4.30 pm.

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 6701 Shellmound 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: Miroo Desai, Senior Planner

**APPROVED AND FORWARDED TO THE
CITY COUNCIL OF THE CITY OF EMERYVILLE:**



Christine Daniel, City Manager

ATTACHMENT:

- Draft Resolution, including Exhibit A, Applicant Request Letter