



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: May 15, 2018

TO: Carolyn Lehr, City Manager

FROM: Charles S. Bryant, Director of Community Development

SUBJECT: Resolution Of The City Council Of The City Of Emeryville Granting A Waiver From The Noise Ordinance To DPR Construction Between May 21, 2018 And July 14, 2018 For Eight Weekdays Of Work Between 6:00 P.M. And 2:00 A.M., One Weekday Of Work Between 4:00 A.M. And 7:00 A.M., And One Saturday of Work Between 6:00 A.M. And 4:00 P.M. At The Clif Bar Offices At 1400 65th Street, Suite 200 (APN: 49-1510-3-1) (CEQA Status: Exempt Pursuant To State CEQA Guidelines Section 15061(b)(3))

RECOMMENDATION

Staff recommends that the City Council approve the attached Resolution granting a waiver from the Noise Ordinance to allow work outside of the permitted weekday hours of 7:00 a.m. to 6:00 p.m. on nine weekdays and one Saturday between May 21, 2018 and July 14, 2018 at the Clif Bar offices at 1400 65th Street, Suite 200.

BACKGROUND

Clif Bar has obtained building permits to expand their corporate office space within the existing building at 1400 65th Street, Suite 200. The applicant is requesting work outside of the permitted construction hours of 7:00 a.m. to 6:00 p.m. weekdays to minimize impacts to Clif Bar employees, and to ensure that all required egress in the building is maintained while the building is occupied during normal business hours.

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

The types of work that need to be done (saw cutting, jack hammering, roto-hammering, concrete pouring, setting a bridge and stairs, and crane pick work) cannot be done during the permitted construction hours of 7:00 a.m. to 6:00 p.m. because, except for the crane pick, all work must take place indoors and cannot overlap with normal business hours. The indoor work would create safety hazards, particularly limiting egress, making it infeasible to continue normal business operations and construction work simultaneously. Conducting the crane pick on a Saturday, instead of a weekday, will limit the amount of parking and traffic impacts to the neighborhood.

As it is difficult to anticipate the exact dates that each type of work will need to be done, the applicant is requesting a noise waiver from May 21, 2018 through July 14, 2018. The crane pick work, if needed, would take place between 6:00 a.m. and 4:00 p.m. on a Saturday between June 23, 2018 and July 14, 2018.

The requested noise waiver work and hours are:

- 5:00 p.m. – 2:00 a.m. (9 hours) for three consecutive weekday nights for concrete demolition. This includes saw cutting and jack hammering.
- 5:00 p.m. – 2:00 a.m. (9 hours) for one weekday night for roto-hammering into an existing column foundation.
- 5:00 p.m. – 2:00 a.m. (9 hours) for four consecutive weekday nights for setting bridge and stair structural elements.
- 4:00 a.m. – 8:00 a.m. (4 hours) for one weekday morning to conduct a concrete pour of new foundations.
- 6:00 a.m. – 4:00 p.m. (10 hours) on a Saturday for a crane pick on 66th Street to place roof equipment. The applicant is investigating other options to avoid a crane pick, however, if a crane pick is necessary it will require closing one lane of 66th Street between Hollis Street and Shellmound Street.

Because the allowed construction noise hours on weekdays are between 7:00 a.m. and 6:00 p.m., the actual noise waiver for the first three items above would be from 6:00 p.m. to 2:00 p.m. (8 hours), and for the fourth item it would be from 4:00 a.m. to 7:00 a.m. (3 hours). The evening hours between 5:00 p.m. and 6:00 p.m. and the morning hours between 7:00 a.m. and 8:00 a.m. are permitted and do not require a noise waiver.

Notification

As required by the Noise Ordinance, staff mailed notices to property owners and site addresses within 300 feet of 1400 65th Street and published a legal advertisement in the Oakland Tribune.

Reason for Recommending Approval

Staff believes that the request for morning and evening work indoors during the workweek, and Saturday work for a crane pick, is reasonable given the nature of the work to be performed. While there are residential units within 300 feet of the site (the required notification distance), they are located either across the train tracks to the west, or to the south-east of the project site, across Hollis Street. As the proposed weekday work will take place entirely inside, and the proposed weekend crane work will take place on 66th Street where there are no residential units, the noise impacts to neighbors are anticipated to be minimal.

PREPARED BY: Navarre Oaks, Assistant Planner

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



Carolyn Lehr, City Manager

Attachments:

1. Resolution
2. Exhibit A: Applicant Request Letter dated April 13, 2018