

## RESOLUTION NO. 18-\_\_\_\_

**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)**

**WHEREAS**, on April 13, 2018 DPR Construction requested a noise waiver for eight weekdays of interior work between May 21, 2018 and July 14, 2018 from 5:00 p.m. to 2:00 a.m.; one weekday of interior work between May 21, 2018 and July 14, 2018 from 4:00 a.m. to 8:00 a.m.; and one day of exterior work for a crane pick on a Saturday between June 23, 2018 and July 14, 2018 between the hours of 6:00 a.m. and 4:00 p.m. at the Clif Bar offices at 1400 65<sup>th</sup> Street, Suite 200; and

**WHEREAS**, the request is being made to provide for interior work that cannot take place during the permitted construction hours of 7:00 a.m. to 6:00 p.m. on weekdays without compromising the safety of Clif Bar employees at 1400 65<sup>th</sup> Street, Suite 200; and to accommodate the use of a crane that will limit pedestrian and vehicular traffic on 66<sup>th</sup> Street; and

**WHEREAS**, performing the work on weekday mornings and evenings, and on a Saturday, will be safer for Clif Bar employees and will result in fewer traffic impacts due to fewer people being in the area on a weekend; 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 May 15, 2018, the City Council held a public hearing to consider the noise waiver request; now therefore, be it

**RESOLVED**, that the City Council of the City of Emeryville finds that the noise waiver for work at the Clif Bar offices at 1400 65<sup>th</sup> Street, Suite 200 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 of the City of Emeryville hereby approves the request for a waiver of construction noise hours for nine weekdays and one Saturday between May 21, 2018 and July 14, 2018 at the Clif Bar offices at 1400 65<sup>th</sup> Street, Suite 200 with the following conditions:

1. In addition to construction work normally permitted between 7:00 a.m. and 6:00 p.m. on weekdays, work shall be allowed 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 65<sup>th</sup> Street, Suite 200 (APN: 49-1510-3-1). All work shall be limited to the dates and times, and the type of work described in the attached letter from DPR construction dated April 13, 2018, and attached hereto as Exhibit A.
2. The applicant shall obtain an encroachment permit from the Public Works Department for any work in the public right-of-way.
3. 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 66<sup>th</sup> Street.
4. The applicant shall notify all neighbors within 300 feet of the site, and the Emeryville Police, Fire and Public Works departments, prior to commencing morning, evening, or weekend work.
5. If residents or local businesses complain, all work on the site and in the vicinity shall cease until the issue is resolved.
6. 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, May 15, 2018 by the following vote:

AYES: \_\_\_\_\_  
NOES: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_  
ABSENT: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

APPROVED AS TO FORM:


  
\_\_\_\_\_  
CITY ATTORNEY

Exhibit A: Applicant Request Letter dated April 13, 2018