

RESOLUTION NO. 18-46

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 65th 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 65th Street, Suite 200; and to accommodate the use of a crane that will limit pedestrian and vehicular traffic on 66th 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 65th 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

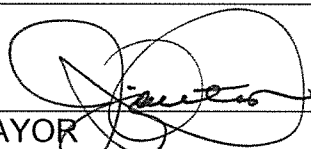
RESOLVED, that the City Council finds that the conditions set forth below provide adequate protection for nearby residents and businesses; and be it further

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 65th 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 65th 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 66th 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.

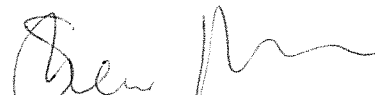
ADOPTED by the City Council of the City of Emeryville at a regular meeting held on Tuesday, May 15, 2018 by the following vote:

AYES:	<u>4</u>	<u>Mayor Bauters and Council Members Donahue, Martinez and Patz</u>
NOES:	<u>0</u>	<u></u>
ABSTAIN:	<u>0</u>	<u></u>
ABSENT:	<u>1</u>	<u>Vice Mayor Medina</u>


MAYOR

APPROVED AS TO FORM:

ATTEST:


CITY CLERK



CITY ATTORNEY

Exhibit A: Applicant Request Letter dated April 13, 2018



April 13th, 2018

Charles S. Bryant, Community Development Director
1333 Park Avenue, Emeryville, CA 94608

Dear Mr. Bryant,

I'm writing to you on behalf of DPR Construction and Clif Bar & Company. We are currently mobilizing for construction activities to expand Clif Bar's Corporate Office space at 1400 65th St., and have identified a number of activities that will need to be performed outside Emeryville's construction noise window (M-F, 7:00 a.m. – 6:00 pm). These requests are made in order to minimize impacts to Clif Bar's employees and to also insure required egress while the building is occupied during business hours. As this work is located indoors and a fair distance from residential areas, our team feels that noise impacts to the neighborhood will be minimal.

Here is a list of the construction activities and their respective requested variance time frames:

1. Concrete Demolition – Saw Cutting and Jack Hammering will need three – 8 hr consecutive week night shifts (5 pm -2 a.m.)
2. Roto-hammering into an existing column foundation will require one 8 hr week night shift (5 pm – 2 a.m.)
3. Concrete Pouring of new foundations will require one 4 hr early morning shift (4 a.m – 8 a.m.) Concrete truck will be located in Clif Bar designated parking spaces to minimize impacts to street traffic.
4. Setting the Structural Elements of the Bridge and Stairs will require four – 8 hr consecutive week night shifts (5 pm – 2 a.m.). Structural elements have bolted and welded connections. Once the structural elements are delivered, there should be little to no noise disturbance.
5. A crane may be required for placing Roof Equipment. DPR is investigating alternative methods, but if a crane is needed it would require one lane closure of 66th St. between Hollis and Shellmound St., and one 10 hour shift on a Saturday (6 a.m. – 4 pm)

These activities will all be performed between the dates of May 21st and July 14th. Exact dates for items 1-4 are difficult to determine due to potential changes in the construction schedule, but they will occur during week nights. The crane pick (if needed) would take place on a Saturday between June 23rd and July 14th. All activities are located at the North side of the corridor leading to the main entrance on 66th St. (see attached map), and will be indoors, with the exception of delivery vehicle traffic. Please inform of any additional information/protocols we can provide/take to clarify and/or minimize impacts to the community. DPR and Clif Bar are committed to being good neighbors and partners with the City of Emeryville and its residents. Thank you in advance for taking the time to consider this request and being part of our project's success.

Best,

Joel Savage
Sr. Project Engineer | DPR Construction

1400 65th St. • Suite 300 • Emeryville, CA 94608 • Phone: (415) 846-0970 • email: joels@dpr.com

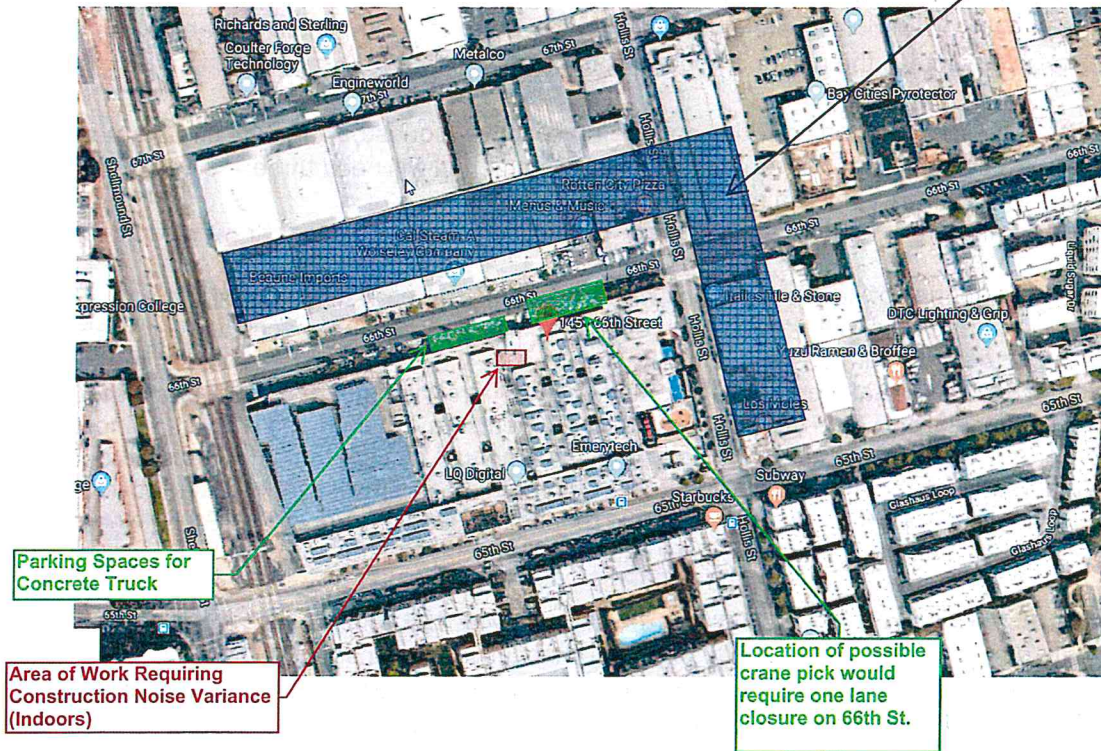
Exhibit A

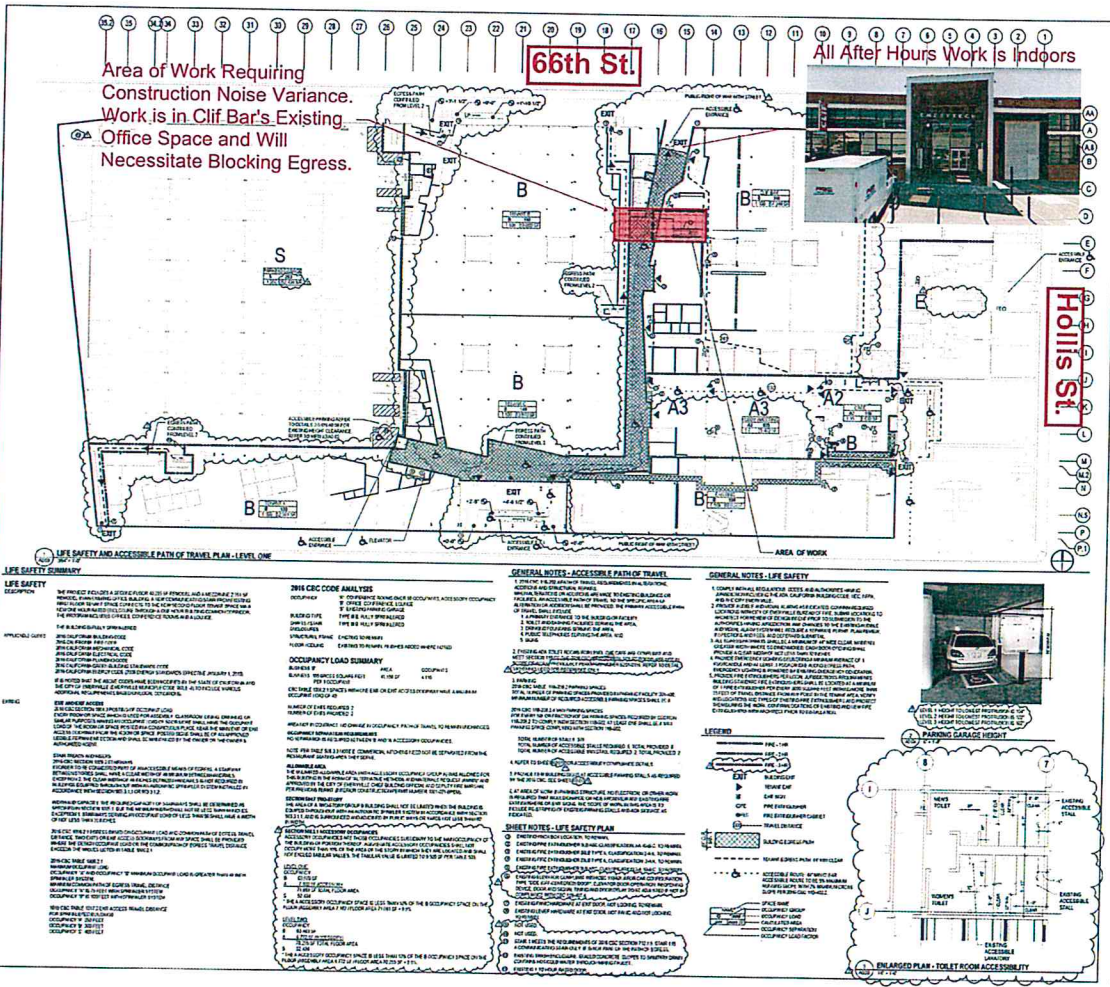
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APR 13 2018
NOISE-002
PLANNING DIVISION

Clif Bar Phase 3 Project: Work Area Requiring
Construction Noise Variance

Non-Residential
Businesses





ZGF RECEIVED
 APR 13 2018
 PLANNING DIVISION

CLIFF BAR & COMPANY HEADQUARTERS
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 www.cliffbar.com

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 CONSTRUCTION SET

