



# City of Emeryville

CALIFORNIA

## MEMORANDUM

**DATE:** March 19, 2019

**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 King Crane Service For Saturday Work On March 23, 2019, With A Backup Date Of March 30, 2019, Between The Hours Of 9:00 A.M. And 9:00 P.M. For Two Cranes To Remove And Replace 18 Rooftop Air Handling Units At 1400 65<sup>th</sup> Street (APN: 49-1510-3-1) (CEQA Status: Exempt Pursuant To State CEQA Guidelines Section 15061(b)(3))

## RECOMMENDATION

Staff recommends that the City Council adopt the attached Resolution granting a waiver from the Noise Ordinance to allow work from 9:00 a.m. to 9:00 p.m. on Saturday, March 23, 2019, with a backup date of March 30, 2019, for the removal and replacement of 18 rooftop air handling units, which requires two cranes at 1400 65<sup>th</sup> Street.

## BACKGROUND

Eighteen existing rooftop air handling units need to be removed and replaced along the 65<sup>th</sup> Street side of the EmeryTech building located at 1400 65<sup>th</sup> Street. This work requires two mobile truck cranes to be located along 65<sup>th</sup> Street, which necessitates the closure of one side of the street and that the building be unoccupied. King Crane Service is requesting Saturday work from 9:00 a.m. to 9:00 p.m. on March 23, 2019; with a back-up request date of Saturday, March 30, 2019 if the first date proves infeasible due to weather or other issues.

## 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 existing 18 rooftop air handling units at 1400 65<sup>th</sup> Street need to be removed and replaced. The rooftop equipment can only be removed and replaced using cranes. Completing the work in one day requires two cranes, both of which would be located along 65<sup>th</sup> Street, requiring one side of the street to be closed. Per Occupational Safety and Health Administration (OSHA) requirements, a building with crane work overhead cannot be occupied. Due to the length of time required for set-up (two hours), crane work (eight hours), and take-down (2 hours), a noise waiver would be required for this project any day of the week. However, considering that the EmeryTech building cannot be occupied during the crane work and that a travel lane must be closed, conducting the work Monday through Friday would have greater impacts on businesses, neighbors, and traffic.

Staff believes that the request for Saturday work is reasonable given the nature of the work to be performed and the safety measures that must be taken. Staff recommends approval of the requested noise waiver.

### **FISCAL IMPACT**

None.

### **CEQA STATUS**

Staff recommends the City Council find this noise waiver 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. This recommendation is incorporated in the attached resolution.

### **STAFF COMMUNICATION WITH THE PUBLIC**

As required by the Noise Ordinance, staff mailed notices to property owners and site addresses within 300 feet of 1400 65<sup>th</sup> 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:** Navarre Oaks, Assistant Planner

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



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Christine Daniel, City Manager

**ATTACHMENT**

- Draft Resolution, including Exhibit A, Applicant Request Letter