



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: November 2, 2021

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 Matrix HG, Inc. For A Crane Lift To Replace Boilers On Saturday, November 20, 2021 From 8:00 A.M. To 5:00 P.M. At 6001 Shellmound Street And Designation Of Conditions Of Approval (APN: 49-1556-24) (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 5:00 p.m. on Saturday, November 20, 2021, for a crane lift to replace boilers at the Marketplace Office building located at 6001 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

Matrix HG, Inc, Inc are requesting permission to do Saturday work to replace two hot water boilers with new ones of the same size and capacity by means of a crane lift. The building is occupied during the week and the hot water loop will need to be shut down in the building during replacement of the boilers. This is the reason work needs to be done on a Saturday when the building is vacant.

Type of Tools and Work: A Link-Belt HTT-86100 Crane and its associated rigging tractor trailers will be employed. The work will be performed on the roof of 6001 Shellmound

Street. The crane will be set up on 62nd Street between Market Drive and Shellmound Street. One delivery truck will bring in the new boilers and remove the old boilers from the site. There will be a total of eight employees that will be present during this time.

Staff believes the request for weekend work is reasonable given that the nature of the work requires hot water to be turned off and the best time to do that is when the building is vacant. Conditions of approval in the Resolution include obtaining an encroachment permit from the Public Works Department prior to start of work.

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 6001 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