

## RESOLUTION NO. 21-119

### **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))**

**WHEREAS**, on October 4, 2021, Matrix HG, Inc. requested a noise waiver 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; and

**WHEREAS**, the request is being made because 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; and

**WHEREAS**, Chapter 13 of Title 5 of the Emeryville Municipal Code limits construction noise to 8:00 a.m. to 5:00 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 November 2, 2021, the City Council held a duly and properly noticed public hearing to consider the application, the staff recommendation, and all public comments received; now therefore, be it

**RESOLVED**, that the City Council of the City of Emeryville hereby finds that the noise waiver for Saturday construction work at 6001 Shellmound Street 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 hereby approves the request for a waiver of construction noise hours for work on Saturday, November 20, 2021, at 6001 Shellmound Street with the following conditions:

1. Work shall be allowed only on Saturday, November 20, 2021, between 8:00 a.m. and 5:00 p.m. All work shall be limited to that described in the letter from Matrix HG, Inc. dated October 4, 2021, attached hereto as Exhibit A.
2. The applicant shall obtain an encroachment permit from the City's Public Works Department for the crane set-up prior to start of work.
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

Resolution No. 21-119  
Marketplace Noise Waiver  
City Council Meeting | November 2, 2021  
Page 2 of 2

person must have the authority to stop work. These signs must be clearly legible from Market Drive and Shellmound 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 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, November 2, 2021, by the following vote:

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

DocuSigned by:

*Dianne Martinez*

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MAYOR

ATTEST:

DocuSigned by:

*Sheri Hartz*

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CITY CLERK

APPROVED AS TO FORM:

DocuSigned by:

*Andrea Visveshwara*

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INTERIM CITY ATTORNEY