

RESOLUTION NO. 19-118

Resolution Of The City Council Of The City Of Emeryville Granting A Waiver From The Noise Ordinance To EAH Housing And J.H. Fitzmaurice, Inc. For Saturday And Sunday Work From August 14, 2019 Through October 30, 2019 Between The Hours Of 9:00 A.M. And 5:00 P.M. For Interior Work Including Drywall, Taping, Texturing, Painting And Finishes; Courtyard Work Including Lath, Stucco, Paint, Waterproofing And Pavers; And Exterior Work Including Painting And Thin Brick Installation At 3706 San Pablo Avenue (APN: 49-951-8 and -9) (CEQA Status: Exempt Pursuant To State CEQA Guidelines Section 15061(b)(3))

WHEREAS, on January 22, 2015 the Planning Commission approved the 3706 San Pablo Avenue Affordable Housing Project, an 87-unit affordable housing development with approximately 6,900 square feet of commercial space, now known as “Estrella Vista”, and

WHEREAS, on February 19, 2019 the City Council granted a noise waiver to EAH Housing and J.H. Fitzmaurice, Inc for exterior and interior work from 9:00 a.m. to 5:00 p.m. on Saturdays from February 23, 2019 through August 10, 2019 for work including interior paint, texture, and stucco using hand tools and mixers, as well as exterior lath, stucco, painting, and waterproofing, and paver installation in the courtyard at 3706 San Pablo Avenue (Resolution No. 19-19); and

WHEREAS, on June 27, 2019 EAH Housing and J.H. Fitzmaurice, Inc requested an extension of the noise waiver for exterior and interior work from 9:00 a.m. to 5:00 p.m. on Saturdays and Sundays from August 14, 2019 through October 30, 2019 at 3706 San Pablo Avenue; and

WHEREAS, the proposed work includes drywall, taping, texturing, painting and finishes in the interior; lath, stucco, paint, waterproofing and pavers in the courtyard; and painting and thin brick installation on the exterior; and will be done using hand tools and mixers and equipment required for concrete work; 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, pursuant to Chapter 13 of Title 5 of the Emeryville Municipal Code, the City Council held a noticed public hearing to consider the noise waiver request; now therefore, be it

RESOLVED, that the City Council of the City of Emeryville hereby finds that the noise waiver for weekend construction work at 3706 San Pablo Avenue 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 Saturday and Sunday work at 3706 San Pablo Avenue with the following conditions:

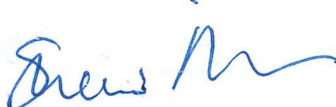
1. With the exception of the Labor Day Weekend (Saturday, August 31, 2019 and Sunday, September 1, 2019), work shall be allowed on Saturdays and Sundays between 9:00 a.m. and 5:00 p.m. from August 14, 2019 through October 30, 2019. All work shall be limited to that described in the letter from J.H. Fitzmaurice dated June 27, 2019, attached hereto as Exhibit A. Sunday work shall be limited to the interior and courtyard, using only hand tools and mixers.
2. Construction worker parking shall occur in the building's garage.
3. Plastic tarps shall be in place on all scaffolding facing adjacent properties during stucco or painting work.
4. Three 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 San Pablo Avenue, West MacArthur Boulevard, and 37th Street.
5. 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.
6. If residents or local businesses complain, all work on the site and in the vicinity shall cease until the issue is resolved.
7. 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, July 23, 2019 by the following vote:


AYES:	<u>5</u>	Mayor Medina, Vice Mayor Patz, and Council Members Bauters, Donahue, and Martinez
NOES:	<u>0</u>	_____
ABSTAIN:	<u>0</u>	_____
ABSENT:	<u>0</u>	_____



MAYOR

ATTEST:


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY

City of Emeryville
1333 Park Avenue Emeryville, CA
Attn: Mr. Charles S. Bryant
Director of Planning and Building

June 27th, 2019

Re: **3706 San Pablo**
Request to work Saturdays

Dear Mr. Bryant,

Hope this letter finds you well. EAH Housing (Non-Profit Developer) and J.H. Fitzmaurice, Inc. (General Contractor) are requesting an extension of the previously granted request to work Saturdays and Sundays at the 3706 San Pablo project located at 3706 San Pablo Avenue in Emeryville. We are requesting that the previous request be extended from 8/14/19 to 10/30/19. Per Miroo Desai at the City of Emeryville the following information is required and is provided as follows:

1. Hours and days of work requested

We are requesting for Saturdays and Sundays from 9AM to 5PM to be considered as allowable work days. We are requesting up to an average of two to three Saturdays per month for the remainder of the anticipated construction period. We will only be working select Saturdays & Sundays for critical work as needed; we will not be working every Saturday & Sunday.

2. Type of work to be conducted

Interior work such as drywall, taping, texturing, painting & interior trim finishes. Exterior work would include lath, stucco, paint, waterproofing and pavers at Courtyard elevation. Exterior work will also include painting & thin brick installation at San Pablo, MacArthur & 37th street elevations. All vehicles will be parked in Garage and will not take away from street parking. Site work will include concrete, paver, & landscaping work. Also, all tools & equipment used during Saturday & Sunday work will comply with Chapter 13 NOISE policy per City of Emeryville.

3. Type of equipment to be used

Hand tools will be used; occasional use of mixer for paint, texture, stucco will be used as required. Equipment required for concrete work will be used. All noise generated from equipment being used will comply with Chapter 13 NOISE policy per the City of Emeryville.

4. Location on the property, where work will take place

Work would primarily take place at the interior of the building and Courtyard elevations with occasional work at Exterior Building & on site work as noted in section 2 above. No public work or street improvement work will be conducted.

5. Why is the waiver needed

This waiver is being requested and is needed in order to complete the project per the contract completion date. The contract completion date is July 15th, 2019. Due to unforeseen conditions associated with removal of an existing billboard and abatement of contaminated soils at the beginning of the project, the contract completion date was pushed back to October 30th, 2019. In order to make up for this lost time, J.H. Fitzmaurice & EAH Housing are asking for certain Saturdays to be allowed as work days for scopes of work that impact the overall schedule. Previous request granted permission to work Saturdays up until 8/14/19 we would like to request that date to be extended to 10/30/19.

6. Person to contact with phone number and email

- Kyan Hakimi, Project Manager, J.H. Fitzmaurice, Inc.
Tel: (510) 774-5871, Email:<mailto:kyan@jhf>
- Ethan Daniels, Sr. Project Manager, EAH Housing
Tel: (415) 295-8866, Email:<mailto:ethan.daniels@eah>

Please Note: check for fee associated with putting in this request for \$1,284.00 payable to City of Emeryville is enclosed with this letter.

Thank you for your time & we appreciate your consideration of this request.

Regards,



Kyan Hakimi
Project Manager
J.H. Fitzmaurice, Inc.
2857 Hannah Street, Oakland CA. 94608
t – 510-444-7561 ext. 310 cell-510-774-5871 mailto:kyan@



Ethan Daniels

Sr. Project Manager

Direct/ Fax/ SMS: (415) 295-8886 | mailto:ethan.daniels@eah

<http://www.eahho> | <http://v> | <https://w> | <https://\>

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EAH Housing | CalBRE Lic. #00853495 | HI Lic. RB-16985