

RESOLUTION NO.

Resolution Of The City Council Of The City Of Emeryville Granting A Waiver From The Noise Ordinance To Turner Construction Company For Construction Work On All Saturdays From 8:00 A.M. To 6:00 P.M. From November 7, 2015 To December 26, 2015 For The Emeryville Center Of Community Life Project On A Site Of About 7.7 Acres On The Block Bounded By San Pablo Avenue On The East, 47th Street On The South, 53rd Street On The North, And Emery Bay Village On The West. (APN: 13-1182-5-3, -8-4, And 23-4; 49-1181-1; 49-1182-15-8)

WHEREAS, on October 20, 21, 2015, Turner Construction Company requested a noise waiver to allow construction on all Saturdays between November 7, 2015 and December 26, 2015 from 8:00 a.m. to 6:00 p.m. at the Emeryville Center of Community Life (ECCL) project on the west side of San Pablo Avenue between 47th and 53rd Streets (ECCL project); and

WHEREAS, the request is being made to ensure that the gymnasium building is ready for scheduled occupancy by the school and community; 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; now, therefore, be it

RESOLVED, that the City Council of the City of Emeryville finds that the noise waiver for construction of the ECCL project 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 be it further

RESOLVED, that the City Council finds that the conditions 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 work at the ECCL project site on the west side of San Pablo Avenue between 47th and 53rd Streets with the following conditions:

1. Work shall be allowed on all Saturdays between November 7, 2015 and December 26, 2015 from 8:00 a.m. to 6:00 p.m. All work shall be limited to interior and exterior work as described in the letter from Turner Construction Company dated October 20, 2015.
2. Back up beepers will be disabled during Saturday work.
3. 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, 47th and 53rd Streets.

4. The applicant shall notify all of the neighbors within 300 feet of the site, and the Emeryville Police, Fire and Public Works departments, prior to commencing Saturday work.
5. If residents or local businesses complain, all work on the site and in the vicinity will 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 3, 2015.

MAYOR

ATTEST:

APPROVED AS TO FORM:



CITY CLERK

CITY ATTORNEY