



CITY OF EMERYVILLE

MEMORANDUM

DATE: November 3, 2015

TO: Carolyn Lehr, City Manager

FROM: Charles S. Bryant, Director of Community Development

SUBJECT: **Resolution Of The City Council Of The City Of Emeryville Granting A Waiver From The Noise Ordinance To The 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)**

RECOMMENDATION

Staff recommends that the City Council adopt the attached resolution granting a waiver from the Noise Ordinance to allow Saturday work on all Saturdays between November 7, 2015 and December 26, 2015 from 8:00 a.m. to 6:00 p.m. on the west side of San Pablo Avenue between 47th and 53rd Streets for the Emeryville Center of Community Life (ECCL) project.

DISCUSSION

On August 22, 2013, the Planning Commission approved a Conditional Use Permit and Design Review to redevelop the Emery Secondary School site to accommodate a 129,805 square foot multi-story, multi-use facility. The proposal will co-locate the elementary and secondary schools and accommodate the City's community services and recreation programs and is known as the Emeryville Center of Community Life (ECCL) project. Demolition of existing buildings is complete and the project is under construction.

The applicant, Turner Construction Company, requests permission to work Saturdays from now until the end of the year.

Type of Work

The applicant is requesting 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. (See attached Turner request letter).

The proposed work includes site grading and concrete operations, exterior plaster work and interior floor and dry wall operations in the gymnasium building.

Noise will be produced in the form of structural work, power tools, and worker communication. The type of equipment that will be used includes bobcats, forklifts, compaction drums, air compressors and other small power tools such as chop and tile saws and staplers.

Reason for Noise Waiver Request

The reason for the noise waiver request is to accelerate completion of the gymnasium building and associated site work to allow for scheduled usage of the gym by the community and the school. Time was lost because the roof needed be replaced, which was not anticipated and was discovered during removal of roofing material. In addition, there were also delays in site utilities installation.

The School District needs to resume their sports programs, for which they have not had a “home court” since the 2011-12 basketball season. In addition, the School District has historically used the Senior Center for school functions and fundraisers, but since that location is currently being renovated, there is not a sufficient space for them to hold these events. Finally, the City of Emeryville Community Services Department has suspended all Youth and Adult Sports programs since the fall of 2012. Since this is the only public basketball gym in the city, there is not an alternative space for Emeryville residents to use.

Conditions of Approval

Conditions of approval for the noise waiver, as provided in the attached resolution, are:

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.

Notification

As required by the Noise Ordinance, staff notified property owners and mailed notices to site addresses within 300 feet of the project site of this request and published a legal advertisement in the Oakland Tribune.

Submitted By: Miroo Desai, Senior Planner

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



Carolyn Lehr
City Manager

Attachment: Applicant's Request Letter
Draft Resolution