

RESOLUTION NO. 19-____

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 Work From February 23, 2019 Through August 10, 2019 Between The Hours Of 9:00 A.M. And 5:00 P.M. For Work With Hand Tools And Mixers For Paint, Texture, And Stucco At 3706 San Pablo Avenue (APN: 49-951-8 and -9)

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 January 17, 2019 EAH Housing and J.H. Fitzmaurice, Inc requested a Noise Waiver for exterior and interior work from 8:00 a.m. to 5:00 p.m. on Saturdays from February 23, 2019 through August 10, 2019 for work using hand tools and mixers at 3706 San Pablo Avenue; and

WHEREAS, the majority of the proposed work will be located in the interior of the building and will be done using hand tools, while mixers for paint, texture, and stucco will occasionally be required; and

WHEREAS, a portion of the proposed work includes exterior lath, stucco, painting, waterproofing, and paver installation in the courtyard; and

WHEREAS, staff recommends a start time of 9 a.m., as part of the request is for exterior building work that is in close proximity to the residential neighbors to the east of 3706 San Pablo Avenue; 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, the City Council of the City of Emeryville conducted a noticed public hearing on February 19, 2019 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 Saturday 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 work at 3706 San Pablo Avenue with the following conditions:

1. Work shall be allowed on Saturdays between 9:00 a.m. and 5:00 p.m. from February 23, 2019 through August 10, 2019. All work shall be limited to that described in the letter from J.H. Fitzmaurice dated January 16, 2019, attached hereto as Exhibit A.
2. 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.
3. 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.
4. If residents or local businesses complain, all work on the site and in the vicinity shall cease until the issue is resolved.
5. 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, February 19, 2019 by the following vote:


AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

ATTEST:

CITY CLERK

MAYOR

APPROVED AS TO FORM:



CITY ATTORNEY