

RESOLUTION NO. 19-____

Resolution Of The City Council Of The City Of Emeryville Granting A Waiver From The Noise Ordinance To Cannon Constructors North, Inc. For Work On Weekends For A 12 Week Period Between October 1, 2019 And March 31, 2020 Between The Hours Of 8:00 A.M. And 5:00 P.M. For Work Related To Framing Of Corridors To Receive Fire Sprinklers At The Intersection Project Located At 3800 San Pablo Avenue (APN: 12-952-24 and 25; 49-952-4, 6, and 7) (CEQA Status: Exempt Pursuant To State CEQA Guidelines Section 15061(b)(3))

WHEREAS, On August 22, 2013 the Planning Commission approved a Conditional Use Permit and Design Review to reuse an existing 25,000 square foot building for commercial uses, and to construct a new 105-unit rental apartment building and parking structure on the existing surface parking lot to the east, on the site of the “Maz” building at 3800 San Pablo Avenue; and

WHEREAS, Holliday Development then obtained building permits for the commercial and residential components, and construction work began after the issuance of a foundation permit in September 2014; and

WHEREAS, a six-alarm fire on July 6, 2016 destroyed the wood framing of the residential superstructure; and a building permit for work on the fire damaged podium was issued on September 27, 2016 and work restarted on the site; and a five-alarm fire on May 13, 2017 destroyed the wood framing of the residential structure for the second time; and

WHEREAS, building permits for removal of fire damaged debris and installation of temporary shoring for the commercial structure and for podium repairs were issued between May and July 2017, and

WHEREAS, Holliday Development has decided to rebuild the residential project for the third time using modular construction; and the Building Division is currently processing a building permit application for site work associated with the modular residential building, which is anticipated to be issued in the next few weeks; and

WHEREAS, on August 6, 2019, Cannon Contractors North, Inc. submitted a letter requesting a waiver from the noise ordinance for 12 weekends from 8:00 a.m. to 5:00 p.m. for framing work necessary to accommodate fire sprinklers in the project; and

WHEREAS, the proposed work will be done using Skil saws, hammers and nail guns; 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 properly 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 during a 12 week period between October 1, 2019 and March 31, 2020 at 3800 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 weekend work during a 12-week period between October 1, 2019 and March 31, 2020 at 3800 San Pablo Avenue with the following conditions:

1. Work shall be allowed on 12 weekends between October 1, 2019 and March 31, 2020, except the weekend of November 28-December 1 (Thanksgiving), between 8:00 a.m. and 5:00 p.m. at 3800 San Pablo Avenue. All work shall be limited to that described in the letter from Cannon Constructors dated August 6, 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 39th Street.
3. The applicant shall notify all neighbors within 300 feet of the site, and the Emeryville Planning, Police, Fire and Public Works departments, at least two weeks prior to commencing weekend work. The notification will clearly indicate the proposed weekends that construction work will occur.
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, October 1, 2019 by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

MAYOR

ATTEST:

APPROVED AS TO FORM:



CITY CLERK

CITY ATTORNEY