



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: October 1, 2019

TO: Christine Daniel, City Manager

FROM: Charles S. Bryant, Community Development Director

SUBJECT: 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))

RECOMMENDATION

Staff recommends that the City Council hold a public hearing and thereafter adopt the attached Resolution granting a waiver from the Noise Ordinance to allow work from 8:00 a.m. to 5:00 p.m. on 12 weekends between October 1, 2019 and March 31, 2020 for framing work necessary to accommodate fire sprinklers at the Intersection Mixed Use Project located at 3800 San Pablo Avenue.

BACKGROUND

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.

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. A six-alarm fire on July 6, 2016 destroyed the wood framing of the residential superstructure. A building permit for work on the fire damaged podium was issued on September 27, 2016 and work restarted on the site. A five-alarm fire on May 13, 2017 destroyed the wood framing of the residential structure for the second time. The existing Maz building also suffered fire damage. 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. Holliday Development has decided to rebuild the residential project for the third time using modular construction, with the units to be fabricated at Factory_OS in Vallejo. The units will be trucked to the site from the factory and craned into place on the podium. A building permit application for site work associated with the modular construction was submitted on October 15, 2018, and is

currently being processed by the Building Division; the permit is anticipated to be issued in the next few weeks.

DISCUSSION

Noise Ordinance Waiver Procedures

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. Section 5-13.06 sets forth the procedures for a waiver. The applicant must submit a request, accompanied by the required fee, to the Planning Director, stating the hours and days of work requested, type of work to be conducted, type of equipment to be used, location on the property where work will take place, and reason(s) why a waiver is needed. The City Council then holds a noticed public hearing on the request, and may grant the request by resolution and designate such conditions as it deems necessary. After granting the request, the City Council may revoke or modify the waiver if the applicant fails to comply with any of the conditions upon which the waiver was granted, or if complaints are received and not satisfactorily resolved.

Reason for Noise Waiver Request

Cannon Constructors North, Inc. are requesting permission to do work on 12 weekends during the time when framing work for corridors takes place. Framing accommodates installation of fire sprinkler piping and heads. The modular apartment units will arrive onsite with completed rough-in for fire sprinklers. The modular units will need to be connected with the site-built fire sprinkler system, which necessitates building of interior corridors to support the sprinkler piping system.

The weekend work is requested only until the corridors are framed and fire sprinkler piping and heads are installed. The applicant is interested in installation of the fire protection system as soon as possible in order to minimize chances of a third fire. However, the precise beginning and end dates for this 12-week period cannot be established at this time, because they depend on issuance of the building permit. Therefore, staff proposes to allow the weekend work during any 12-week period within a six month window between October 1, 2019 and March 31, 2020.

Type of Tools and Work: It is anticipated that about thirty workers will be present on-site using Skill saws, hammers and nail guns.

Staff believes that the request for weekend work is reasonable given that the project was burnt twice, despite having taken precautions after the first fire. Staff would, however, recommend that weekend work not occur during the Thanksgiving holiday weekend. Since Christmas and New Year's Day fall on Wednesdays this year, there is no need to exclude those weekends. Conditions of approval in the Resolution exclude the Thanksgiving weekend and also include a requirement for neighborhood notification once the applicant has established firm dates for weekend work.

FISCAL IMPACT

None.

STAFF COMMUNICATION WITH THE PUBLIC

As required by the Noise Ordinance, staff mailed notices to property owners and site addresses within 300 feet of 3800 San Pablo Avenue and published a legal advertisement in the Oakland Tribune.

CONCLUSION

Staff recommends approval of the noise waiver request subject to the conditions of approval outlined in the draft resolution.

PREPARED BY: Miroo Desai, Senior Planner

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



Christine Daniel, City Manager

ATTACHMENT

- Draft Resolution, including Exhibit A, Applicant Request Letter