

RESOLUTION NO. _____

Resolution Of The City Council Of The City Of Emeryville Granting A Waiver From The Noise Ordinance For Paving Work On Hollis Street, Park Avenue, 45th Street, 53rd Street, Stanford Avenue, And Powell Street On Non-Holiday Dates To Be Determined Between April 2, 2025 And October 30, 2025 To The City Of Emeryville And Bay Cities Paving & Grading Inc. For Work Related To Street Improvements As Part Of The 2024 Sustainable Streetscapes, Project No. EPW-23008 (CIP No. 24221005) (CEQA Status: Exempt Pursuant To State CEQA Guidelines Section 15061(b)(3))

WHEREAS, on June 4, 2024, the City Council authorized the construction of the 2024 Sustainable Streetscapes Paving Project, Project No. EPW-23008 (CIP No. 24221005) by awarding a contract to Bay Cities Paving and Grading Inc.; and

WHEREAS, Chapter 13 of Title 5 of the Emeryville Municipal Code limits construction noise to 7:00 a.m. and 6:00 p.m. on weekdays but allows a developer or contractor to request the City Council for a waiver of the construction noise restrictions (the “Noise Ordinance”); and

WHEREAS, Bay Cities Paving and Grading Inc. has requested to perform portions of their paving work on Hollis Street, Park Avenue, 45th Street, 53rd Street, Stanford Avenue, and Powell Street during the nighttime and during the weekend daytime hours when transit services, freight deliveries and other vehicular traffic are less frequent resulting in less disruption of normal operations to local residents and businesses along the Hollis Street corridor; and

WHEREAS, the proposed conditions of approval, as requested by the City of Emeryville on behalf of Bay Cities Paving and Grading Inc., are as follows:

- 1) Nighttime work between the hours of 6:00 p.m. and 7:00 a.m. on dates to be determined with work happening between April 2, 2025 and October 30, 2025 to perform paving operations on Hollis Street between 40th Street and Powell Street, and within 200 feet of the intersections of Hollis Street and Park Avenue, 45th Street, 53rd Street, Stanford Avenue, and Powell Street; and
- 2) Weekend daytime work between the hours of 7:00 a.m. and 6:00 p.m. on dates to be determined with work happening between April 2, 2025 and October 30, 2025 to perform paving operations on Hollis Street between 40th Street and Powell Street, and within 150 feet of the intersections of Hollis Street and Park Avenue, 45th Street, 53rd Street, Stanford Avenue, and Powell Street; and
- 3) Work shall not occur on Holidays including Memorial Day (5/26/25), Juneteenth (6/19/25), Independence Day (7/4/25), Labor Day (9/1/25), and Indigenous Peoples’ Day (10/13/25); and

Resolution No. _____
2024 Sustainable Streetscapes Noise Ordinance Waiver
City Council Meeting | April 1, 2025
Page 2 of 3

- 4) City staff shall notify all neighbors within 600 feet of the site, the Emeryville Police and Public Works Departments, and Alameda County Fire Department, 72 hours prior to commencing nighttime or weekend work; and
- 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; and

WHEREAS, on April 1, 2025, the City Council held a duly and properly noticed public hearing to consider the request for a waiver, staff recommendation, and public comment; now, therefore, be it

RESOLVED, by the City Council of the City of Emeryville finding the circumstances related to the 2024 Sustainable Streetscapes Paving Project are extraordinary and grants a waiver from the Noise Ordinance for the paving work on Hollis Street, Park Avenue, 45th Street, 53rd Street, Stanford Avenue, and Powell Street on dates to be determined between April 2, 2025 and October 30, 2025 to the City of Emeryville and Bay Cities Paving and Grading Inc., subject to the conditions set forth below; and, be it, further

RESOLVED, by the City Council of the City of Emeryville that the City Council grant of a waiver from the Noise Ordinance is subject to the following conditions:

- 1) Nighttime work between the hours of 6:00 p.m. and 7:00 a.m. on dates to be determined with work happening between April 2, 2025 and October 30, 2025 to perform paving operations on Hollis Street between 40th Street and Powell Street, and within 150 feet of the intersections of Hollis Street and Park Avenue, 45th Street, 53rd Street, Stanford Avenue, and Powell Street; and
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- 3) Work shall not occur on Holidays including Memorial Day (5/26/25), Juneteenth (6/19/25), Independence Day (7/4/25), Labor Day (9/1/25), and Indigenous Peoples' Day (10/13/25); and
- 4) City staff shall notify all neighbors within 600 feet of the site, the Emeryville Police and Public Works Departments, and Alameda County Fire Department, 72 hours prior to commencing nighttime or weekend work; and

Resolution No. _____
2024 Sustainable Streetscapes Noise Ordinance Waiver
City Council Meeting | April 1, 2025
Page 3 of 3

- 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 Tuesday, April 1, 2025, by the following vote:

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

ATTEST:

CITY CLERK

MAYOR

APPROVED AS TO FORM:

DocuSigned by:
John Kennedy
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CITY ATTORNEY