

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, Powell Street, Doyle Street, 59th Street, And 67th Street On Dates To Be Determined Between November 5, 2025 and June 30, 2026, Excluding The Thanksgiving Day, Day After Thanksgiving, Christmas Day, New Years' Day, Martin Luther King, Jr.'s Birthday, And Presidents Day Holidays, 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, on April 1, 2025, the City Council granted a noise waiver for this project to the City of Emeryville and Bay Cities Paving & Grading, Inc. for the non-holiday dates between April 2, 2025 and October 30, 2025, for work related to street improvements as part of the aforementioned project; 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, Powell Street, 59th Street, Doyle Street, and 67th Street during the nighttime and during the weekend daytime hours when transit services, freight deliveries and other vehicular traffic is less frequent which means 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 November 5, 2025 and June 30, 2026 to perform paving operations on Hollis Street between 40th Street and Powell Street, within 200 feet of the intersections of Hollis Street and Park Avenue, 45th Street, 53rd Street, Stanford Avenue, and Powell Street, on Powell Street between Peladeau Street and Hollis Street, on Doyle Street between 59th Street and 62nd Street, on 59th Street between the Emeryville Greenway and Doyle Street, and on 67th Street between UPRR and the City limit; and

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- 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 November 5, 2025 and June 30, 2026 to perform paving operations on Hollis Street between 40th Street and Powell Street, within 200 feet of the intersections of Hollis Street and Park Avenue, 45th Street, 53rd Street, Stanford Avenue, and Powell Street, on Powell Street between Peladeau Street and Hollis Street, on Doyle Street between 59th Street and 62nd Street, on 59th Street between the Emeryville Greenway and Doyle Street, and on 67th Street between UPRR and the City Limit; and
- 3) Work shall not occur on the following Holidays: Thanksgiving Day (11/27/25), Day After Thanksgiving (11/28/25), Christmas Day (12/25/25), New Years' Day (1/1/26), Martin Luther King, Jr's Birthday (1/19/26), Presidents' Day (2/16/26), Memorial Day (5/25/26), and Juneteenth (6/19/26), but will be allowed on Veterans Day (11/11/25) at the option of the Contractor; 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
- 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 November 4, 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, Powell Street, Doyle Street, 59th Street, and 67th Street on dates to be determined between November 5, 2025 and June 30, 2026 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:

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- 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 November 5, 2025 and June 30, 2026 to perform paving operations on Hollis Street between 40th Street and Powell Street, within 200 feet of the intersections of Hollis Street and Park Avenue, 45th Street, 53rd Street, Stanford Avenue, and Powell Street, on Powell Street between Peladeau Street and Hollis Street, on Doyle Street between 59th Street and 62nd Street, on 59th Street between the Emeryville Greenway and Doyle Street, and on 67th Street between UPRR and the City Limit; and
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- 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.

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ADOPTED, by the City Council of the City of Emeryville at a regular meeting held Tuesday, November 4, 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