

RESOLUTION NO. 24-153

Resolution Of The City Council Of The City Of Emeryville Granting A Waiver From The Noise Ordinance For Sewer Rehabilitation Work On The Sanitary Sewer Interceptor Line Owned By East Bay Municipal Utility District For A Period Of Eight Weeks, On Dates To Be Determined, To East Bay Municipal Utility District And Its Contractor

WHEREAS, the North Interceptor Wastewater Pipeline is owned, operated, and maintained by East Bay Municipal Utility District; and

WHEREAS, the North Interceptor Wastewater is essential infrastructure that collects sewage from the Cities of Richmond, Albany, El Cerrito, Berkeley, parts of Oakland, and Emeryville; and

WHEREAS, the North Interceptor Wastewater requires rehabilitation and repair to continue to operate safely; 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. 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, it is necessary to operate sewage diversion devices continuously to ensure that the Regional Sewer System does not fail during construction; and

WHEREAS, it is anticipated that the need for night work and weekend work will be limited to side streets, driveways, and parking lots adjacent to Interstate-80 between 65th Street and Powell Street Plaza; and

WHEREAS, the noise of the sewage diversion devices will not exceed 60 decibels as measured from a distance of 50 feet from the work site; and

WHEREAS, on December 10, 2024, 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; now, therefore, be it

RESOLVED, by the City Council of the City of Emeryville that the City Council of the City of Emeryville finds the circumstances related to the EBMUD North Interceptor Rehabilitation and Repair Project are extraordinary and grants a waiver from the Noise Ordinance for sewer flow diversion devices on side streets and parking lots adjacent to Interstate-80 between 65th Street and Powell Street Plaza on dates to be determined between June 1, 2025 and August 31, 2025 to East Bay Municipal Utility District and their contractor subject to the conditions set forth below; and, be it, further

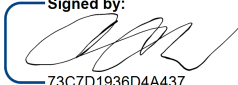
RESOLVED, by the City Council of the City of Emeryville by the City Council of the City of Emeryville action to grant a Noise Waiver is subject to the following conditions:

Resolution No. 24-153
Noise Ordinance Waiver for EBMUD Sewer Interceptor Repair
City Council Meeting | December 10, 2024
Page 2 of 2

1. (90) total days of nighttime and weekend work between the hours of 6 p.m. and 7 a.m. (Monday – Sunday) on dates to be determined between January 1, 2025 and August 31, 2025 to perform sewer diversion operations on side streets and parking lots adjacent to Interstate-80 between 65th Street and Powell Street Plaza; and
2. The City staff shall work with EBMUD to notify all neighbors within 300 feet of the sites, and the Emeryville Police, Fire and Public Works Departments, 72 hours prior to commencing night work; and
3. The noise of the sewage diversion devices will not exceed 60 decibels as measured from a distance of 50 feet from the work site.
4. 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 are not satisfactorily resolved.

ADOPTED, by the City Council of the City of Emeryville at a special meeting held Tuesday, December 10, 2024, by the following vote:

AYES:	<u>5</u>	Mayor Welch, Vice Mayor Mourra and Council Members Bauters, Kaur and Priforce
NOES:	<u>0</u>	_____
ABSTAIN:	<u>0</u>	_____
ABSENT:	<u>0</u>	_____

Signed by:


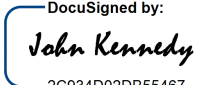
 MAYOR

ATTEST:

DocuSigned by:


 CITY CLERK

APPROVED AS TO FORM:

DocuSigned by:


 CITY ATTORNEY