

RESOLUTION NO. _____

Resolution Of The City Council Of The City Of Emeryville Approving A Modification To 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 Twelve Weeks, Beginning In July 2025, 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, parking lots adjacent to Interstate-80 between 65th Street and Powell Street Plaza, and Powell Street between I-80 and Christie Avenue; and

WHEREAS, on December 10, 2024, the City Council of the City of Emeryville approved a waiver to the Noise Ordinance for the EBMUD North Interceptor Rehabilitation and Repair Project set to originally begin in June, 2025.

WHEREAS, the contractor has provided EBMUD with a new construction timeline requiring the original waiver window to be shifted; and

WHEREAS, on July 15, 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; 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, parking lots adjacent to Interstate-80 between 65th Street and Powell Street Plaza, and Powell Street between I-80 and Christie Avenue to East Bay Municipal Utility District and their contractor to be determined at a later date, subject to the conditions set forth below; and, be it, further

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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:

- 1. (90) total days of nighttime and weekend work between the hours of 6 p.m. and 7 a.m. (Monday – Sunday) beginning in July 2025 to perform sewer diversion operations on side streets, parking lots adjacent to Interstate-80 between 65th Street and Powell Street Plaza, and Powell Street between I-80 and Christie Avenue; 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 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.; and therefore be it

ADOPTED, by the City Council of the City of Emeryville at a regular meeting held Tuesday, July 15, 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