



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: November 4, 2025

TO: LaTanya Bellow, City Manager

FROM: Mohamed Alaoui, Public Works Director

SUBJECT: **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, Presidents Day, Memorial Day And Juneteenth 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))**

RECOMMENDATION

Staff recommends that the City Council adopt the above-entitled resolution 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. Birthday, Presidents Day, Memorial Day and Juneteenth holidays, for work related to street improvements as part of the 2024 Sustainable Streetscapes Paving Project, Project No. EPW-23008.

BACKGROUND

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. (BCPG).

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 2024 Sustainable Streetscapes Paving Project, Project No. EPW-23008. BCPG has not yet had to perform night or weekend work authorized by this April 1st noise waiver. The project has experienced construction delays due to the complexities of green infrastructure design and utility conflicts significantly pushing back the contractor's paving schedule. Additionally, the contractor has had to coordinate their efforts and timing with multiple projects by private entities and utilities on the Hollis Street corridor, some planned and some as emergency work. This included work on gas, water, and communication lines.

Construction of the project began in September 2024 throughout the City and work is currently underway on the Hollis Street corridor and on the 59th Street/Doyle Street section of the Emeryville Greenway. To ensure everyone's safety and minimize disruption to transit, freight, and other vehicular traffic during construction, BCPG has requested to perform portions of their paving work during nighttime and weekend periods when vehicular traffic is far less than during weekday periods. The locations where nighttime and weekend work is requested are:

- 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
- Powell Street between Hollis Street and Peladeau Street
- 67th Street between UPRR and City limits
- Doyle Street between 59th Street and 62nd Street
- 59th Street between the Emeryville Greenway and Doyle Street

To proactively inform local residents of the upcoming nighttime work by BCPG, staff propose to send 72-hour advance notification to all addresses within a 600-foot radius of the project site prior to the commencement of work.

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. on weekdays but allows a developer or contractor to request a waiver from the City Council for the construction noise restrictions (the "Noise Ordinance"). Section 5-13.06 sets forth the procedures for a waiver. The applicant must submit a request, accompanied by any required fee, to the Planning or Public Works 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 any conditions 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 of approval, or if complaints are received and not satisfactorily resolved.

Reason for Noise Waiver Request

The Noise Ordinance limits construction noise to 11 hours per day (7:00 a.m. – 6:00 p.m.), Monday through Friday. For the general safety of the public and the contractor's employees, 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 are requested to be performed at night and during weekend daytime

periods when there are fewer transit services, freight deliveries and other vehicular traffic along these roadways and intersecting streets which means less disruption of normal operations to residents and businesses along these corridors.

As alluded to earlier, the first noise waiver granted to the project was not employed, and this is the second noise waiver request for this project. The project has experienced significant construction delays which affected the contractor's paving schedule, including utility conflicts and work by other private entities and utilities along the Hollis Street corridor. Notably, delays were initiated at the outset of the project when PG&E had to perform work on their gas transmission line along the Hollis Street corridor between Stanford Avenue and 53rd Street. The alignment of this gas line, particularly on the western side of Hollis Street, conflicted with the locations for many of the City's planned improvements. Consequently, PG&E's requirements for working in close proximity to their facilities necessitated a significant amount of handwork and additional exploratory borings, which has slowed the typical pace of construction.

Contributing to the construction delays are the complexities of the required green infrastructure (GI) being installed with this project. The California Regional Water Quality Control Board Municipal Regional Stormwater NPDES Permit (MRP) prescribes stormwater quality requirements for projects of this magnitude to provide stormwater treatment. The contractor has installed five flow-through planters along the Hollis Street corridor to collect and treat stormwater runoff from the roadway before eventually draining into the City's storm drain system and ultimately into the Bay. Since all but one of these treatment facilities are adjacent to the traveled lanes, they are constructed from reinforced concrete with additional lateral bracing to withstand vehicle loading. These are large and deep facilities with footprints that unfortunately often conflict with existing underground utilities.

Conditions of Approval

The proposed conditions of approval, as requested by City staff, on behalf of BCPG, are as follows:

- Nighttime work between the hours of 6:00 p.m. and 7:00 a.m. (Monday – Sunday) 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

- 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
- Work by BCPG and City 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 to maintain paving crew momentum, minimize further impacts to the community, and support timely project completion. Veterans day in particular falls in the middle of the proposed paving schedule and ceasing the work may make the paving window during early November inviable, and thereby risk pushing the schedule past winter.
- 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 night or weekend work; and
- 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.

ENVIRONMENTAL REVIEW

This noise waiver is exempt from the California Environmental Quality Act (CEQA) under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, as stated in Section 15061(b)(3) of the State CEQA Guidelines, and it can be seen with certainty that there is no possibility that this noise waiver will cause a significant effect on the environment.

FISCAL IMPACT

None.

STAFF COMMUNICATION WITH THE PUBLIC

As required by the Noise Ordinance, staff mailed notices to property owners and site addresses within 600 feet of the project site and published a legal advertisement in the Oakland Tribune.

CONFLICT OF INTEREST

None.

CONCLUSION

Staff recommends that the City Council conduct a public hearing and grant 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 for dates to be determined between November 5, 2025 and June 30, 2026 for work related street improvements as part of the 2024 Sustainable Streetscapes Paving Project, Project No. EPW-23008.

PREPARED BY: Phillip Toste, Associate Civil Engineer

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



LaTanya Bellow, City Manager

ATTACHMENTS

- Draft Resolution