

**RESOLUTION NO. 19-\_\_\_\_**

**Resolution Of The City Council Of The City Of Emeryville Granting A Waiver From The Noise Ordinance To PG&E For Weekend Work Between The Hours Of 9:00 A.M. And 5:00 P.M. On All Saturdays Between June 8, 2019 And July 20, 2019, And Before 7:00 A.M. And After 6:00 P.M. On Friday, June 7, 2019 And Friday, June 28, 2019 To Perform Strength Testing On A Gas Transmission Pipeline That Runs Under Hollis Street From The Oakland City Boundary On The South To The Berkeley City Boundary On The North (CEQA Status: Exempt Pursuant To State CEQA Guidelines Section 15061(b)(3))**

**WHEREAS**, on May 10, 2019 PG&E requested a noise waiver for weekend work between the hours of 9:00 a.m. and 5:00 p.m. on all Saturdays between June 8, 2019 and July 27, 2019, and before 7:00 a.m. and after 6:00 p.m. on Friday, June 7, 2019 and Friday, June 28, 2019 to perform strength testing on a gas transmission pipeline that runs under Hollis Street from the Oakland city boundary on the south to the Berkeley city boundary on the north; and

**WHEREAS**, the request is being made because PG&E indicates that clearance activities (cut/cap, tie-in) and strength test days require 12-24 hour workdays; in addition, work on all Saturdays between June 8 and July 27 is requested to meet the project's 70-day timeline; 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. weekdays, but allows a developer or contractor to ask the City Council for a waiver of the construction noise restrictions; and

**WHEREAS**, on June 4, 2019 the City Council held a duly and properly noticed public hearing to consider the application, the staff recommendation, and all public comments received; now therefore, be it

**RESOLVED**, that the City Council of the City of Emeryville hereby finds that the noise waiver for 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 in this instance it can be seen with certainty that there is no possibility that the noise waiver will cause a significant effect on the environment; and be it further

**RESOLVED**, that the City Council finds that the conditions set forth below provide adequate protection for nearby residents and businesses; and be it further

**RESOLVED**, that the City Council hereby approves the request for a waiver of construction noise hours for strength testing of the PG&E gas transmission line that runs under Hollis Street from the Oakland city boundary on the south to the Berkeley city boundary on the north subject to the following conditions:

1. Work shall be allowed on all Saturdays between June 8, 2019 and July 27, 2019, and before 7:00 a.m. and after 6:00 p.m. on Friday, June 7, 2019 and Friday, June 28, 2019. All work shall be limited to that described in the letter from PG&E, attached hereto as Exhibit A.
2. At least three signs shall be posted in the vicinity of the work being performed indicating the name and telephone number of a person to contact for concerns or complaints. This telephone must be answered by a live person during construction hours (not by voice mail or answering machine). This person must have the authority to stop work. These signs must be clearly legible from Hollis Street.
3. The applicant shall notify all neighbors within 300 feet of the site, and the Emeryville Police, Fire and Public Works departments, prior to commencing weekend or nighttime work.
4. If residents or local businesses complain, all work on the site and in the vicinity shall cease until the issue is resolved.
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 on Tuesday, June 4, 2019 by the following vote:

AYES: \_\_\_\_\_  
NOES: \_\_\_\_\_  
ABSTAIN: \_\_\_\_\_  
ABSENT: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR

APPROVED AS TO FORM:



\_\_\_\_\_  
CITY ATTORNEY