



City of Emeryville

CALIFORNIA

MEMORANDUM

DATE: June 4, 2019
TO: Christine Daniel, City Manager
FROM: Andrew Clough, Public Works Director
SUBJECT: **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 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 (CEQA Status: Exempt Pursuant To State CEQA Guidelines Section 15061(b)(3))**

RECOMMENDATION

Staff recommends that the City Council conduct a public hearing and thereafter approve the attached Resolution granting a waiver from the Noise Ordinance to allow work from 9:00 a.m. to 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.

BACKGROUND

As part of the Gas Transmission Pipeline Integrity Management program, Federal Regulations require the identification and evaluation of potential threats to the integrity of natural gas pipeline systems in “high consequence areas”. PG&E’s gas transmission pipeline that runs under Hollis Street has been identified as one such pipeline that requires testing. This work will be conducted in accordance with the requirements of the California Public Utilities Commission and the National Transportation Safety Board.

Options to assess the pipeline include external corrosion direct assessments (ECDA), and in-line inspection (ILI). However, these alternatives were ruled out due to the following:

- Due to BART interference (5 mile radius) ECDA would not be able to get accurate readings.
- ILI was ruled out due to current maximum allowable operating pressure, which is too low for both traditional and non-traditional ILI.

Ultimately, strength testing via the use of water was determined as the only assessment method option available.

The project is comprised of seven major components: excavation, cut/cap, welding, strength test activities, tie-in, coating/backfill, and restoration. Saturday hours are needed at each phase in order to meet the 70-day timeline. In addition, clearance activities (cut/cap, tie-in) and strength test days range between 12-24 hour workdays on Friday, June 7, 2019 and Friday, June 28, 2019.

Work to be performed includes roadway excavation and pipeline modification. Equipment to be used and their decibel levels include:

- Excavator – 81 decibels
- Backhoe – 78 decibels
- Generator – 73 decibels
- Truck / 10yd & 20yd – 78 decibels
- Loader - 79 decibels

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. weekdays, but allows a developer or contractor to ask the City Council for a waiver of the construction noise restrictions. Section 5-13.06 sets forth the procedures for a waiver. The applicant must submit a request, accompanied by the required fee, to the Planning 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 such conditions as 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 upon which the waiver was granted, or if complaints are received and not satisfactorily resolved.

Reason for Noise Waiver Request

As noted above, the Noise Ordinance limits construction noise to 11 hours per day, Monday through Friday. PG&E indicates that clearance activities (cut/cap, tie-in) and strength test days require 12-24 hour workdays. This gas main safety project cannot be accomplished without these extended hours for the clearance activities and the hydrostatic strength test itself.

In addition, work on all Saturdays between June 8 and July 27 is requested to meet the project's 70-day timeline. Limiting work to weekdays only will extend the project timeline and add additional days of traffic control during weekday commute times. Reducing PG&E's presence in the public right-of-way by allowing Saturday work may decrease the overall impact to the community.

Conditions of Approval

Proposed conditions of approval, as listed in the attached resolution, include the following standard conditions for noise waivers:

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.

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 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.

FISCAL IMPACT

None.

STAFF COMMUNICATION WITH THE PUBLIC

As required by the Noise Ordinance, staff mailed notices to property owners and site addresses within 300 feet of the project site and published a legal advertisement in the Oakland Tribune.

In addition, PG&E's customer outreach team has already engaged impacted residents prior to mobilization and hosted a town hall meeting on April 23, 2019. Customer outreach will be the company interface for any questions or concerns related to the project. Outreach will include mailers, in-person canvassing of the area, and an open house.

CONCLUSION

Staff recommends that the City Council conduct a public hearing and thereafter approve this noise waiver request, subject to the conditions of approval outlined in the draft resolution.

PREPARED BY: Keely Nelson, Associate Civil Engineer

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



Christine Daniel, City Manager

ATTACHMENT

- Draft Resolution, including Exhibit A, Applicant Request Letter