

## RESOLUTION NO. 20-\_\_

**Resolution Of The City Council Of The City Of Emeryville Granting A Waiver From The Noise Ordinance To The City Of Emeryville And Ghilotti Construction Company For Work Related To The Assembly And Placement Of A 230 Foot Long Steel Arch Span Across The Union Pacific Railroad (UPRR) Track Yard Near Ohlone Way As Part Of The Construction Of The South Bayfront Pedestrian Bicycle Bridge Project (CEQA Status: Exempt Pursuant To State CEQA Guidelines Section 15061(B)(3))**

**WHEREAS**, on May 21, 2019 The City Council of the City of Emeryville awarded a contract to Ghilotti Construction to build the South Bayfront Pedestrian Bicycle Bridge Project, and

**WHEREAS**, said project builds a 230 foot steel arch structure which is intended to span a track yard owned by Union Pacific Railroad(UPRR), and

**WHEREAS**, it is necessary to assemble the structure near the ground then lift, then move, then set it onto permanent supports and across the UPRR track yard; and

**WHEREAS**, this process is complex and time consuming; and

**WHEREAS**, the City of Emeryville on behalf of the City and Ghilotti Construction Company requests a noise waiver to allow work as follows:

- 1) Saturdays from 8 A.M. until 6:00 P.M Beginning November 1, 2020 until January 16, 2021 to allow assembly of the 230 foot long Steel Arch Suspension Bridge within Horton Landing Park
- 2) Beginning on Friday, December 18, 2020, at 6:00 P.M. Through Monday, December 21, 2020, Until 7:00 A.M. and,
- 3) Beginning Friday, January 8, 2020 at 6:00 P.M. Through Monday January 11, Until 7:00A.M. to Lift, Move and Place a 230 foot long Steel Arch Span Structure across the Union Pacific Railroad Yard onto a permanent support near Ohlone Way on the West and on a permanent support within the future Horton Landing Park on the East; and

**WHEREAS**, the request is being made because of the complexity of the work and because UPRR granted permission to use of a portion of their property over railroad tracks (a.k.a. the rail yard) for a period of 48 hours to perform the work; 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 for waivers from these times subject to approval by the City Council for extraordinary circumstances; and

**WHEREAS**, on October 20, 2020 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 the circumstances related to the placement of the Steel Arch Span across Union Pacific Railroad track yard are extraordinary and approves the granting of a Noise Waiver; and be it further

**RESOLVED**, that the 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 granting the Noise Waiver will not 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 action to grant a Noise Waiver is subject to the following conditions:

1.
  - a. Saturdays from 8 A.M. until 6:00 P.M. Beginning November 1, 2020 until January 16, 2021 to allow assembly of the 230 foot long Steel Arch Suspension Bridge within Horton Landing Park; and
  - b. Beginning on Friday, December 18, 2020, at 6:00 P.M. Through Monday, December 21, 2020, Until 7:00 A.M.; and,
  - c. Beginning Friday, January 8, 2020 at 6:00 P.M. Through Monday January 11, Until 7:00A.M. to Lift, Move and Place a 230 foot long Steel Arch Span Structure across the Union Pacific Railroad Yard onto a permanent support near Ohlone Way on the West and on a permanent support within the future Horton Landing Park on the East.
2. At least six signs shall be posted on Horton Street, Ohlone Way, and Christie Avenue in the vicinity of the work being performed indicating the contractor's name and telephone number 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 need to be legible to a driver of a motor vehicle.
3. The contractor 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. 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, October 20, 2020 by the following vote:

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

\_\_\_\_\_  
MAYOR

ATTEST:

APPROVED AS TO FORM:

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

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