

RESOLUTION NO. 23-114

Resolution Of The City Council Of The City Of Emeryville Rescinding Resolution No. 23-94 And Authorizing The City Manager To Accept In-Lieu Funds From BRE-BMR 53rd LP To Contribute Towards Emergency Operations Center Upgrade/Hollis Street Fire Station, In An Amount Of \$1,497,500, And Appropriate Said Sum To Developer Contribution Fund 473, Account 63070, Project Number 16475004 When Received

WHEREAS, on August 15, 1995, the City Council approved a "Planned Unit Development" (PUD) for Chiron's life sciences campus, then called the "Emeryville Life Sciences Center", on a 22-acre site, generally bounded by Hollis Street, Stanford Avenue, the Union Pacific Railroad main line, and 45th Street; this PUD called for construction of 14 new buildings, including seven laboratory buildings, three office towers, structured parking, and support facilities, over a 30-year period; and

WHEREAS, in 2006, Chiron was acquired by the multinational Swiss pharmaceutical firm Novartis, and in November 2013, the diagnostics unit of Novartis was sold to Grifols, a multinational pharmaceutical and chemical manufacturer based in Barcelona, Spain; the remaining Novartis portion of the PUD was acquired by Biomed Realty ("BMR"), a developer of life sciences properties that is owned by the Blackstone Group, on March 15, 2019; and

WHEREAS, on October 23, 2019, BMR applied for entitlements for build-out of the former Novartis portion of the PUD; and

WHEREAS, on February 25, 2021, the Planning Commission unanimously approved a "Final Development Plan" (FDP) for the BMR "Emeryville Center of Innovation" (since renamed "Emery Yards"), which consists of four new laboratory buildings totaling 911,800 square feet, a 1,991-space parking garage, and approximately 131,507 square feet of publicly accessible open space, on an 8.5 acre site along Hollis, 53rd, and Horton Streets, and this project is currently under construction; and

WHEREAS, one of the Conditions of Approval of the FDP pertains to establishment of an Emergency Operations Center (EOC) and stems from a condition included in the Preliminary Development Plan (PDP) that was approved by the City Council on August 15, 1995, which states: "An Emergency Operations Center shall be established on the campus for use in the event of a major police matter. The room shall be of suitable size and contain necessary equipment as established by the Emeryville Police Department"; and

WHEREAS, the FDP Condition of Approval adopted by the Planning Commission on February 25, 2021 requires that the EOC "shall be located in either the Parking Garage, Building B8A or B8B, or within the existing PDU building", "shall be [at least] 1,000 square feet in size", "shall be operational prior to issuance of a temporary certificate of occupancy (TCO) for the first tenant improvement to the building in which it is located, or prior to the issuance of the TCO for the first tenant improvement to the first Research and Development Building if the EOC is located in the PDU building", and "shall be designed

Resolution No. 23-114
BMR EOC In-lieu Funds
City Council Meeting | September 5, 2023
Page 2 of 3

and equipped with current standard or recommended best-practice EOC equipment ... with the cost of equipment supplied by Applicant not to exceed \$500,000.”; and

WHEREAS, staff and BMR have negotiated a deal by which, in lieu of constructing a new EOC within the PDU building, BMR would make a monetary contribution to the City’s Capital Improvement Program (CIP) project to upgrade the existing EOC, in an amount of \$1,497,500, which is the estimated cost to provide a new 1,000 square foot EOC, inclusive of the cost of equipment supplied by the Applicant; and

WHEREAS, on June 9, 2023, pursuant to Section 9-7.214(a) of the Planning Regulations, which allows the Community Development Director to make minor modifications to approved projects, the Director modified the FDP Condition of Approval to allow BMR to provide \$1,497,500 to help improve the City’s existing EOC in lieu of construction a new EOC within the BMR project; and

WHEREAS, as the CIP budget for fiscal years 2023-2024 through 2027-2028 was previously approved by the City Council on June 6, 2023, staff is now requesting that the City Council authorize the City Manager to accept the negotiated in-lieu funds and appropriate it to the EOC project in the CIP; and

WHEREAS, on July 18, 2023, the City Council approved Resolution No. 23-94 authorizing City Manager to accept in-lieu funds from BRE-BMR 53rd LP to contribute towards Emergency Operations Center Upgrade/Hollis Street Fire Station; however, due to a typological error, Resolution No. 23-94 stated an incorrect amount of \$1,475,000 instead of the correct amount of \$1,497,500 and it is necessary to rectify that error; now, therefore, be it

RESOLVED that the City Council of the City of Emeryville hereby rescinds Resolution No. 23-94; and be it further

RESOLVED that the City Council of the City of Emeryville hereby authorizes the City Manager to accept in-lieu funds from BRE-BMR 53rd LP in an amount of \$1,497,500 and appropriate the said amount to Developer Contribution Fund 473, Account 63070, Project Number 16475004, which is identified in the CIP as project CF-10, “Emergency Operations Center (EOC)”.

Resolution No. 23-114
BMR EOC In-lieu Funds
City Council Meeting | September 5, 2023
Page 3 of 3

ADOPTED by the City Council of the City of Emeryville at a regular meeting held Tuesday, September 5, 2023, by the following vote:

AYES:	<u>4</u>	<u>Vice Mayor Welch and Council Members Kaur, Mourra and Priforce</u>
NOES:	<u>0</u>	<u></u>
RECUSED:	<u>1</u>	<u>Mayor Bauters</u>
ABSENT:	<u>0</u>	<u></u>

DocuSigned by:
John Bauters
67389D49E2C9458...
MAYOR

ATTEST:

DocuSigned by:
April Richardson
9AF8F67CE0204D8...
CITY CLERK

APPROVED AS TO FORM:

DocuSigned by:
John Kennedy
2C934D02DB55467...
CITY ATTORNEY