

RESOLUTION NO. _____

Resolution Of The City Council Of The City Of Emeryville Authorizing The City Manager To Accept An In-Lieu Reimbursement From BMR-Center Of Innovation Holdco LP For Grinding And Paving Hollis Street Between Powell Street And 45th Street For The Not To Exceed Amount Of \$550,000 As Fulfillment Of That Portion Of Exhibit O – Mitigation Measures And Conditions Of Approvals For The BMR-Emery Yards Project (FDP 19-002) With Funds To Be Appropriated To Fund 473 Project Number 24221005

WHEREAS, on February 25, 2021, the Planning Commission for the City adopted Resolution No. FDP 19-002, BMR Emeryville Center for Innovation Final Development Permit subject to certain Conditions of Approval (“FDP”); and

WHEREAS, the FDP approved the demolition of two existing buildings and surface parking and construction of four new multi-tenant research and development buildings and supporting parking garage as part of implementation of the PUD; and

WHEREAS, these project approvals may be amended from time to time; and

WHEREAS, a product of these approvals, Exhibit O – Mitigation Measures and Conditions of Approval of the project Construction Management Plan describes that, as a mitigation for wear and tear of construction traffic on Hollis Street between Powell Street and 45th Street, the applicant will repave the street with two inches of asphalt concrete; and

WHEREAS, on June 4, 2024, City Council approved the award the 2024 Sustainable Streets (ST-01, EPW 23-08) paving project to Bay Cities Paving and Grading Inc. and included in the project scope is the construction of bus bulbs and lane reconfiguration of Hollis Street that falls within the paving restoration limits of the BMR project; and

WHEREAS, in order to best coordinate both scopes of work so that quality of work can be maximized and disruption to the public can be minimized, it is proposed that instead of two separate contractors performing this work to have the Hollis Street paving work be incorporated into the City’s Sustainable Streetscapes project; and

WHEREAS, the cost of the work which is BMR’s responsibility is estimated to not exceed \$550,000 which would be accepted by the City as an in-lieu reimbursement for its completion; and

WHEREAS, the Public Works Department and BMR-Center of Innovation Holdco LP find it mutually agreeable for BMR-Center of Innovation Holdco LP, upon completion of the work, to make an in-lieu payment, for a not to exceed amount of \$550,000, for the repaving of Hollis Street associated with BMR Emeryville Center for Innovation Final Development Plan FDP 19-002 as fulfillment of the Hollis Street paving described in Exhibit O – Mitigation Measures and Conditions of Approval; and

WHEREAS, this payment will be allocated to the 2024 Sustainable Streetscapes Paving

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Project, Project No. EPW-23008 (CIP No. 24221005) and as proposed this is a cost neutral reimbursement for work performed by the City; now therefore, be it

RESOLVED, that the City Council of the City of Emeryville authorizes the City Manager to accept an in-lieu reimbursement from BMR-Center Of Innovation Holdco LP for grinding and paving Hollis Street between Powell Street and 45th Street for the not to exceed amount of \$550,000 as fulfillment of that portion of Exhibit O – Mitigation Measures And Conditions Of Approvals for the BMR-Emery Yards Project (FDP 19-002) and to be appropriated to Fund 476 Project Number 24221005

ADOPTED, by the City Council of the City of Emeryville at a regular meeting held Tuesday, July 2, 2024, by the following vote:

AYES: _____
NOES: _____
ABSTAIN: _____
ABSENT: _____

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

DocuSigned by:
John Kennedy
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CITY ATTORNEY