

RESOLUTION NO. 21- ____

Resolution Of The City Council Of The City Of Emeryville Disapproving The Planning Commission's Denial Of An Amendment To A Conditional Use Permit And Design Review Permit For The Redevelopment Of The Existing 30,000 Square Foot Vacant Building Located At 4060 Hollis Street As An Arts And Cultural Center, And Two Signs, And Approving The Project Amendment (APN: 49-618-4) (CEQA Determination: Exempt Pursuant To CEQA Guidelines Sections 15301 And 15332)

WHEREAS, On August 27, 2020, the Planning Commission approved a Conditional Use Permit and Design Review permit for an adaptive reuse proposal that will involve renovation of an existing, 30,000 square foot vacant building at 4060 Hollis Street to accommodate an arts and cultural center ("Project"); and

WHEREAS, on June 1, 2021, the applicant, Orton Development, submitted an application for an amendment to the Conditional Use Permit and Design Review permit to allow modifications to the proposal as a result of cost considerations and increased efficiencies in the floor plan; and

WHEREAS, the modified proposal now allows for existing trees on Hollis Street to be preserved but includes removal of one street tree on 40th Street, for which a Tree Removal Permit was previously approved by the Commission on August 27, 2020; and

WHEREAS, the Planning Commission held a duly and properly noticed public hearing on June 24, 2021 to solicit public comments and consider the proposed modifications to the Project and unanimously denied the application for an amendment to the Project; and

WHEREAS, the Planning Commission's June 24, 2021, decision was called for review by the City Council on July 6, 2021; and

WHEREAS, on September 13, 2021, pursuant to Section 9-7.1405(b) of the Emeryville Municipal Code, the City Council set October 5, 2021, as the date for a public hearing on the appeal; and

WHEREAS, the City Council held a duly and properly noticed public hearing on October 5, 2021 to solicit public comments and consider the proposed modifications to the Project; and

WHEREAS, the City Council has reviewed and considered the staff report and attachments thereto, the plans, all public comments and the proposed modifications to the Project, subject to the conditions and requirements set forth in Exhibit A attached to this Resolution and the applicable standards of the Emeryville Municipal Code ("the Record"); now, therefore, be it

RESOLVED, that the City Council of the City of Emeryville hereby finds that the Project, as modified, is exempt from environmental review under State CEQA Guidelines Section 15301, which applies to alterations to existing facilities, and Section 15332, which applies to infill development projects; and be it further

RESOLVED, that in disapproving the Planning Commission's action and approving the proposed modifications to the Project, the City Council makes the following findings:

General Conditional Use Permit Findings (Section 9-7.505):

- (a) The proposed use is consistent with the General Plan.

The Land Use Diagram (Figure 2-2) classifies the Property for "Public" use, which is described as (Section 2.4): "A variety of public and quasi-public uses, including government offices; fire and police facilities; schools; community services; transit stations and ancillary facilities" The Project is consistent with this description as the building was purchased by the City for adaptive reuse to provide space for the annual Emeryville Celebration of the Arts Exhibition as well as year-round exhibit and performing arts uses.

General Plan goals (G) and policies (P) that are particularly germane, and with which the Project is consistent, include:

PP-G-10 Vibrancy and diversity – Expanded arts, cultural and recreation programs that celebrate a vibrant diverse community.

PP-P-21 A community cultural arts center will be developed.

One of the key City Council objectives for this space articulated during the RFQP process was to select a candidate whose proposal maximized civic and community arts-based uses of the facility. The programming of the space has been designed to achieve this goal which is also a General Plan goal of adding vibrancy and diversity through arts and cultural programs and is consistent with the General Plan policy of developing a community arts center.

- (b) The location, size, coverage, density, design and operating characteristics of the proposed use will be compatible with, and will not adversely affect, the surrounding area, including neighborhood character, street design and capacity, safety, noise, and lighting.

This Project, as modified, to renovate and reuse an existing building for an Art Center is a City sponsored one where the building was purchased specifically because it is situated in the heart of the Park Avenue District Plan which calls for establishment of a cultural and arts center. The transportation assessment memo prepared for the Project does not highlight any impacts on the street design and capacity and safety, and the modifications to the Project do not impact that assessment. The Project design, as modified, still takes the newly adopted 40th Street improvement plan into consideration

such that it does not pose any conflicts. The Project conditions of approval include standard conditions for noise and lighting that ensures that the Project does not result in any impacts. For these reasons the Project, as modified, is compatible with, and will not adversely affect, the surrounding area, including neighborhood character, street design and capacity, safety, noise, and lighting.

- (c) The proposed use is consistent with the capability of the water supply, wastewater disposal, fire, and police systems to operate adequately and cost effectively.

The Project, as modified, is consistent with the capability of the water supply, wastewater disposal, fire, and police systems to operate adequately as the scale of the Project is comparable with previous use on site.

- (d) The proposed use at its proposed location will provide a service or facility that will contribute to the general well-being of the surrounding neighborhood or community.

The Project, as modified, will create an arts and cultural center that has long been envisioned by the Park Avenue District Plan and the Emeryville General Plan and will provide a permanent venue for the annual Emeryville Celebration of the Arts Exhibition. As such, the Project, as modified, will contribute greatly to the general well-being of the community.

- (e) The proposed use complies with all applicable standards and requirements of these Planning Regulations.

The proposed use complies with the Planning Regulations.

Findings for Preservation or Reuse of a Significant Structure (Section 9-5.1206(a)(1)):

- (1) That the proposed project will retain and enhance all or most of the features of the structure that make it significant, as described and indicated in Table 9-5.1210.

The Project Structure is identified as Number 66 in Table 9-5.1210 and its “significant features” include “contrasting concrete lentil over door and two windows, industrial windows with concrete caps, relief in brickwork”. The Project, as modified, retains and enhances the contrasting concrete lentils as well as the existing divided-light industrial type windows. A significant portion of the relief in the brick work is retained on the Hollis and 40th Street sides. The proposed modifications will retain additional brick work along the Hollis Street frontage.

Design Review Findings (Section 9-7.407):

- (a) The design of the Project is consistent with the General Plan, including but not limited to its Urban Design goals and policies;

The Project, as modified, meets Urban Design Policy UD-P-13, which states that the Park Avenue District Plan will continue to guide development in the Park Avenue District. The Project, as modified, complies with the following Park Avenue District guidelines by preserving and readapting an existing Tier 2 building (Urban Design Policy A.2); providing a proposal that will encourage night-time uses (Land Use Policy B.3); and providing a cultural arts center and providing a permanent home for the annual Emeryville Celebration of the Art exhibition (Cultural Arts Policies C.1 and C.4).

- (b) The design of the Project conforms to the Emeryville Design Guidelines and any other applicable design guidelines or criteria. If strict compliance with the provisions of such design guidelines or criteria is not achieved, the applicant must convincingly demonstrate that the intent of the guidelines is met;

The Project, as modified, complies with the City's Design Guidelines by providing the following: the addition Bay-Friendly street landscaping (Guidelines A-11 to A-15); preserving and enhancing the historic industrial warehouse character of Emeryville through the retention of architecturally significant structures (Guideline E-3); providing public entrances that are visible and accessible (E-12); retaining window design and proportions to add architectural interest (Guideline F-3); and devising a color palette that reinforces building identity (Guideline F-13).

- (c) The Project is of a high design quality that is compatible with, and will not adversely affect, the surrounding area;

This Project, as modified, will result in the visually attractive adaptive reuse of a Tier 2 Significant building which is further elaborated above under findings for reuse of a significant building.

Findings for Major Design Review for Signs (Section 9-5.1612(c)(2)):

- a. The proposed sign is necessary because of the nature of the establishment and its location.

The two proposed roof signs are necessary to announce the Art Center's existence from Hollis Street, as well at the entrance facing the parking lot.

- b. The proposed sign is no larger than is necessary to adequately identify the establishment, or the sign is of extraordinary design significance justifying its size.

The two proposed roof signs are of appropriate size given the building length and height.

- c. The proposed sign will comply with all the applicable provisions of this Article, including but not limited to design principles.

The two proposed roof signs comply with the applicable provisions of Sections 9.5.1607, 9-5.1609, and 9-5.1611 the Planning Regulations, including the design principals concerning architectural compatibility, readability, compliance with design guidelines, and lack of animation or movement.

- d. The size, materials, colors, graphic style, illumination and other features of the proposed sign are in keeping with the visual character of the area.

The two proposed signs are in keeping with the visual character of the surrounding area.

- e. The sign will be readable, taking into account the proportion between different parts of the sign, its visibility from important vantage points, and other relevant design features.

The two proposed roof signs, consisting of simple individual block letters illuminated with single tube blue neon, will be easily readable from all important vantage points.

- f. The sign will relate well to the design of the building and be compatible with its architectural features, colors and textures.

The two proposed roof signs relate well to the design of the building and are compatible with its architectural features, colors and textures.

and be it further

RESOLVED, that the City Council hereby disapproves the Planning Commission's action and approves the application for an amendment to a Conditional Use Permit and Design Review permit for the redevelopment of the existing 30,000 square foot vacant building located at 4060 Hollis Street as an arts and cultural center, and two signs subject to the Conditions of Approval attached hereto and the applicable standards of the City of Emeryville Municipal Code.

ADOPTED by the Emeryville City Council at a regular meeting held on Tuesday, October 5, 2021, by the following vote:

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

ATTEST:

MAYOR

APPROVED AS TO FORM:

CITY CLERK

INTERIM CITY ATTORNEY

Attachment:

Exhibit A: Conditions of Approval