

**RESOLUTION NO. 21- \_\_\_\_**

**Resolution Of The City Council Of The City Of Emeryville Approving 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 Denying The Project Amendment (APN: 49-618-4) (CEQA Determination: Exempt Pursuant To Public Resources Code Section 21080(b)(5) And CEQA Guidelines Section 15270(a))**

**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 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 Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a) which state that CEQA

does not apply to projects which a public agency rejects or disapproves; and be it further

**RESOLVED**, that in approving the Planning Commission's action and denying 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 Project, as modified, is not consistent with General Plan Goal PP-G-10 that states "Vibrancy and diversity – Expanded arts, cultural and recreation programs that celebrate a vibrant diverse community" because the programming of the space has changed such that there is an increase in co-working space at the expense of gallery and performance space.**

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

**The Project, as modified, does not comply with Planning Regulations Section 9-3.407(a)(1), which states that "All development proposals in the PP Pedestrian Priority Zone shall be subject to the applicable provisions of the Emeryville Design Guidelines, including but not limited to those pertaining to Pedestrian Priority Zones". Emeryville Design Guidelines Figure 3-4: "Pedestrian Priority Zone Sidewalk Dimensions" specifies a 12-foot wide sidewalk corridor with an 8-foot pedestrian pathway and a 4-foot landscaping/street furniture zone located between the pedestrian pathway and the curb. The Project proposes to retain the existing sidewalk cross section along Hollis Street, which does not comply with these dimensions.**

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;

**General Plan Parks, Open Space, Public Facilities, and Services Policy PP-P-21 states "A community cultural arts center will be developed." General Plan Urban Design Policy UD-P-13 states "The Park Avenue District Plan will continue to guide development in the Park Avenue district, honoring its unique civic, arts, and cultural amenities." Park Avenue District Plan Cultural Arts Policy C.1 states "Create a cultural arts center" and Policy C.4 states "Provide a permanent home for the Emeryville Art Exhibition". The Project, as**

**modified, does not comply with these policies because it does not provide a true cultural arts center, since the use has been modified by increasing the amount of co-working space at the expense of gallery and performance space.**

- (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, does not comply with the Emeryville Design Guidelines E-12, which states that “All public entrances should be visible and accessible.”**

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

- 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 will not be readable from important vantage points, as they will not be visible to pedestrians or vehicular traffic on Hollis and 40<sup>th</sup> Streets.**

and be it further

**RESOLVED**, that the City Council hereby approves the Planning Commission’s action and denies 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.

**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