Oakland City Planning Commission STAFF REPORT

Case File Number A 10-107 **January 19, 2011**

Location:	**1600 Broadway (APN 008-06222-008-00)**
Proposal:	Appeal of Administrative Denial of a Request to legalize a wall sign exceeding 513 square feet in area installed without permits on the side of an office building for Oaksterdam University
Contact Person/Phone Number:	Salwa Ibrahim, (510) 637-9909
Owner:	Danyol Akol
Case File Number:	**A10-107 (Appeal Denial of DV10-031)**
Planning Permits Required:	Appeal of Administrative Denial of Minor Variance for exceeding allowed sign area (513 square feet requested, 20 additional square feet allowed) and Regular Design Review to allow new wall sign
General Plan:	Central Business District
Zoning:	CBD-P, Central Business District Pedestrian Zoning District
Environmental Determination:	Exempt-Section 15270, Projects Which are Disapproved; Section 15321, Enforcement Actions by Regulatory Agencies; Section 15311, Accessory Structures
Historic Status:	Not a Potential Designated Historic Property
Service Delivery District:	Metro
City Council District:	3
Staff Recommendation:	Deny Appeal for Existing Sign; Accept 60 Square Foot Sign and Accept a Mural Design
Finality of Decision:	Final, Not Administratively Appealable
For Further Information:	**D. Valeska, Planner II, (510)238-2075** dvaleska@oaklandnet.com

SUMMARY

The appellant, Ms. Salwa Ibrahim of Oaksterdam University, requests the Planning Commission to overturn the Zoning Administrator's denial of her application for a Minor Variance and Design Review to legalize an existing sign over 513 square feet in area, installed without permission on the side of their office building at Broadway facing 17th Street. This case was postponed from July 7, 2010 in order to allow time for the applicant to present an actual mural to replace the sign. During this time a Request for Proposals was made to the artistic community in a call for mural designs.

Pursuant to Code Section 17.148.060 (Appeal to Planning Commission—Minor Variances), in considering the appeal, the Commission "may grant or deny an application for a Variance or require such changes…or impose such reasonable conditions of approval as are in its judgment necessary to carry out the purposes of the zoning regulations." In this case, staff recommends that the Commission support a "sign and accompanying graphics" package that consists of the following:

1) a building mural depicting a nostalgic and recognizable Oakland landmark or setting (based on the mural submittals) and
2) a sign depicting "Oaksterdam University" within said mural not to exceed 60 square feet.

BACKGROUND

Oaksterdam University (OU) is a private educational institution promoting cannabis sativa (marijuana) for medicinal purposes. OU expanded their offices to 1600 Broadway and were approved for a 20 square foot sign over the door facing Broadway. In late 2009, OU had a sign painted at heights 18 to 33 feet above grade, on the side of their 50 foot tall building facing a parking lot, in excess of the sign area permitted by the Oakland Planning Code Section 17.104.020.B.1.

CITY OF OAKLAND PLANNING COMMISSION

0 125 250 500 750 1,000 Feet

Case File: A10-107
Applicant: Salwa Ibrahim
Address: 1600 Broadway
Zone: CBD-P

That Code section permits one square foot of sign area per linear foot of frontage, up to 200 square feet. The new wall sign exceeds both standards. The 60–foot wide frontage would allow 60 square feet of aggregate sign area for all businesses in the building. Since there is already a 20 square foot sign for another tenant and a 20 square foot OU sign, only 20 square feet of sign area remains available. In addition, the new sign is almost 3 times the maximum 200 square feet allowed for the building, not including the 2 earlier ground-level signs.

If staff (and Planning Commission) were to consider this building as a corner-lot building, it would allow a total of 100 square feet of signage (60' + 140'=200' x 0.5=100 square feet). The visibility of the building (viewed across a surface parking lot) is such that considering it a corner lot for the purposes of sign calculation may be reasonable. In addition, the sheer scale and visibility of the long building wall warrants a reasonable increase above the otherwise-allowable 20 square feet. Staff recommends that the 60 square feet allowance provides a reasonable and defensible signage size for the large wall.

The sign area originally reported by the applicant is 513 square feet, the area of letters and logo exclusive of the white wall space in between letters and logo. The appeal states that the signs are really only 470 square feet. The sign consists of 20 green 24 square foot letters spelling out OU's name, plus the 12 foot diameter 125 square foot green-and-yellow school logo, on a white background, located at the second and third story levels of the 3-story office building. However, using the simplest rectangles as measured by staff, the area is closer to 725 square feet. This is the method of measurement used for signs in Oakland.

After citation by code enforcement, the school applied for a Variance and Design review, which staff denied on April 22, 2010. An appeal was timely filed on April 30, 2010 and was considered by the Planning Commission July 7, 2010. The Commission tabled the request to allow the applicant to bring back a substitute design for a mural which would represent the neighborhood as a whole and substantially reduce references to Oaksterdam University. Since that time the applicant has been preparing 8 alternative designs which have been reviewed by Downtown representatives and staff. A few of the designs could have a favorable appearance in Downtown, and alternatives are suggested to the Commission for review at the hearing January 19, 2011.

PROPERTY DESCRIPTION

The property is a CBD-P Commercially-zoned corner lot located in the downtown business district. The lot is flat and measures 60 feet in width by 140 feet in depth. Neighboring facilities include historic and non-historic buildings, with the vertical grey wall of the telephone company tower bordering the parking lot perpendicular to the applicant's building.

DISCUSSION

The zoning and General Plan analyses, and the appellant's statements from the July 7, 2010 report are Attachment A, along with photos and plans for the existing sign. The applicant told the Planning Commission that a substitute mural would be provided this year, for which Oaksterdam would request approval instead of the existing sign. (The sign would be painted over and replaced). A color poster was presented at the hearing, showing the kind of mural that could be produced. OU conducted a Request for Proposals in an attempt to respond to Planning Commission comments, including one that the mural should represent all of Downtown and not overly advertise OU itself.

On December 9, 2010 staff met with four representatives of Downtown business groups, who expressed concern about the current unpermitted Oaksterdam sign. The groups represented agreed that the July 2010

poster had too many Oaksterdam references and not enough art about the rest of the neighborhood. No post-July design was available for the group to review in early December.

Two designs in addition to the poster were provide to staff later in December 2010. On January 5, 2011, six more designs were provided to staff by Oaksterdam, to add to two prior designs. On January 6, 2011 Planning staff and Aliza Gallo of Economic Development met with several representatives of Downtown groups and reviewed the concepts. A pattern of recommendation emerged as follows (ranked from most supported to least supported) as follows:

1st recommendation: Brad Cornelius Evanston/Chicago artist's Lake Merritt landscape in "plien air" style (Attachment C-1)

2nd: one of the R.B. Morris designs, either the BART train,A's/piano keys vertical bands; or the tower with leaves (Attachments C-2A and C-2B)

3rd: gem colored (purple & pink) large version, Oaksterdam name and downtown buildings, Attachment C-3

Staff concurs, particularly finding Attachment C-1 to be compatible with Downtown.

Honorable mentions: Map of Oakland attractions with lines leading off to photos; molecule/circles of Oakland attractions, Attachment C-4; 19th Century Oaksterdam pharmacy script (minus cannabis leaves) in 800 sf and 2250 sf versions, Attachment C-5.

Ranked less consistent with Downtown: Wainscoting block print patterns or human photos/ship alternatives, Attachment C-6

In Creative Unity Art, approx 700 sf versions, half-wall; graffiti/urban farming/bicycle/logo/bridge collage; Attachment C-7; green power collage, Attachment C-8.

Please note that no one judged the artists' aesthetic skills and that comments related to appropriateness to the setting rather than to the inherent art merit.

The Commission is asked to review Attachment D, a January 11, 2011 message from Aliza Gallo, City of Oakland Business Development Services/Economic Development; Steve Huss, City of Oakland Cultural Arts Manager/Public Art Coordinator and others representing the Central Business District. The group offered alternative wording for conditions which staff has not included, which the Commission can consider.

Staff continues to recommend denial of the existing sign and supports a reduced sign "Oaksterdam University" of 60 square feet along with a mural. Staff requests Commission direction on this position along with a recommendation on which mural concept to pursue, if any. Should the Commission agree that a 60 square foot "Oaksterdam University" sign is appropriate (in lieu of the 20 square feet allowed and 500-plus square feet of existing sign), staff has provided Findings for Approval for the Commission's consideration.

If the Commission agrees with the staff recommendation, with or without amendment, the findings for approval of the Variance are Attachment E.

ENVIRONMENTAL DETERMINATION. The California Environmental Quality Act (CEQA) Guidelines statutorily and categorically exempts specific types of projects from environmental review. If the Commission upholds the Zoning Manager's determination, Section 15270 statutorily exempts projects which

are disapproved (that is, which a public agency rejects); Section 15321 categorically exempts enforcement actions by regulatory agencies. Alternatively, an action to approve the appeal and overturn the Zoning Manager's determination or approve a lesser-degree variance as recommended would be exempt from CEQA Environmental Review under Section 15311, Accessory Structures.

RECOMMENDATIONS:

1. Affirm staff's environmental determination.
2. Uphold the Zoning Manager's Determination to deny the existing sign but approve a sign of 60 square feet maximum for "Oaksterdam University" along with acceptance of one of the attached mural designs.

Prepared by:

DAVID VALESKA
Planner II

Approved by:

SCOTT MILLER
Zoning Manager

Approved for forwarding to the
City Planning Commission:

ERIC ANGSTADT
Deputy Director
Community & Economic Development Agency

ATTACHMENTS:

A. July 7, 2010 staff report with Zoning Manager's Determination and Findings for Denial
B. Record summary: photographs, plans
C. Alternative mural designs, Applicant's Request for Proposals Process
(C-1 through C-8).
D. A. Gallo, S. Huss Et Al. CBD Comments, January 10, 2011
E. Draft Findings for Approval

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Oakland City Planning Commission STAFF REPORT

Case File Number A 10-107 **July 7, 2010**

Location:	**1600 Broadway (APN 008-06222-008-00)**
Proposal:	Appeal of Administrative Denial of a Request to legalize a wall sign exceeding 513 square feet in area installed without permits on the side of an office building for Oaksterdam University
Contact Person/Phone Number:	Salwa Ibrahim, (510) 637-9909
Owner:	Danyol Akol
Case File Number:	**A10-107 (Appeal Denial of DV10-031)**
Planning Permits Required:	Appeal of Administrative Denial of Minor Variance for exceeding allowed sign area (513 square feet requested, 20 additional square feet allowed) and Regular Design Review to allow new wall sign
General Plan:	Central Business District
Zoning:	CBD-P, Central Business District Pedestrian Zoning District
Environmental Determination:	Exempt-Section 15270, Projects Which are Disapproved; Section 15321, Enforcement Actions by Regulatory Agencies; Section 15311, Accessory Structures
Historic Status:	Not a Potential Designated Historic Property
Service Delivery District:	Metro
City Council District:	3
Staff Recommendation:	Deny Appeal
Finality of Decision:	Final, Not Administratively Appealable

SUMMARY

The appellant, Ms. Salwa Ibrahim of Oaksterdam University, requests the Planning Commission to overturn the Zoning Administrator's denial of her application for a Minor Variance and Design Review to legalize an existing sign over 513 square feet in area (about 725 square feet), installed without permission on the side of their office building at Broadway facing 17th Street. The City's regulations would allow signs totaling a maximum of 60 square feet for **all** the businesses located in the building. Because there are two existing signs on the building, totaling 40 square feet, there remains only 20 square feet available for this sign. The applicant has not demonstrated that they meet the required findings for a variance (of almost 700 square feet for this sign, which represents 35 times the maximum permitted sign area) or design review.

Staff recommends the Planning Commission uphold the Zoning Manager's action to deny the applications and deny the Appeal.

BACKGROUND

Oaksterdam University (OU) is a private educational institution promoting cannabis sativa (marijuana) for medicinal purposes. OU expanded their offices to 1600 Broadway and were approved for a 20 square foot sign over the door facing Broadway. In late 2009, OU had a sign painted at heights 18 to 33 feet above grade, on the side of their 50 foot tall building facing a parking lot, in excess of the sign area permitted by the Oakland Planning Code Section 17.104.020.B.1.

That Code section permits one square foot of sign area per linear foot of frontage, up to 200 square feet. The new wall sign exceeds both standards. The 60–foot wide frontage would allow 60 square feet of aggregate sign area for all businesses in the building. Since there is already a 20 square foot sign for another tenant and a 20 square foot OU sign, only 20 square feet of sign area remains available. Thus, the new sign is about 35 (thirty-five) times the maximum 20 square feet allowed.

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ATTACHMENT A. July 7, 2010 staff report with Zoning Manager's Determination and Findings for Denial

The sign area originally reported by the applicant is 513 square feet, the area of letters and logo exclusive of the white wall space in between letters and logo. The appeal now states that the signs are really only 470 square feet. However, the sign consists of 20 green 24 square foot letters spelling out OU's name, plus the 12 foot diameter 125 square foot green-and-yellow school logo, on a white background, located at the second and third story levels of the 3-story office building. Therefore, using the simplest rectangles as measured by staff, the area is closer to 725 square feet. This is the method of measurement used for signs in Oakland.

After citation by code enforcement, the school applied for a Variance and Design review, which staff denied on April 22, 2010. An appeal was timely filed on April 30, 2010.

PROPERTY DESCRIPTION

The property is a CBD-P Commercially-zoned corner lot located in the downtown business district. The lot is flat and measures 60 feet in width by 100 feet in depth. Neighboring facilities include historic and non-historic buildings, with the vertical grey wall of the telephone company tower bordering the parking lot perpendicular to the applicant's building.

GENERAL PLAN ANALYSIS

The property is located in the Central Business District area of the General Plan, Land Use & Transportation Element (LUTE). The General Plan Conformity Guidelines are silent on signs in excess of approved areas. The site is located within an area identified as 'Growth and Change' under the General Plan's LUTE (Figure 6 – Improvement Strategies Central/Chinatown – p. 194). LUTE policies include D2.1, which states that "Downtown development should be visually interesting, harmonize with its surroundings, respect and enhance important views in and of the downtown, respect the character, history, and pedestrian-orientation of the downtown, and contribute to an attractive skyline." Billboard-size wall signs do not accomplish this policy. While the Oaksterdam sign is an on-premises sign, in size and location it is comparable to a billboard, and Policy I/C4.3 and Policy N12.7 state that "Billboards should be reduced or eliminated in commercial and residential areas in Oakland…"

ZONING ANALYSIS

The property is located within the CBD-P Commercial Zone. The intent of the CBD-P Zone is: "*to create, maintain and enhance areas of the Central Business district for ground-level, pedestrian-oriented, active storefront uses. Upper story spaces are intended to be available for a wide range of office and residential activities.*" The applicant's sign is substantially larger than the existing 40 square feet of signage for 2 businesses on Broadway, and thus larger than the permitted sign area by a large margin. The new sign is not "pedestrian oriented." A Variance and Regular Design Review are required for such a sign. However, after reviewing an application for a Variance and Design Review, staff could not make the required findings to support the sign and denied it on April 22, 2010.

APPEAL DESCRIPTION

The property owner appealed the denial of the Variance and Regular Design Review DV10-031 on April 30, 2010 (Attachment B), timely filed counting 10 days. This action is treated as an appeal of a determination of the Zoning Manager pursuant to the Planning Code Sections (Chapter 17.136.080 and 17.148.060).

The appellant claims that staff's *"letter from April 22nd, 2010 denying Oaksterdam University's request for a variance contained an error. The mural on 1600 Broadway is a total of 470 square feet, not 725 square feet as listed. Please see the architectural drawings in the enclosed packet, as well as similar signs in Downtown Oakland and additional photos of the mural. It is Oaksterdam University's intention to file an appeal to the City Planning Commission. Oaksterdam has served a significant role in revitalizing downtown Oakland, serving as a community center, and has led the charge to fix Oakland's—and now, California's—failed cannabis laws. That's why over 1,500 Oakland neighbors and Oaksterdam tourists have signed a petition to keep our mural; you can find the petition attached. The mural on the side of 1600 Broadway is not only a piece of art painted by a local muralist: It is a historic icon that chronicles the positive and progressive change in Oakland to which Oaksterdam has been proud to contribute. This mural is a symbol of Oakland's progress and leadership; so today, we ask you to please preserve Oakland's history by permitting the mural on 1600 Broadway."*

Staff's Response:

This sign is a "Business Sign" pursuant to Section 17.10.840, which is defined as "a Sign directing attention to, or otherwise pertaining to, a commodity, service, business, or profession which is sold, produced, conducted or offered as one of the major functions of a Commercial, Manufacturing, or Agricultural or Extractive Activity on the same lot..." Therefore it is subject to the limitations in size pursuant to Section 17.104.020. The findings for approval of this sign, which significantly exceeds the allowable sign area, could not be made. While Oaksterdam University considers itself a positive and progressive change for Oakland, such characterization is not a factor in determining the allowable sign area, nor in the required findings for a Variance or Design Review (Section 17.136.080 and 17.148.060 for appeal parameters). Moreover, since the sign was erected in 2009, it is not considered an historic resource under the Planning Code.

One of the primary purposes of the City's sign regulations in Planning Code Section 17.104.020.B.1 is precisely to establish the parameters by which the right to signage can be implemented in a manner deemed consistent with the long term optimal functioning of an area. The Planning Code makes no exception for signs unilaterally installed without permission by a property owner which exceed permitted sign area, in this case by a factor of more than 35 (thirty-five) times.

Staff conclusions regarding the Findings for Denial of a Variance and Regular Design Review are contained in the attached Decision Letter and are incorporated herein by reference.

In summary, Appellant has not demonstrated error or abuse of discretion, or wherein the Zoning Manager's Decision is not supported by substantial evidence. Thus, the Determination that the sign was over-sized and that the findings required for a Variance and Regular Design Review cannot be made should be upheld as the appellant presents little to no factual or legal basis for proposed exemption to the size limitations rule.

ENVIRONMENTAL DETERMINATION

The California Environmental Quality Act (CEQA) Guidelines statutorily and categorically exempts specific types of projects from environmental review. If the Commission upholds the Zoning Manager's determination, Section 15270 statutorily exempts projects which are disapproved (that is, which a public agency rejects); Section 15321 categorically exempts enforcement actions by regulatory agencies. Alternatively, an action to approve the appeal and overturn the Zoning Manager's determination would be exempt from CEQA Environmental Review under Section 15311, Accessory Structures.

RECOMMENDATIONS:

1. Affirm staff's environmental determination.
2. Uphold the Zoning Manager's Determination and deny the Appeal.

Prepared by:

DAVID VALESKA
Planner II

Approved by:

SCOTT MILLER
Zoning Manager

Approved for forwarding to the
City Planning Commission:

WALTER COHEN
Director
Community & Economic Development Agency

ATTACHMENTS:

A. Zoning Manager's Determination (Denial) letter dated April 22, 2010
B. Appeal letter dated April 30, 2010, with photographs, plans and petitions
C. Record summary: photographs, plans
D. Neighbor Correspondence

LEGAL NOTICE: This action of the City Planning Commission is final and not administratively appealable. Any party seeking to challenge such decision in court must do so within ninety (90) days of the announcement of this decision, unless a shorter period applies.
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CITY OF OAKLAND

DALZIEL BUILDING • 250 FRANK H. OGAWA PLAZA, SUITE 2114 • OAKLAND, CALIFORNIA 94612-2031

Community and Economic Development Agency
Planning & Zoning Services Division

(510) 238-3911
FAX (510) 238-4730
TDD (510) 238-3254

April 22, 2010

Salwa Ibrahim
Oaksterdam Univerity
1600 Broadway
Oakland, CA 94612

RE: Case File No: DV10-031; 1600 Broadway; APN 008-0622-008-04

Dear Ms. Ibrahim:

Your application for a Minor Variance to Sections 17.104.020.B(1) of the Oakland Planning Code to allow a wall sign of 725 square feet in area (letters and logo only are 605 square feet in area) installed without permits where an additional 20 square feet would otherwise be the sign area limit, has been **DENIED**. The application does not comply with the Variance or Design Review Criteria as set forth in the Oakland Planning Code. Attachment A contains the findings required for this approval and the reasons your proposal does not satisfy them. This action is effective ten (10) days after the date of this letter unless appealed as explained below.

Location:	**1600 Broadway (APN 008-06222-008-04)**
Proposal:	Request to legalize a wall sign of 725 square feet in area (letters and logo only 605 square feet in area) where installed without permits on the side of an office building for Oaksterdam University
Contact Person/Phone Number:	Salwa Ibrahim, (510) 637-9909
Owner:	Danyol Akol
Case File Number:	**DV10-031**
Planning Permits Required:	Minor Variance for exceeding allowed sign area (725 square feet requested, 20 additional square feet allowed) and Regular Design Review to allow new wall sign
General Plan:	Central Business District
Zoning:	CBD-P, Central Business District Pedestrian Zoning District
Environmental Determination:	Exempt-Section 15301 of the State CEQA Guidelines: Minor Alterations to Existing Facilities; Section 15183 of the State CEQA Guidelines: Projects consistent with a community plan, general plan or zoning
Historic Status:	Not a Potential Designated Historic Property
Service Delivery District:	Metro
City Council District:	3
For Further Information:	Contact **David Valeska, Planner II at (510) 238-2075** or dvaleska@oaklandnet.com

Attachment A. Zoning Manager's Determination (Denial) letter dated April 22, 2010

An Appeal to the City Planning Commission of this Administrative Case decision may be submitted within ten (10) calendar days after the date of this letter, and by 4:00 p.m. An appeal shall be on a form provided by the Planning and Zoning Division of the Community and Economic Development Agency, and submitted to the same at 250 Frank H. Ogawa Plaza, Suite 2114, to the attention of **David Valeska, Planner II**. The appeal shall state specifically wherein it is claimed there was error or abuse of discretion by the Zoning Administrator or wherein his/her decision is not supported by substantial evidence and must include payment of $1181.93 in accordance with the City of Oakland Master Fee Schedule. The appeal itself must raise each and every issue that is contested, along with all the arguments and evidence in the record which supports the basis of the appeal; failure to do so may preclude you from raising such issues during your appeal and/or in court.

If you challenge a Commission decision in court, you may be limited to issues raised at the hearing or in correspondence delivered to the Zoning Division, Community and Economic Development Agency, at, or prior to, the Appeal hearing. Any party seeking to challenge in court those decisions that are final and not administratively appealable to the City Council must do so within ninety (90) days of the date of the announcement of the Commission's final decision.

If you have any questions, please contact the case planner, **David Valeska, Planner II** at **(510) 238-2075** or e-mail dvaleska@oaklandnet.com.

Sincerely,

Scott Miller

SCOTT MILLER
Zoning Manager

Cc Public Works Agency
Building Services
Property Owner Danyol Akol

Attachments:
A. Findings of Denial

A. FINDINGS OF DENIAL

SECTION 17.148.050(C)—VARIANCE FINDINGS:
All the following findings below are NOT satisfied with the proposal:

1. **That strict compliance with the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the zoning regulations, due to unique physical or topographic circumstances or conditions of design.**

   This site has no unique physical or topographic circumstances or condition of design; the site is a flat rectangular site. Making the words "Oaksterdam University" and its logo significantly bigger than allowed by code does not constitute an effective design solution improving livability, operational efficiency or appearance. There is no practical difficulty or unnecessary hardship inconsistent with the purposes of the zoning regulations which promotes a sign of this size. This business is similar to other educational and medical businesses in Downtown, and to other medical marijuana dispensaries in the community, none of which have been granted a 725 square foot wall sign to identify themselves, and which are subject to the same sign Code regulations and allowances as the applicant. Testimony during the public notice process from nearby business neighbors does not support a sign larger than that provided by the Oakland Planning Code.

2. **That strict compliance with the regulations would deprive the applicant of privileges enjoyed by owners of similarly zoned property.**

   See (1) above. Strict compliance with the code would still allow the applicant the privileges of sign identification on Broadway for this business, as verified by the applicant's existing on-site 20 square foot sign already approved. Other signs on Broadway and nearby streets have been approved for Oaksterdam University's leased areas in other buildings, all of which are in compliance with the Code and only a tiny fraction of 725 square feet in area. Other large wall signs in the area are legal nonconforming advertising signs, existing for many years, which would not be approved today, and which are mainly visible from side streets such as 17th Street near San Pablo Avenue rather than from Broadway. An Oaksterdam sign which can be seen on Broadway two blocks distant is neither required nor in the public interest.

   The University states that it needs the larger sign because of its outreach activities. This Variance denial does not limit the University's options on outreach activities beyond static signage.

3. **That the variance will not constitute a grant of a special privilege inconsistent with the limitations imposed on similarly zoned properties and inconsistent with the purposes of zoning regulations.**

   Granting the Variance would constitute a special privilege because there are no other adjacent or nearby land uses with a similar size and purpose wall sign approved to promote the on-site activity, and because Section 17.104 of the Planning Code provides adequate sign area consistent with the purposes of zoning regulations, including visual order and equity for businesses complying with the Code.

Section 17.136.050(B) Regular Design Review Criteria, Nonresidential Facilities:

1. **That the proposal will help achieve or maintain a group of facilities which are well related to one another and which, when taken together, will result in a well-composed design, with consideration given to site, landscape, bulk, height, arrangement, texture, materials, colors, and appurtenances; the relation of these factors to other facilities in the vicinity; and the relation of the proposal to the total setting as seen from key points in the surrounding area. Only elements of design which have some significant relationship to outside appearance shall be considered, except as otherwise provided in Section1 17.136.060:**

   If reduced in size to the size permitted by the Oakland Planning Code, 20 square feet, the design of this sign would appear harmonious and balanced and would relate well to the supporting building and surrounding areas. However, the existing sign is over *35 times as large* as such a conforming sign design. Seen from areas along Broadway, the existing sign of 725 square feet in area remains unharmonious with views of historic and modern buildings, and should be removed.

2. **That the proposed design will be of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area.**

   The value of public and private investments is not protected by the design, since the oversized, garish and disproportionate sign contributes nothing to the district except to ascribe and attribute the whole district to its identity. This is exactly the complaint that some neighbor businesses filed during the public notice period for this application: that the giant sign gives the appearance that the whole neighborhood is "Oaksterdam," when in fact the University leases less than 10% of the building floor-space in this vicinity. A University sign needs to better harmonize with signs in the area.

3. **That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable design review guidelines or criteria, district plan or development control map which has been adopted by the Planning Commission or City Council.**

   The General Plan and other guidelines promote visual continuity in Downtown and in areas with concentrations of historical buildings. This proposal does not satisfy the spirit and intent of the zoning ordinance given the building size.

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Community and Economic Development Agency

CITY OF OAKLAND
REQUEST FOR APPEAL OF DECISION TO PLANNING COMMISSION OR CITY COUNCIL

(REVISED 8/14/02)

PROJECT INFORMATION

Case No. of Appealed Project: DV10-031

Project Address of Appealed Project: 1600 Broadway

APPELLANT INFORMATION:

Printed Name: Salwa Ibrahim

Phone Number: 510-637-9909

Mailing Address: 1600 Broadway

Alternate Contact Number: 510-832-3746

City/Zip Code 94612

Representing: Dan Akol/Oaksterdam

An appeal is hereby submitted on:

☐ **AN ADMINISTRATIVE DECISION (TO THE CITY PLANNING COMMISSION)**

YOU MUST INDICATE ALL THAT APPLY:

- ☐ Approving an application for an Administrative Project
- ☒ Denying an application for an Administrative Project
- ☐ Administrative Determination or Interpretation by the Zoning Administrator
- ☐ Other (please specify) _____

Pursuant to the Oakland Municipal and Planning Codes listed below:

- ☐ Administrative Determination or Interpretation (OPC Sec. 17.132.020)
- ☐ Determination of General Plan Conformity (OPC Sec. 17.01.080)
- ☐ Design Review (OPC Sec. 17.136.080)
- ☐ Small Project Design Review (OPC Sec. 17.136.130)
- ☐ Minor Conditional Use Permit (OPC Sec. 17.134.060)
- ☐ Minor Variance (OPC Sec. 17.148.060)
- ☐ Tentative Parcel Map (OMC Section 16.304.100)
- ☐ Certain Environmental Determinations (OPC Sec. 17.158.220)
- ☐ Creek Protection Permit (OMC Sec. 13.16.450)
- ☐ Creek Determination (OMC Sec. 13.16.460
- ☐ Hearing Officer's revocation/impose or amend conditions (OPC Secs. 15.152.150 & 15.156.160)
- ☐ Other (please specify) _____

☐ **A DECISION OF THE CITY PLANNING COMMISSION (TO THE CITY COUNCIL)** ☐ Granting an application to: **OR** ☐ Denying an application to:

_____

_____

Attachment B. Appeal letter dated April 30, 2010 with

ATTACHMENT B. Record summary: photographs, plans

(Continued)

A DECISION OF THE CITY PLANNING COMMISSION (TO THE CITY COUNCIL)

YOU MUST INDICATE ALL THAT APPLY:

Pursuant to the Oakland Municipal and Planning Codes listed below:

- ☐ Major Conditional Use Permit (OPC Sec. 17.134.070)
- ☐ Major Variance (OPC Sec. 17.148.070)
- ☒ Design Review (OPC Sec. 17.136.090)
- ☐ Tentative Map (OMC Sec. 16.32.090)
- ☐ Planned Unit Development (OPC Sec. 17.140.070)
- ☐ Environmental Impact Report Certification (OPC Sec. 17.158.220F)
- ☐ Rezoning, Landmark Designation, Development Control Map, Law Change (OPC Sec. 17.144.070)
- ☐ Revocation/impose or amend conditions (OPC Sec. 17.152.160)
- ☐ Revocation of Deemed Approved Status (OPC Sec. 17.156.170)
- ☒ Other (please specify) Minor Variance

An appeal in accordance with the sections of the Oakland Municipal and Planning Codes listed above shall state specifically wherein it is claimed there was an error or abuse of discretion by the Zoning Administrator, other administrative decisionmaker or Commission (Advisory Agency) or wherein their/its decision is not supported by substantial evidence in the record, or in the case of Rezoning, Landmark Designation, Development Control Map, or Law Change by the Commission, shall state specifically wherein it is claimed the Commission erred in its decision.

You must raise each and every issue you wish to appeal on this Request for Appeal Form (or attached additional sheets). Failure to raise each and every issue you wish to challenge/appeal on this Request for Appeal Form (or attached additional sheets), and provide supporting documentation along with this Request for Appeal Form, may preclude you from raising such issues during your appeal and/or in court.

The appeal is based on the following: *(Attach additional sheets as needed.)*

See attached Documents
- Dispute sign area
- Dispute staff finding of hardship and fairness

☒ **Supporting Evidence or Documents Attached.** *(The appellant must submit all supporting evidence along with this Appeal Form.)*

Signature of Appellant or Representative of Appealing Organization

Date 4/30/10

Below For Staff Use Only

Date/Time Received Stamp Below:

Cashier's Receipt Stamp Below:

8/14/02

Ibrahim

1) The mural on 1600 Broadway improves the appearance of the building. Oaksterdam University (OU) is a tourist landmark, and this mural anchors OU as the centerpiece of the Oaksterdam neighborhood. There are 1,000 people coming to Oakland each day because of the draw provided by OU and affiliate businesses. Oaksterdam receives international attention on a regular bases and is advertising Oakland to a worldwide market. The mural also serves as a beacon for the media, and could become an iconic image of Oakland, similar to the Tribune building, etc. This mural offers a focal point and is an easily identifiable information/visitors center. OU serves as a safe place for visitors to downtown Oakland.

2) There are two buildings north of 1600 Broadway with large billboards (Please see attached photo). Our mural is an aesthetically pleasing alternative that identifies a district and a safe place for people to meet, while serving as a historical piece. Since Oaksterdam University is the first politically active cannabis college in the world this mural signifies a moment in history.

3) Next door is a parking lot. It has no negative impact on their business, and 40% of their business comes from OU visitors. Also, this mural is art! It was commissioned to an accomplished local artist who has had shows all over Oakland. The artist has also had offers for work in downtown Oakland based on her OU mural, including the taco shop Antojeria el Chilar.

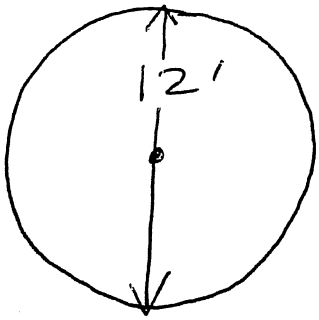
4) Again, There are two buildings north of 1600 Broadway with large billboards (Please see attached photo).
5) See above.

1/28/10

SIZE ESTIMATE

for O.U. Mural:

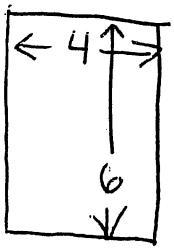
Emblem → 12 ft Dia. 144



− 20% space 29

= 125 ft²

Letters → 4' x 6 ft EA. x (20) 480



− 20% space − 92

= 388 ft

Total = 513 sq ft

M. Jones ARTIST

Oaksterdam University
1600 Broadway
Oakland, CA 94612

RECEIVED
APR 30 2010
CITY PLANNING COMMISSION
ZONING DIVISION

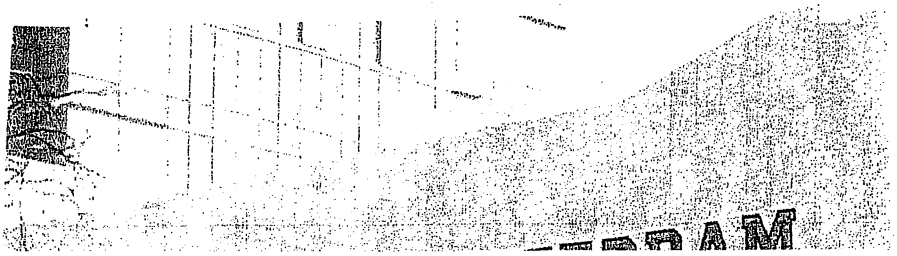
Dear Neighbor,

As you may have noticed the corner of 17th and Broadway just became a little brighter. Oaksterdam University moved into its new home at 1600 Broadway occupying the 30,000 square foot facility and commissioned a local Oakland muralist to design a one of a kind piece to help identify the Oaksterdam district and has quickly became an internationa media icon. This mural has been seen on many international media outlets including Switzerland, France and Australia TV to name a few.

The growth of Oaksterdam is vital to the revitalization of Downtown Oakland, Oaksterdam is responsible for bringing over 1,000 people to Oakland everyday and the foot traffic is supporting many of our neighborhood businesses such as yours.

In an effort to apply for a minor variance Oaksterdam is looking for your support. Please help us keep this vibrant piece of art that is becoming an icon during this historic time by signing this petition. Your support is greatly appreciated and we look forward to building a stronger community with you.

Best,



A-10-107

RECEIVED
CITY PLANNING COMMISSION

Oaksterdam University

Request for Appeal

1600 Broadway

Sign Variance

RECEIVED
APR 2 1 2010
CITY PLANNING COMMISSION
ZONING DIVISION

April 29, 2010

Davis Valeska, Planner II
Community and Economic Development Agency
Planning and Zoning Division
250 Frank H. Ogawa Plaza Suite 2114
Oakland, CA 94612

RE: Case File No: DV10-031; 1600 Broadway; APN 008-0622-008-04

Dear Mr. Valeska,

It has come to my attention that your letter from April 22nd, 2010 denying Oaksterdam University's request for a variance contained an error. The mural on 1600 Broadway is a total of 470 square feet, not 725 square feet as listed. Please see the architectural drawings in the enclosed packet, as well as similar signs in Downtown Oakland and additional photos of the mural.

It is Oaksterdam University's intention to file an appeal to the City Planning Commission. Oaksterdam has served a significant role in revitalizing downtown Oakland, serves as a community center, and has led the charge to fix Oakland's – and now, California's – failed cannabis laws. That's why over 1,500 Oakland neighbors and Oaksterdam tourists have signed a petition to keep our mural; you can find the petition attached.

The mural on the side of 1600 Broadway is not only a piece of art painted by a local muralist: It is a historic icon that chronicles the positive and progressive change in Oakland to which Oaksterdam has been proud to contribute. This mural is a symbol of Oakland's progress and leadership; so today, we ask you to please preserve Oakland's history by permitting the mural on 1600 Broadway.

Best,

Salwa Ibrahim

Oaksterdam University

In November 2007 Oakland made history. Oaksterdam University the world's first cannabis trade school opened its doors to provide quality training for the cannabis industry. Immediately it was a success and due to the rapid growth of our school we have expanded three times in three short years. Since opening day, Oaksterdam University (OU) has provided over 7,000 students with not only the training necessary to become a part of the emerging cannabis industry but how to become politically active and give back to their community. OU is a private community gathering place where we have hosted numerous events and neighborhood meetings open to patients and alumni as well served other community groups such as Medical Cannabis Safety Council and the US Census training center. This mural is distinct and allows people to quickly identify 1600 Broadway as a beacon for safety. This historic school has caught the attention of international press and has been seen in over 27 countries around the world. The success of OU has generated an enormous amount of positive attention billing Oaksterdam a gold standard in the industry, so much so that we have been orchestrating monthly guided tours for visitors from around the country. Oaksterdam's positive reputation draws 1,000 per day to Oakland generating foot traffic for the downtown area and neighboring businesses.

Oaksterdam University has also spearheaded Measure Z (1) which passed with a 65% majority vote and Measure F (2) which passed with an overwhelming 80%. These measures were the first of their kind in the nation and Oakland yet again made history. Most recently, OU has qualified a state wide ballot initiative that will Control Tax and Regulate Cannabis, this is the next milestone for Oakland and the international cannabis movement. Along with diligently working to change the laws, Oaksterdam continues to be philanthropic to dozens of Oakland nonprofits and charities.

The purpose of this letter is to encourage city staff to recognize that we are in historic times and Oakland is at the forefront. The mural on the side of 1600 Broadway is not only a piece of art painted by a local muralist it is a historic icon seen around the world chronicling the positive and progressive change and the revival of Oakland that Oaksterdam has contributed so much to. The international cannabis movement is looking to Oakland and Oaksterdam to set the standard for this entire industry. This mural is a landmark; please preserve Oakland's history by permitting the mural on 1600 Broadway.

(1) *Shall the ordinance requiring the City of Oakland (1) to make law enforcement related to private adult cannabis (marijuana) use, distribution, sale, cultivation and possession, the City's lowest law enforcement priority; (2) to lobby to legalize, tax and regulate cannabis for adult private use, distribution, sale, cultivation and possession; (3) to license, tax and regulate cannabis sales if California law is amended to allow such actions; and (4) to create a committee to oversee the ordinance's implementation, be adopted*

(2) *Shall City of Oakland's business tax, which currently imposes a tax rate of $1.20 per $1,000 on "cannabis business" gross receipts, be amended to establish a new tax rate of $18 per $1,000 of gross receipts*

#	Name	Address	City/Zip	Contact Info	SIGNATURE
169	LOREN B. LAMBERT	265 CAMELBACK RD	PLEASANT HILL 94523	(925) 333-0010	
170	CARAH M. KRAMER	265 CAMELBACK RD.	PLEASANT HILL 94523	(925) 333-0010	
171		1220 Browning Blvd	Los Angeles CA 90037	—	Sara Ramirez
172	Valerie Smith	863 Carpetta Cir.	Pittsburg, CA	925-252-1972	Valerie Smith
173	JASON ROBERTS	1724 ISLETON COURT	OAKLEY CA	—	
174	Luis Lens	3609 Cutler Oakley, CA	94605, CA	—	
175	Bibis C Kinder	[illegible] Valley, CA	Eve[illegible] CA	—	
176	Yuri Hollie	6228 Ridgemaster Oak CA 94610	OAK CA 94610	—	
177	DAN COLLINS	2223 STARMAN Pittsburg	Pittsburg	—	
178	Cindy Stuart	2997 Pilot Ridge	Clayton	925 212-5722	
179	Darlene Taylor	877-34st	oakland	510 355-4596	Darlene Taylor
180	AJ Buckdoll	1208 San Mateo Drive SLO, 93401	Oakland	805-801-0138	
181	TOM GOODALL	92 GLENWOOD HERCULES	HERCULES		
182	Sharon Goodall	92 Glenwood Hercules CA	Hercules	510-741-8647	Sharon Goodall

PETITION OF SUPPORT FOR OAKSTERDAM VARIANCE
(3 PAGES OF 126 PAGES, ESTIMATED +/-1500 SIGNED

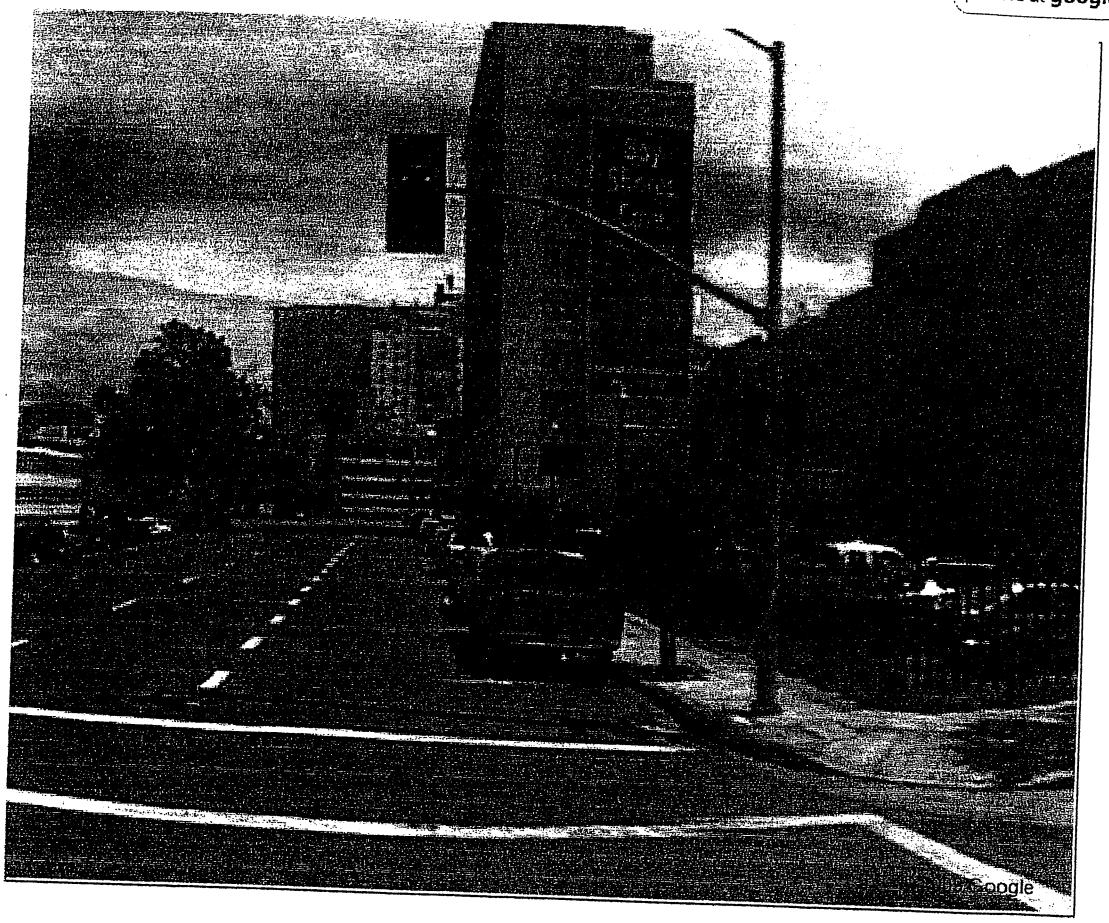
Local Business Signatures

#	Business Name	Owner/Manager Name	Address	Phone #	SIGNATURE
1	Jimmy's Deli	owner	1600 Broadway #100	268-8039	
2	The Twilight Zone	Manager	1520 Broadway	(510) 208 5420	
3	San Francisco Pizza	Owner	1600 Broadway	(510) 452 2200	
4	Ephymeh Beauty Supply	owner	391-A 17th St	663-7600	
5	[illegible]	[illegible]	391 E 17 St	832-6147	
6	[illegible]	Owner	385 17th St.	832-7717	
7	A Divas Closet	Kenya J K manager	385 17 St	510 2286504	
8	SO DAPPER	Katherine Kimmons	371 17th St	(510) 495-7119	
9	TEMPLE TATTOO	Employee Chummy Alexanian	384 17th St	510) 451-6423	
10	Henry's CAFE	owner	1700 Franklin St	510 835 5044	
11	Inad a Health	Owner	1520 Broadway	2085420	
12	Kyung Kim	owner	1635 Broadway	238-8187	
13	[illegible]	BROADWAY SHOE REPAIRS	1629 BROADWAY	978-0563	
14	Grace Beauty Supply	Owner	1723 Broadway	465-1723	
15	Patient ID Center.	manager.	1733 Broadway	832-5346	

Google maps

Address **17th St & Jefferson St**
Oakland, CA 94612

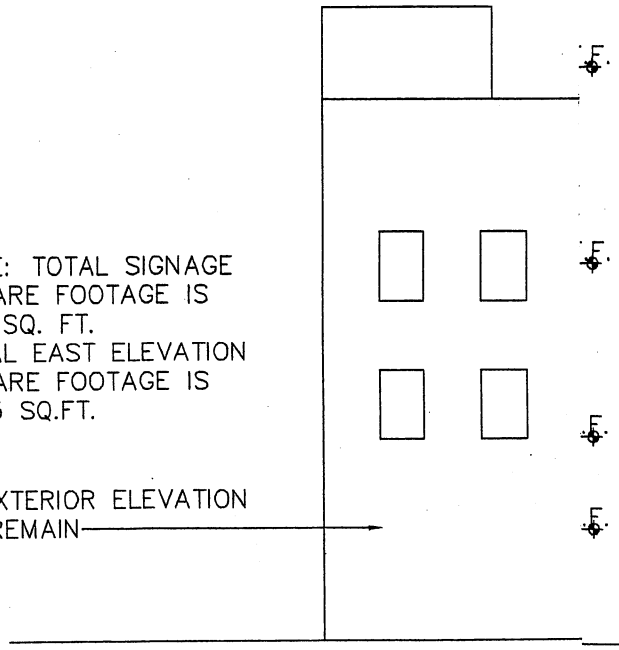
Save trees. Go green!
Download Google Maps on your phone at **google.com/gmm**



Attachment C. Record summary: photographs, plans

C:\Users\Anna\Documents\CAD Files\Oaksterdai

RECEIVED
APR 3 0 2010
CITY PLANNING COMMISSION
ZONING DIVISION



NOTE: TOTAL SIGNAGE SQUARE FOOTAGE IS 370 SQ. FT.
TOTAL EAST ELEVATION SQUARE FOOTAGE IS 6805 SQ.FT.

(E)EXTERIOR ELEVATION TO REMAIN

SQUARE FOOTAGE CALCS.
O
=13 SQ.FT.
A = 13.66 SQ.FT. X2 =27 SQ.FT.
K
=16 SQ.FT.
S = 13 SQ.FT. X2 =26 SQ.FT.
T = 12.55 SQ.FT. X2 =25 SQ.FT.
E = 15 SQ.FT. X2 =30 SQ.FT.
R = 15 SQ.FT. X2 =30 SQ.FT.
D
=14 SQ.FT.
M
=18 SQ.FT.
U
=14 SQ.FT.
N
=18 SQ.FT.
I = 7 SQ.FT. X2 =14 SQ.FT
Y
=13 SQ.FT.
TOTAL =257
SQ.FT.

EXTERIOR SIGNAGE

Revision Dates

No.	Date	By

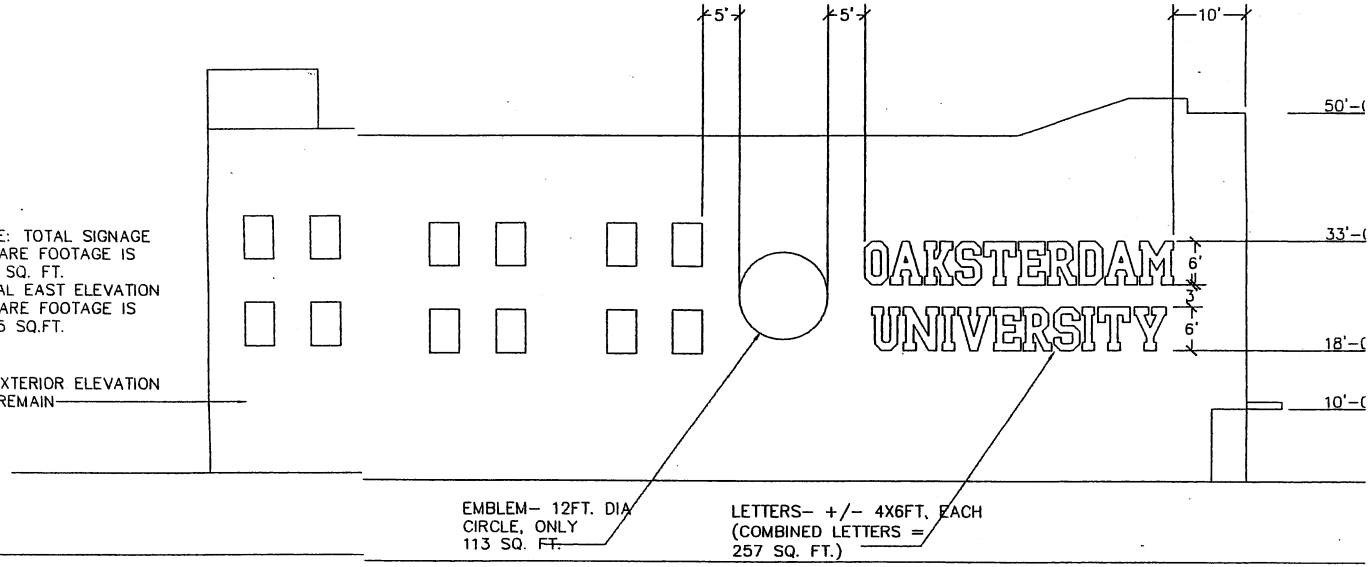
OAKSTERDAM UNIVERSITY

1600 BROADWAY
OAKLAND, CA

Project No.:
Drawn by:
Checked by:
Scale:
Date:
Filename: O

C:\Users\Anna\Documents\CAD Files\Oakster rdam U\1600 BROADWAY.jpg

PROPOSED SIGNAGE

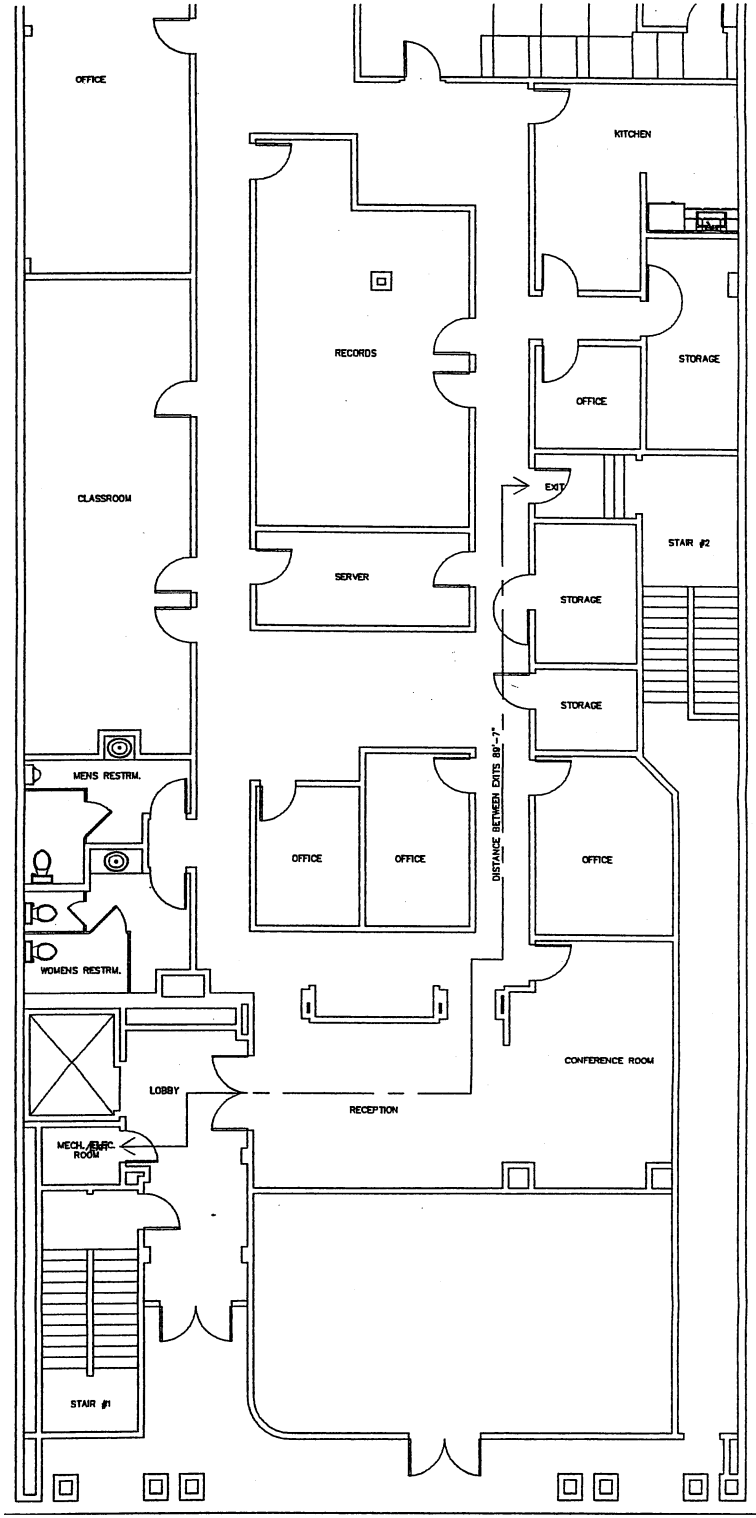


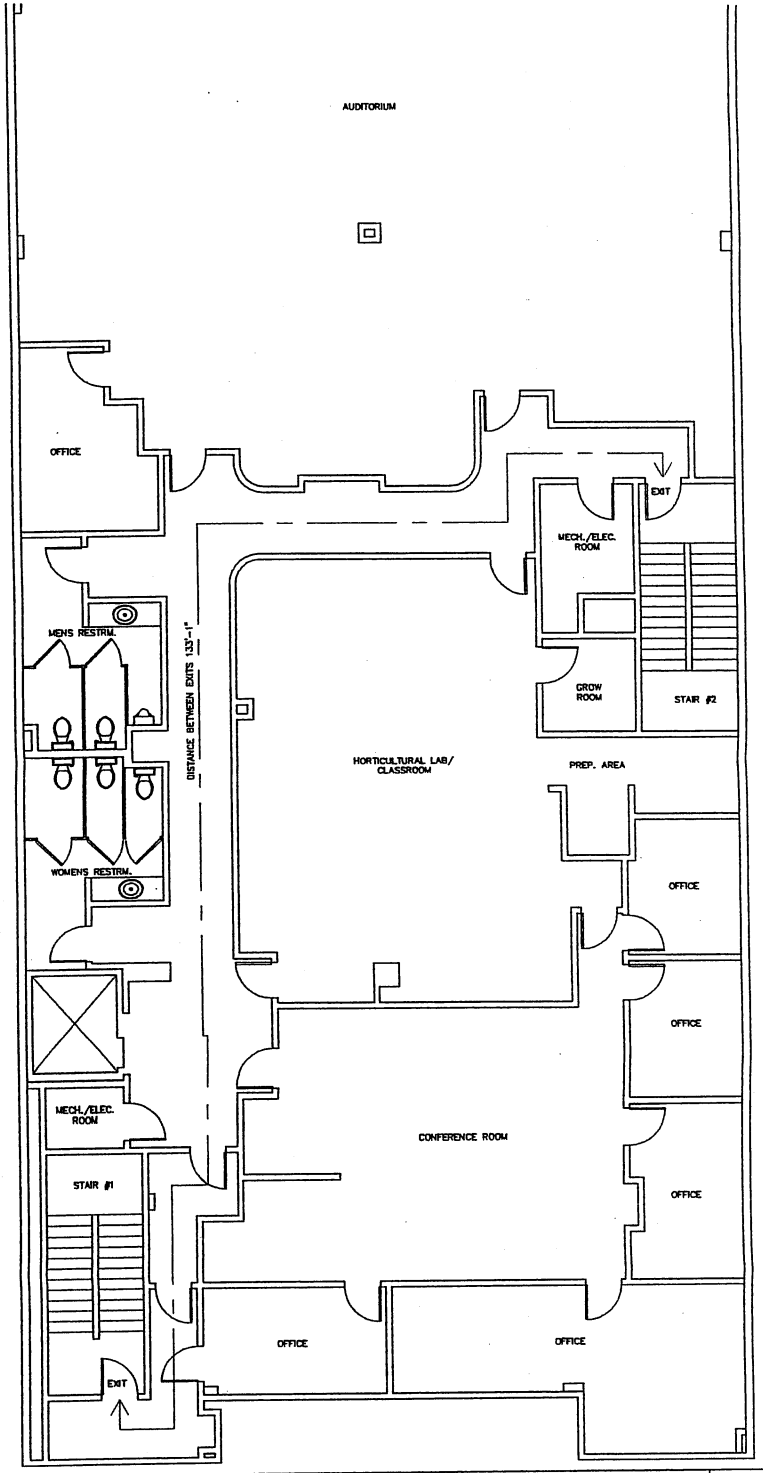
EXTERIOR SIGNAGE

OAKSTERDAM UNIVERSITY

1600 BROADWAY
OAKLAND, CA

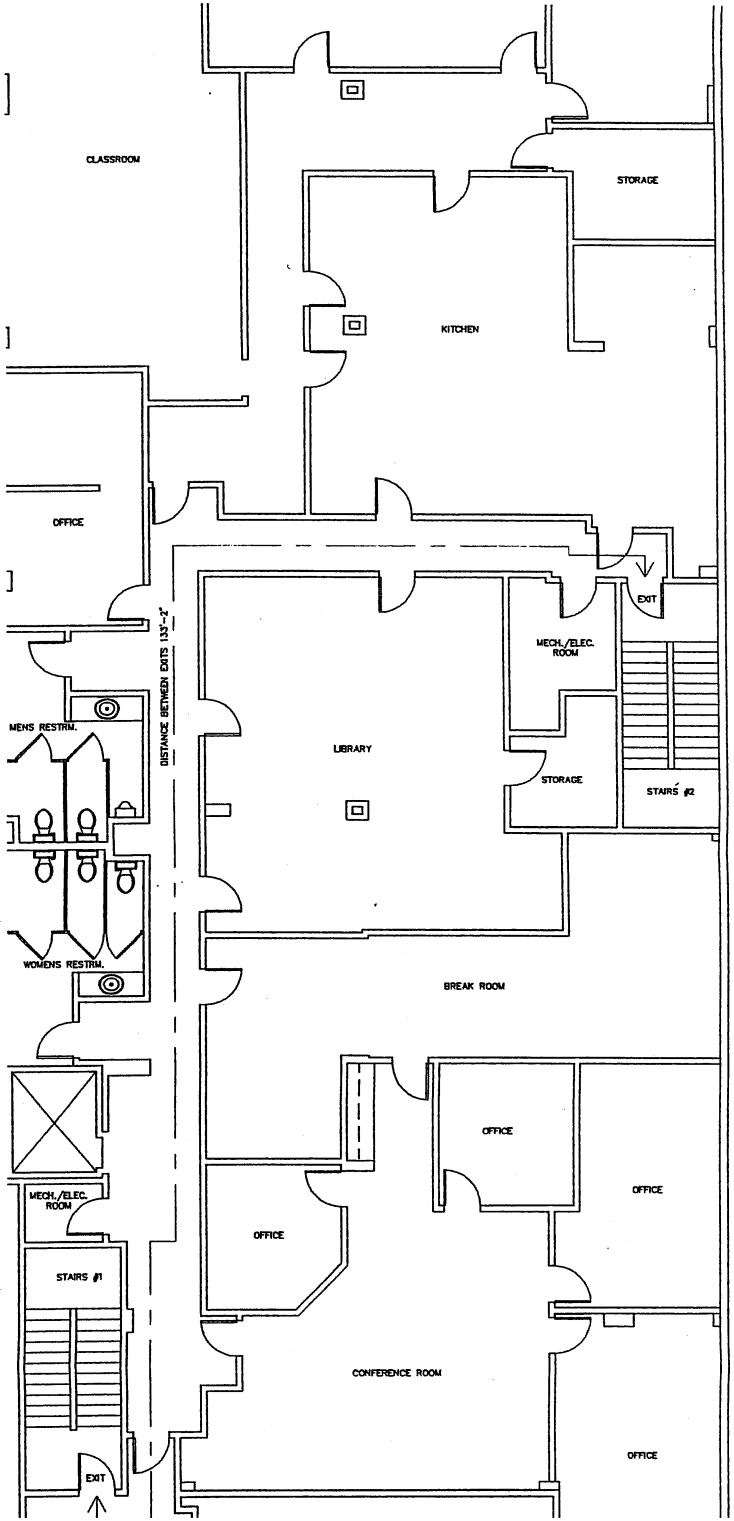
Project No.:	10.000.05
Drawn by:	A. CAMPA
Checked by:	A. CAMPA
Scale:	[illegible]
Date:	04.01.10
Filename:	OU-EXT-ELEV

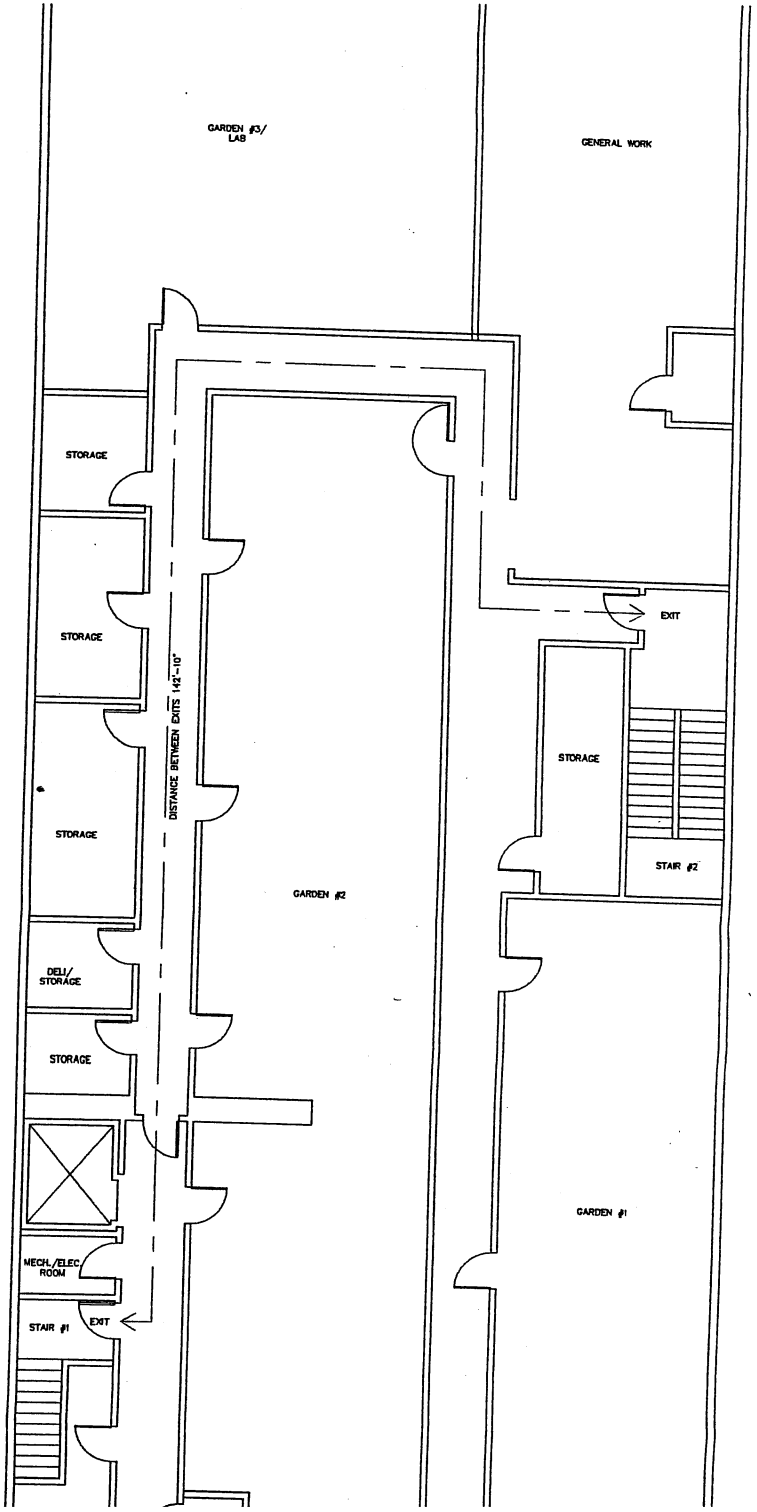

OFFICE
KITCHEN
RECORDS
STORAGE
OFFICE
CLASSROOM
EXIT
STAIR #2
SERVER
STORAGE
STORAGE
MENS RESTRM.
DISTANCE BETWEEN EXITS 80'-7"
OFFICE
OFFICE
OFFICE
WOMENS RESTRM.
CONFERENCE ROOM
LOBBY
RECEPTION
MECH./ELEC. ROOM
STAIR #1

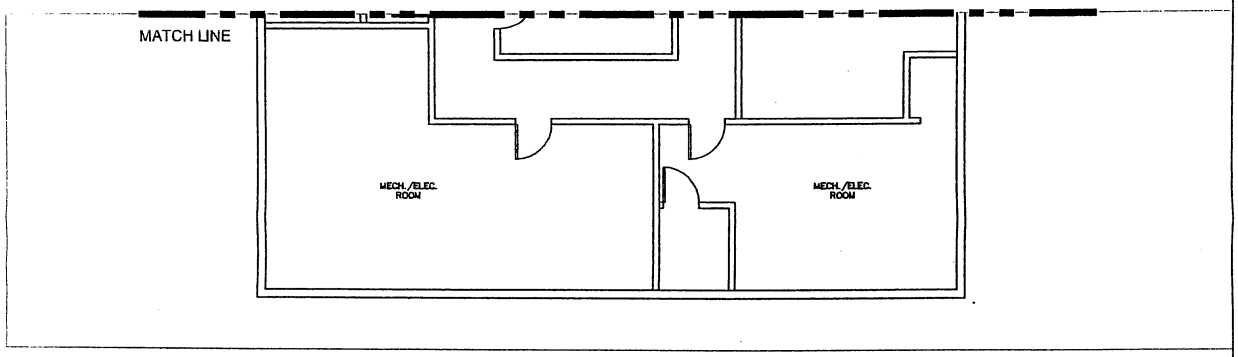


Revision Dates

No.	Date	By


CLASSROOM
STORAGE
KITCHEN
OFFICE
EXIT
MECH./ELEC. ROOM
DISTANCE BETWEEN EXITS 133'-2"
MENS RESTRM.
LIBRARY
STORAGE
STAIRS #2
WOMENS RESTRM.
BREAK ROOM
OFFICE
OFFICE
MECH./ELEC. ROOM
OFFICE
STAIRS #1
CONFERENCE ROOM
OFFICE
EXIT


GARDEN #3/
LAB
GENERAL WORK
STORAGE
STORAGE
STORAGE
DISTANCE BETWEEN EXITS 142'-10"
EXIT
STORAGE
STAIR #2
GARDEN #2
DELI/
STORAGE
STORAGE
GARDEN #1
MECH./ELEC.
ROOM
STAIR #1
EXIT



BASEMENT EXITING PLAN 2 OF 2

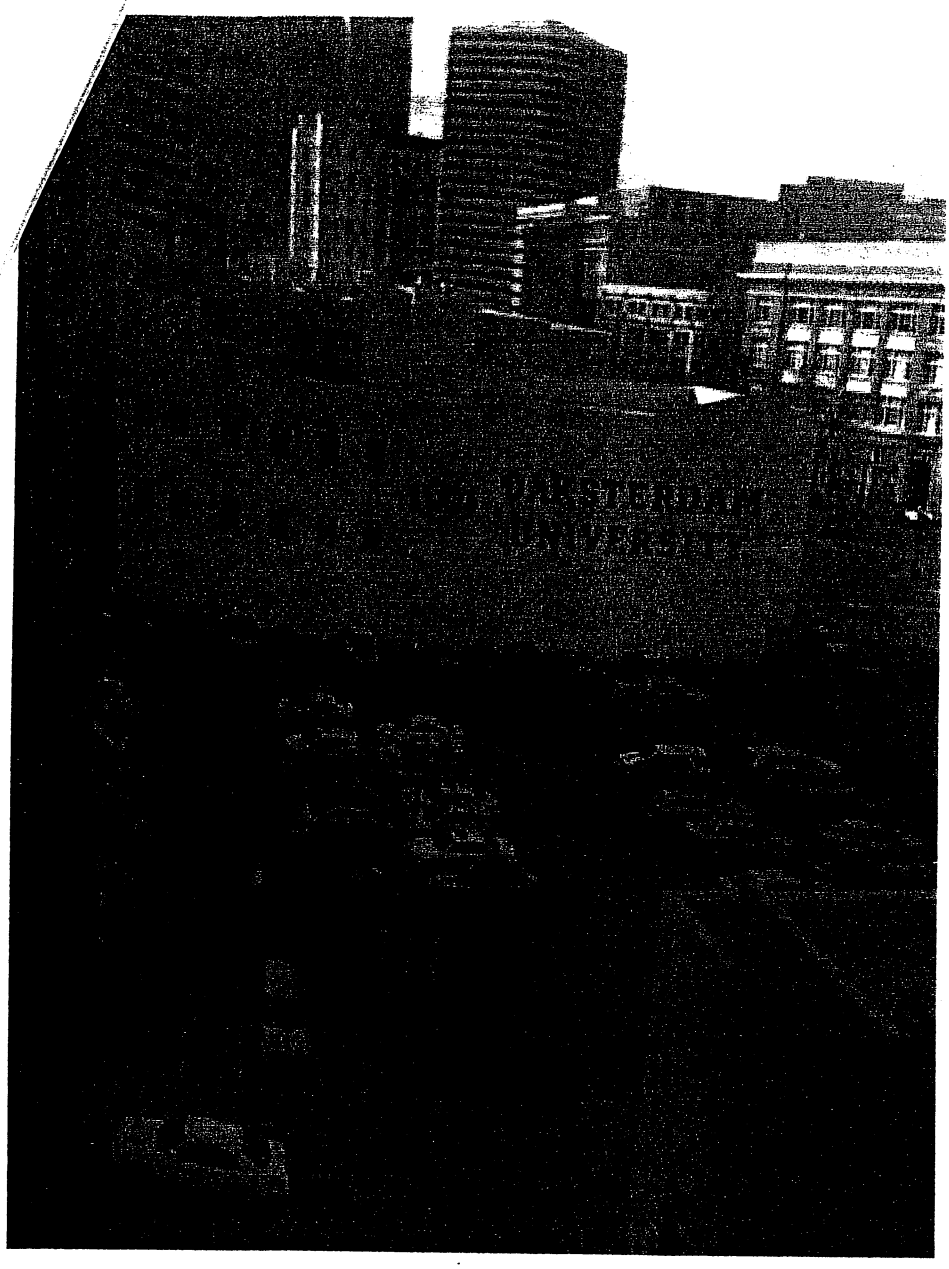
Revision Dates

No.	Date	By

OAKSTERDAM UNIVERSITY

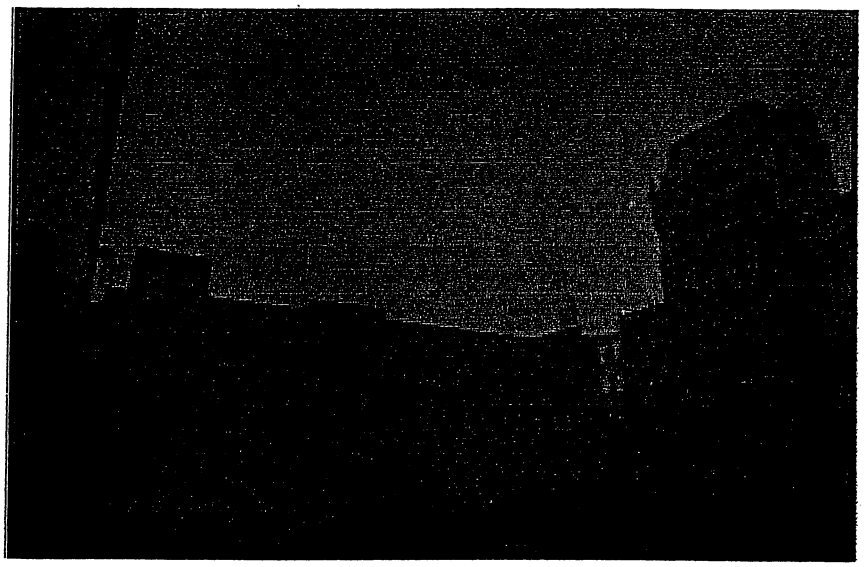
1600 BROADWAY
OAKLAND, CA

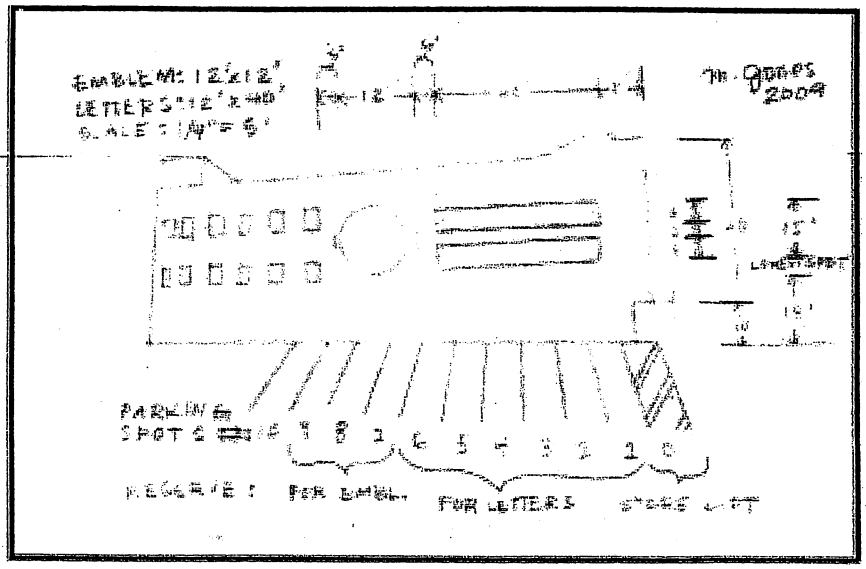
Project No.:	10.000.05
Drawn by:	A. CAMPA
Checked by:	A.CAMPA
Scale:	1" = 10'-0"
Date:	03.22.10
Filename:	OU-BASEMENT



FINAL DESIGN - 1600 BROADWAY
DESIGN PLAN - APPROX. MEASUREMENTS

M.JONES
12/23/9





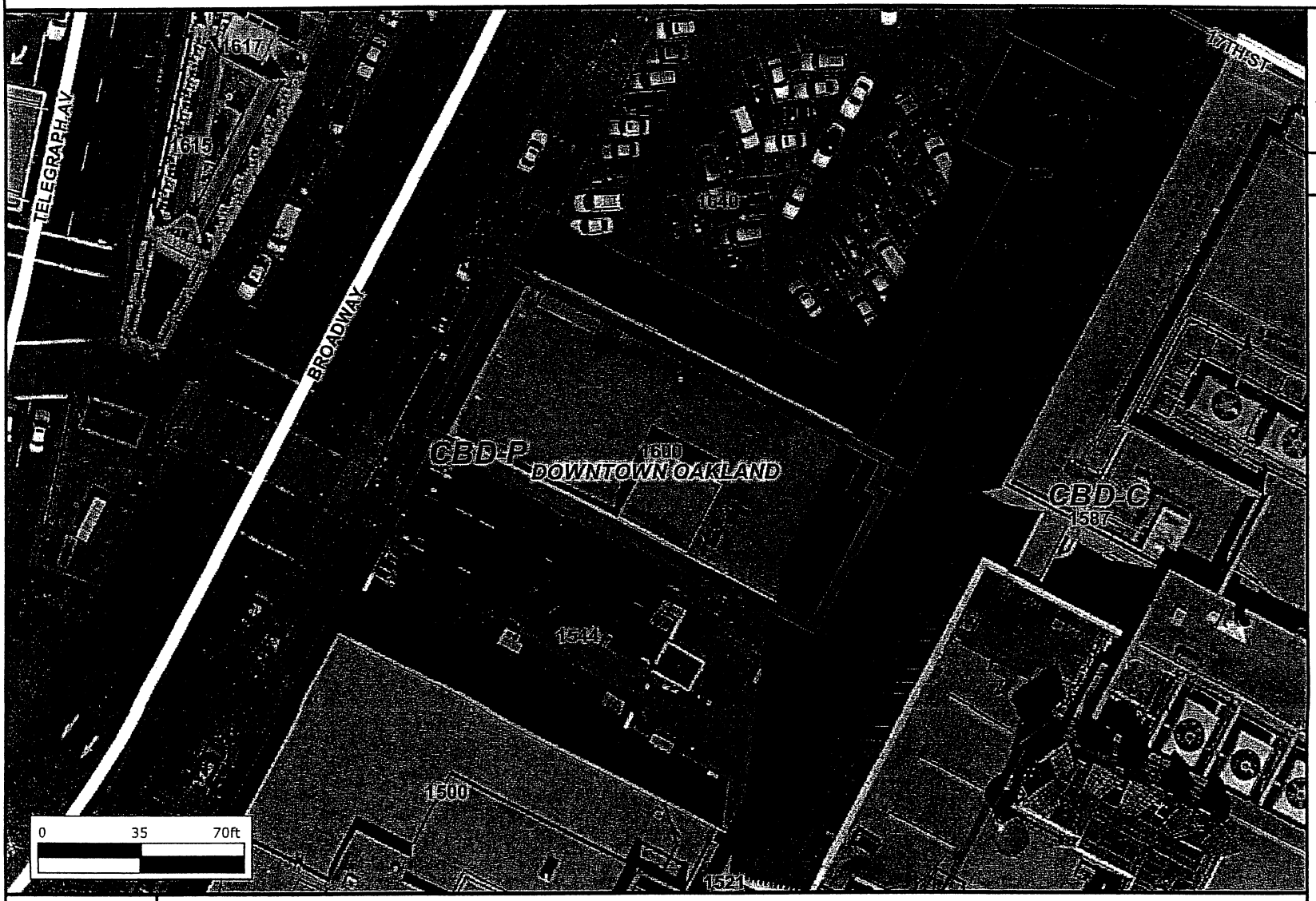
SIZE ESTIMATE:

EMBLEM 12FT DIA CIRCLE ONLY
= 125 SQ FT

LETTERS 4FT X 6 FT EACH (20) - SPACE
= 388 SQ FT (480 SF)

TOTAL = 513 SQ FT

Oaksterdam University



Legend

- Selected Features
- City Limits
- Wildfire Assessment District
- Zoning
- Parcels
- Freeways
- MajorSts
- Streets
- Water
- Land

N
W E
S

It is imperative that you obtain BOTH the Zoning and General Plan designations for the property(s) you are searching for.

Questions? Contact a planner at (510)238-3911.

Printed: 1/22/2010 8:31:29 AM

City of Oakland

1600 Broadway

Legend

- Selected Features
- City Limits
- Wildfire Assessment District
- Zoning
- Parcels
- Freeways
- MajorSts
- Streets
- Water
- Land

N
W E
S

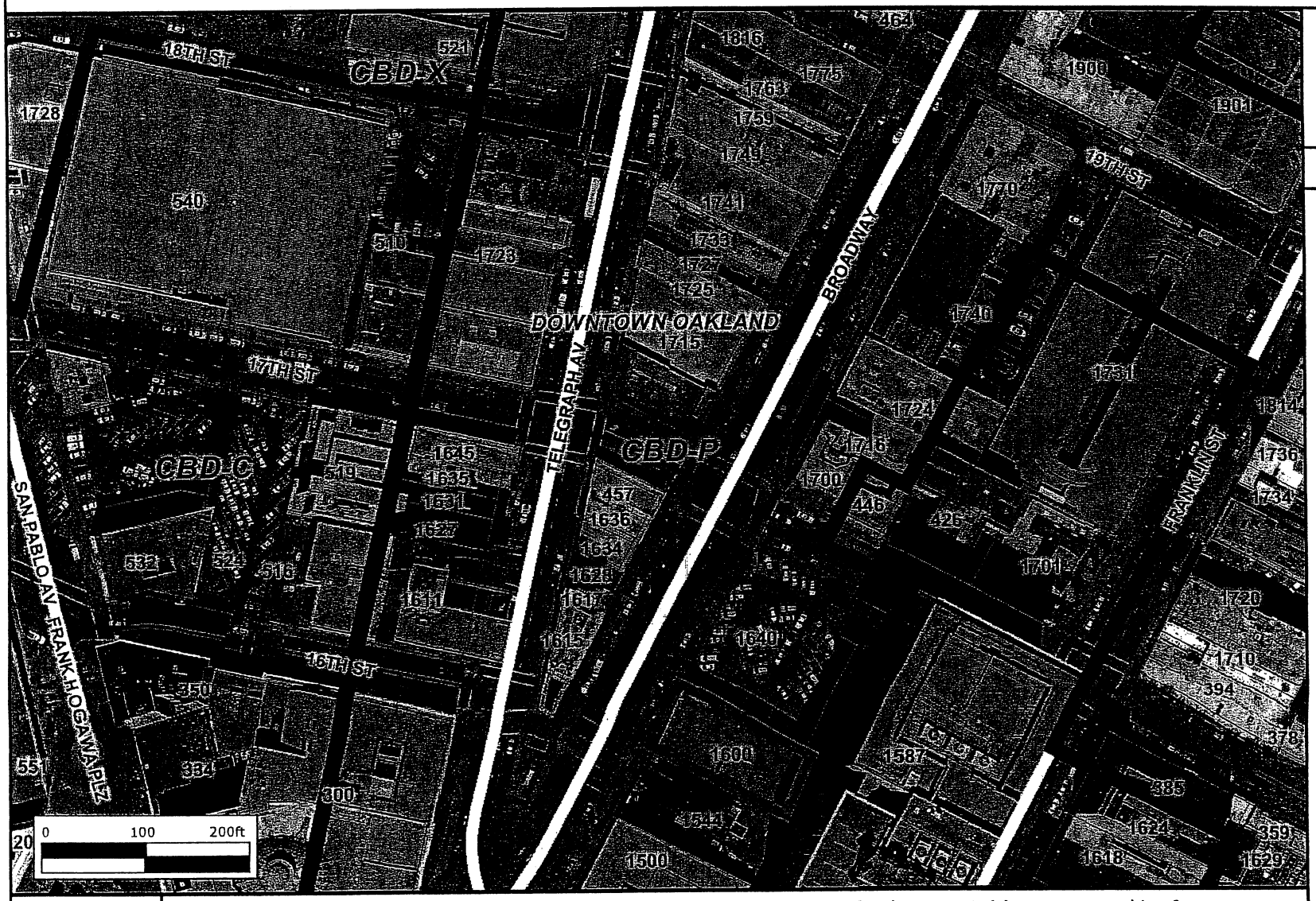
It is imperative that you obtain BOTH the Zoning and General Plan designations for the property(s) you are searching for.

Questions? Contact a planner at (510)238-3911.

Printed: 1/29/2010 4:25:34 PM

City of Oakland

1600 Broadway



Legend

- Selected Features
- City Limits
- Wildfire Assessment District
- Zoning
- Parcels
- Freeways
- MajorSts
- Streets
- Water
- Land

N
W E
S

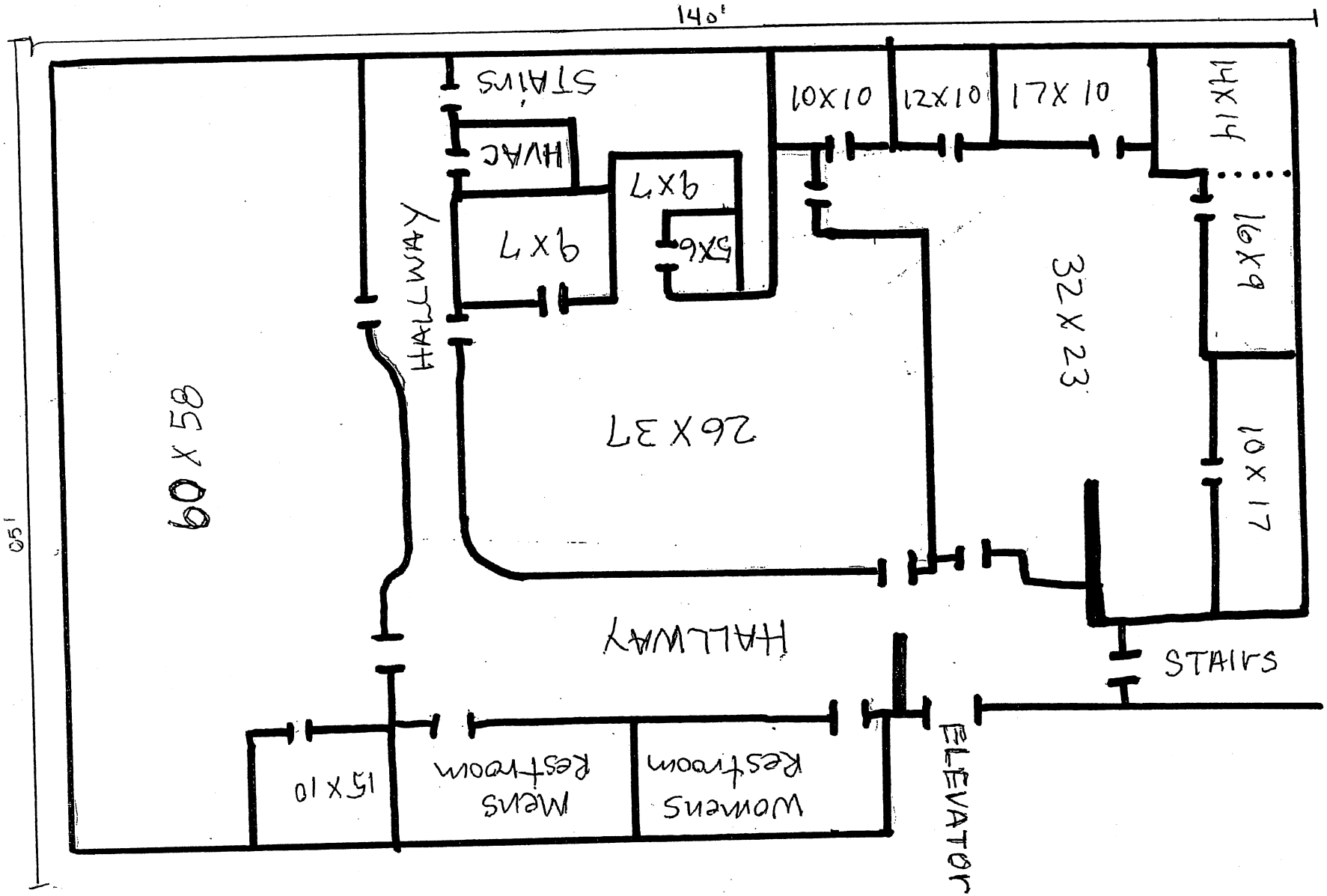
It is imperative that you obtain BOTH the Zoning and General Plan designations for the property(s) you are searching for.

Questions? Contact a planner at (510)238-3911.

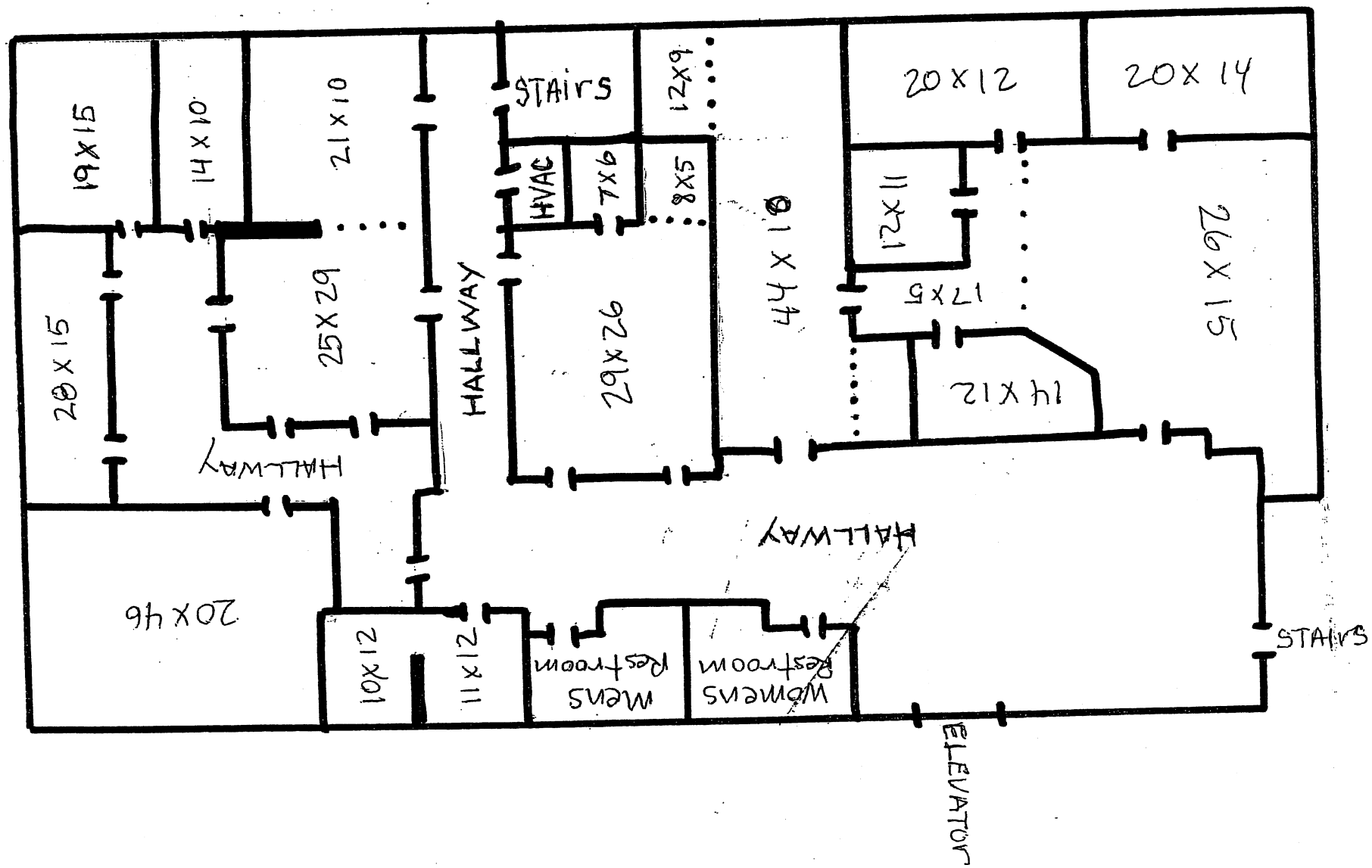
Printed: 1/29/2010 4:21:53 PM

City of Oakland

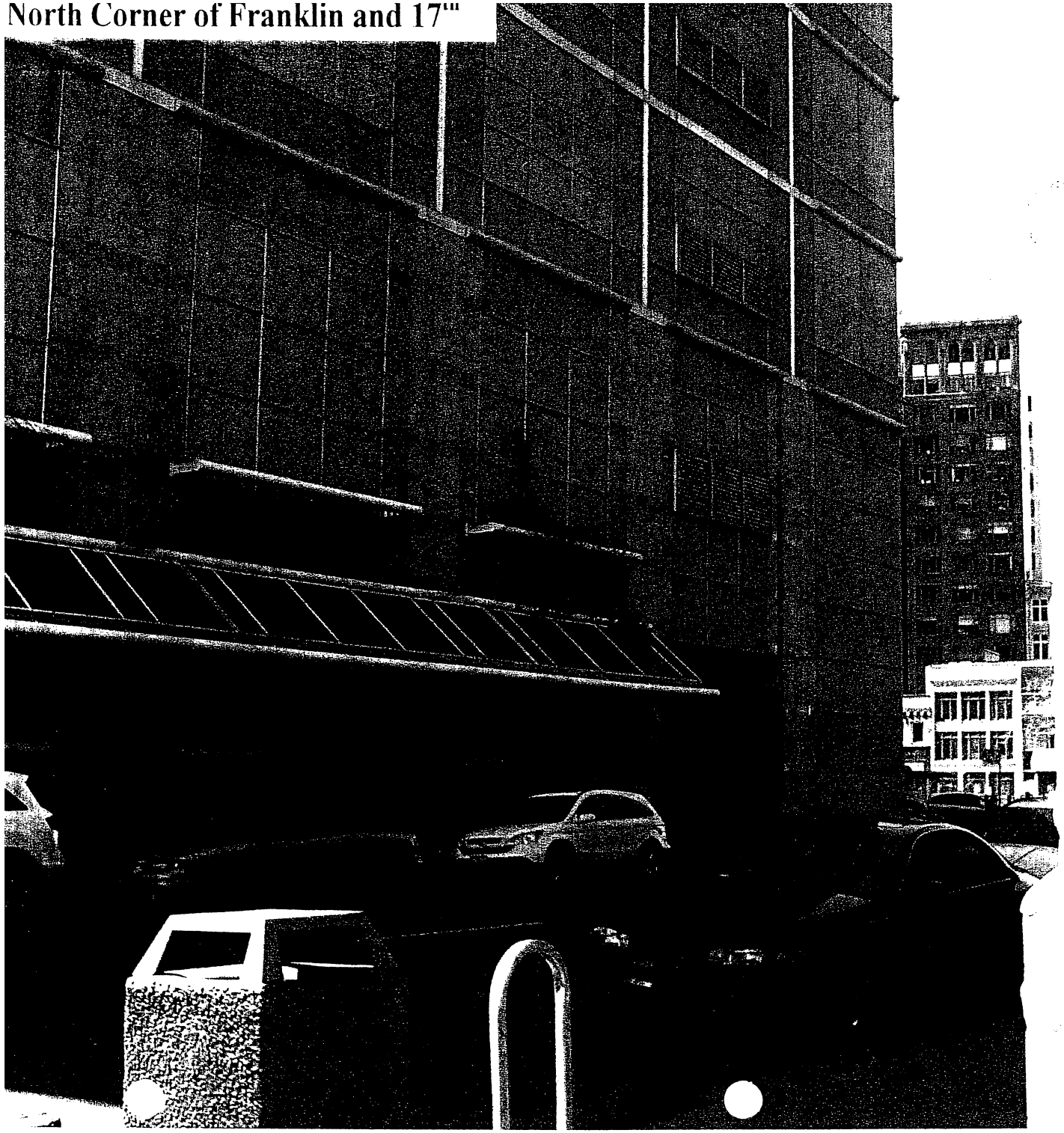
2nd Floor


140'
50'
60 X 58
HALLWAY
26 X 37
HALLWAY
9 X 7
9 X 7
5 X 6
HVAC
STAIRS
10 X 10
12 X 10
17 X 10
14 X 14
16 X 9
32 X 23
10 X 17
STAIRS
ELEVATOR
Womens Restroom
Mens Restroom
15 X 10

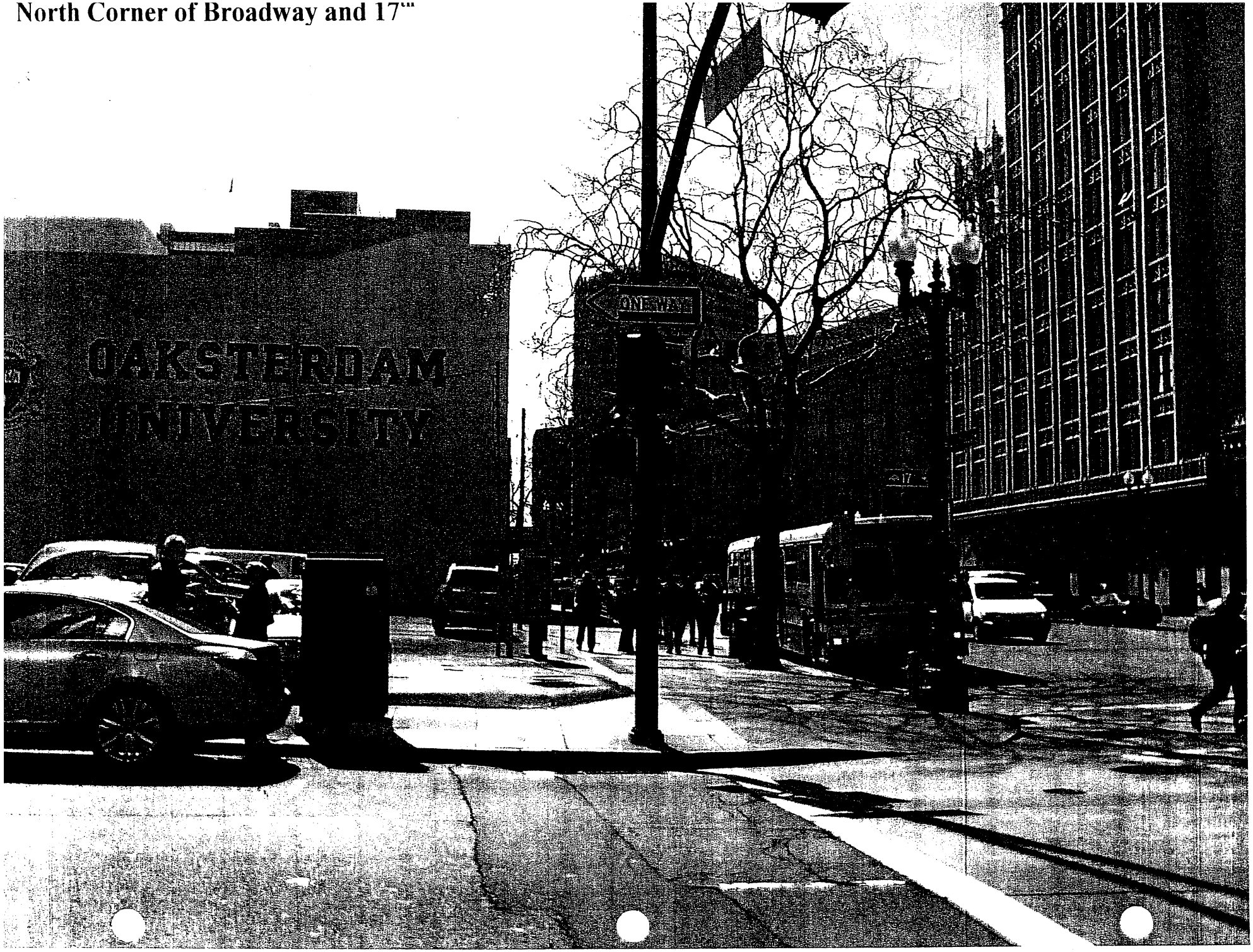
3rd Floor

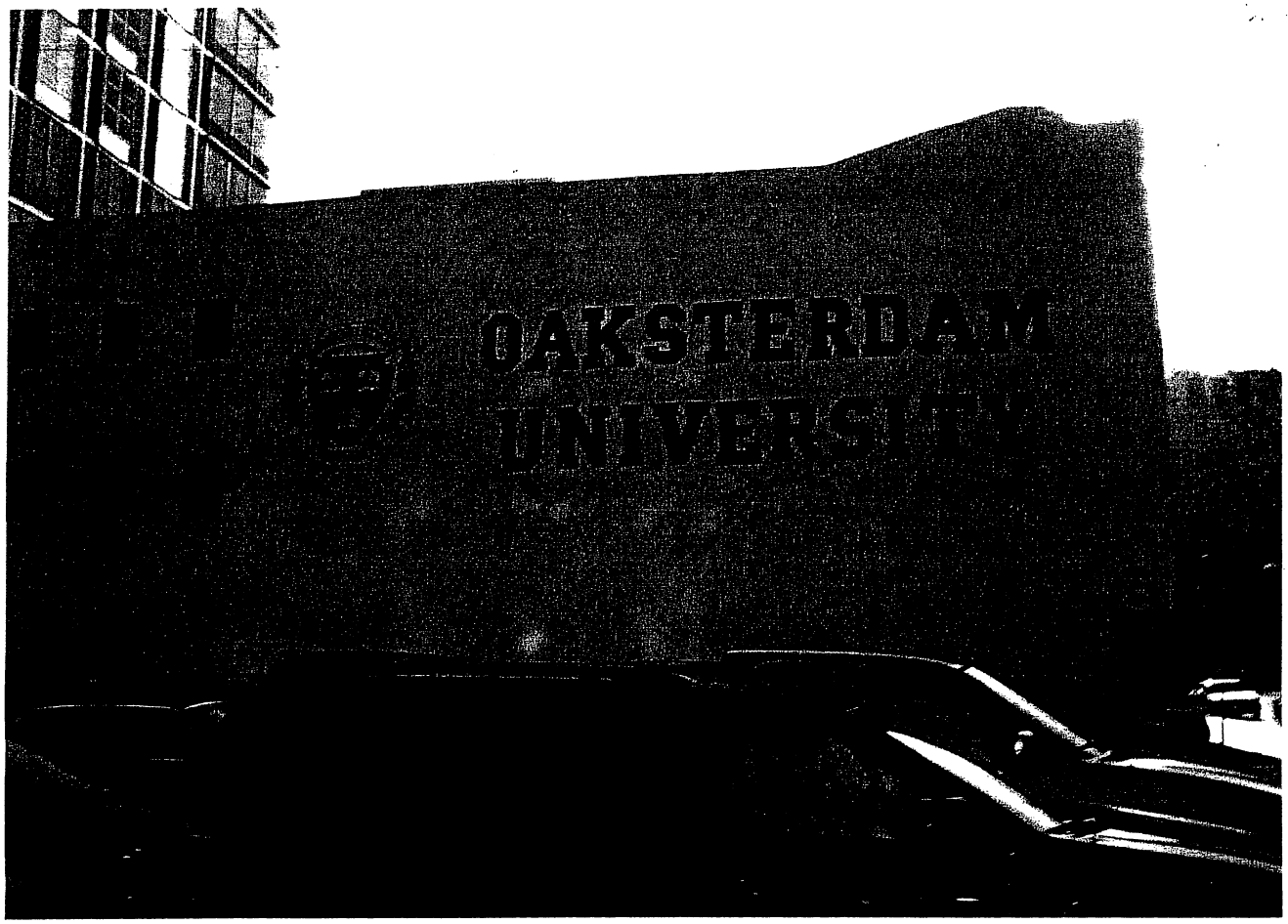

19X15
14X10
21X10
STAIRS
12X9
20X12
20X14
HVAC
7X6
8X5
44X18
12X11
26X15
25X29
HALLWAY
29X26
17X5
14X12
20X15
HALLWAY
HALLWAY
20X46
10X12
11X12
Mens Restroom
Womens Restroom
STAIRS
ELEVATOR

North Corner of Franklin and 17th



North Corner of Broadway and 17th

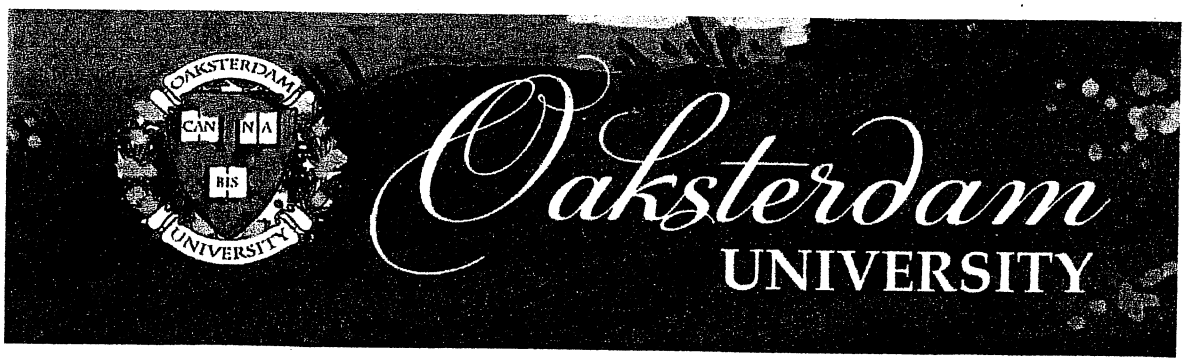



OAKSTERDAM
UNIVERSITY

OAKSTERDAM
UNIVERSITY

Proposed mural:
Here is a mockup of my proposed composition. It's based on an early 1900's postcard view of Lake Merritt, with Oakland's simplified skyline in the distance, and crowned by typical, billowing clouds in the late afternoon sun. The landscape is likely a bit wilder than it would've appeared in reality, and the sky a bit more dramatic than usual - both of which is simply artistic license.

A note about windows: I haven't seen the building in person, but it's possible the windows could have adhesive vinyl decals applied, much like "car wraps" which would fill in the missing portions of the mural. They would still allow people to look out and let light in, but from outside they'd diminish the difference between mural and window.

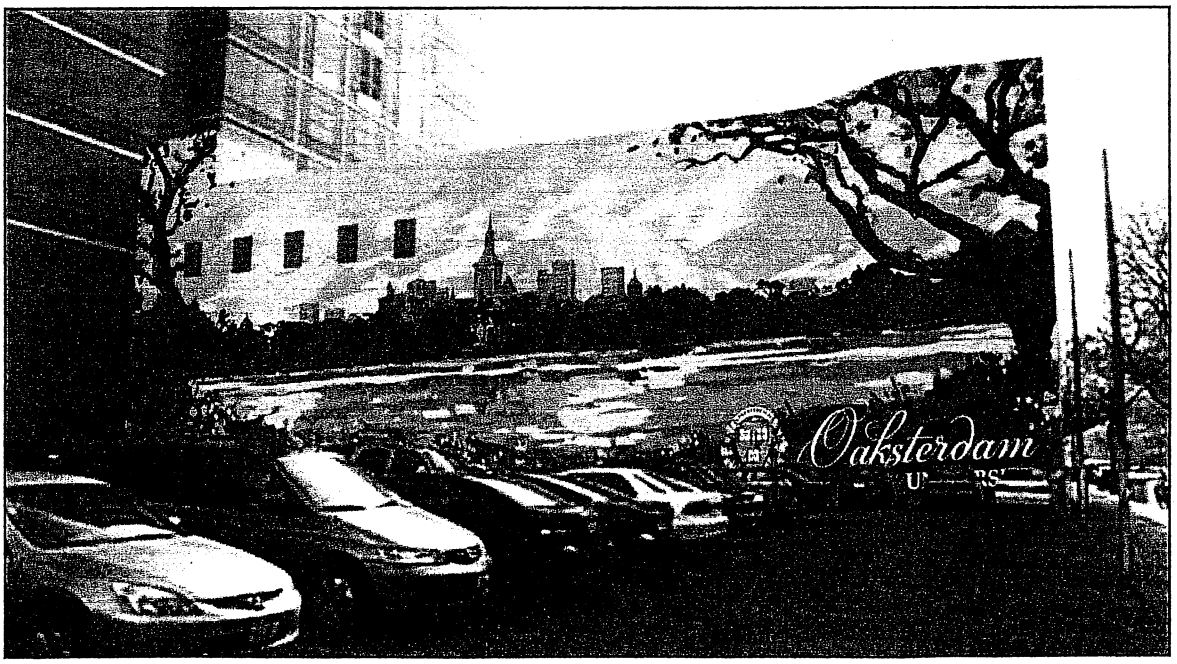


C-1: Lake/Downtown Scene

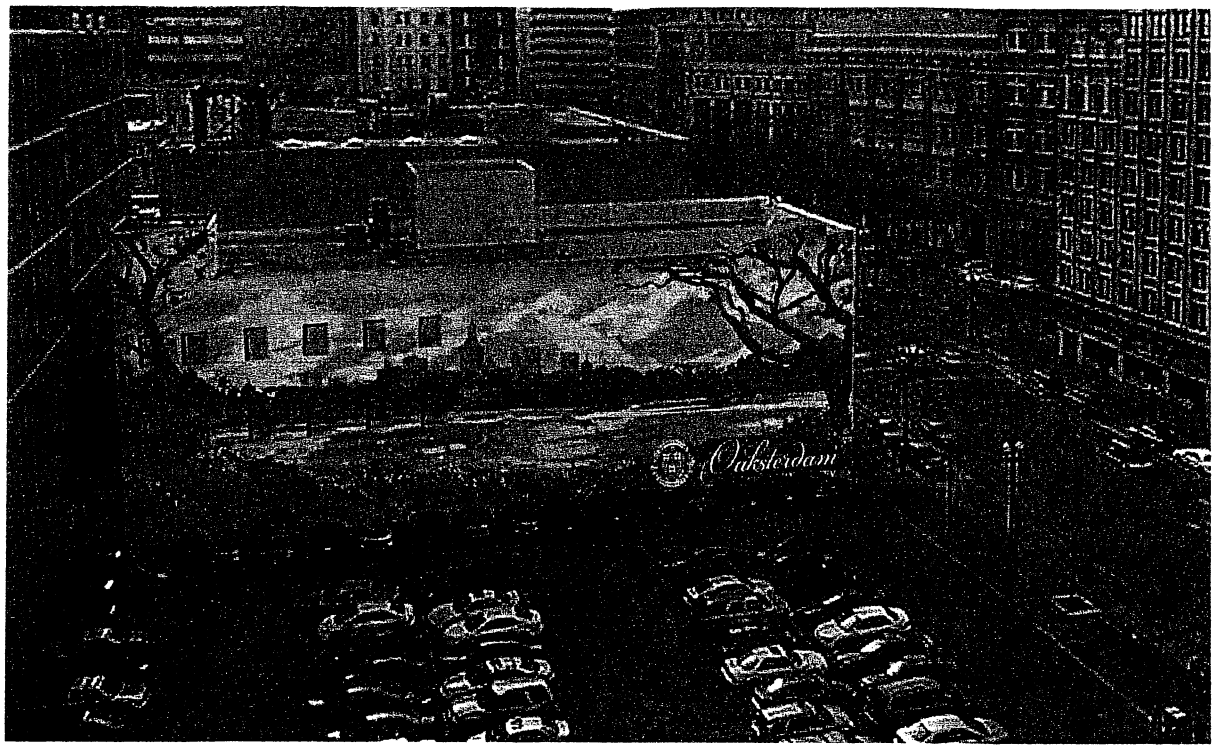
The proposed concept, above, with a detail of the university name and logo below.

ATTACHMENT C. Alternative mural designs, Applicant's Request for Proposals Process (C-1 through C-8).

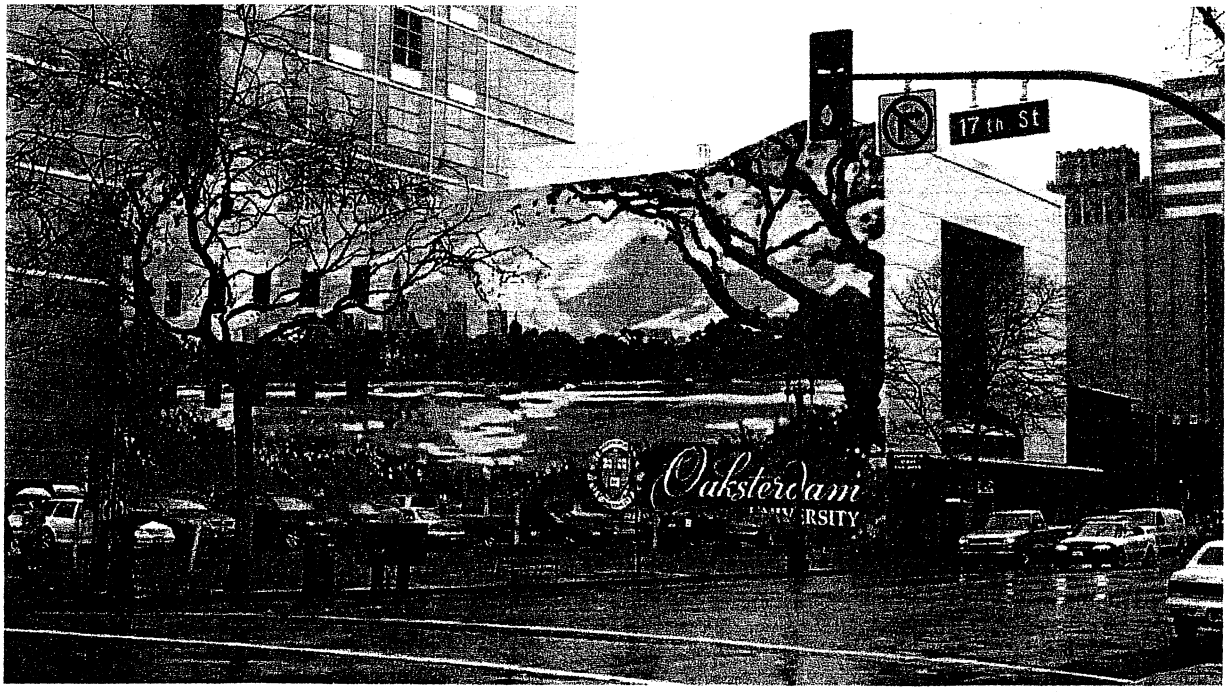
I feel vintage California "plen air" style paintings would be a wonderful stylistic reference for the mural. Their free brushstrokes and simple, pastoral color palettes would lend a sense of history to the mural, and distance it from the typical, practically *expected* use of photography.



From both Broadway and 17th streets, passersby would see a clear, simple composition that echos the University's commitment to nature and beauty. The piece demphasizes the harsh lines and modernity buildings in the downtown area, instead acting as a visual oasis -- a gift from Oaksterdam U. to its community.



Two more views from different vantage points. I hadn't taken into consideration the lower right corner having an architectural feature (along with the building address) so that would obviously be altered. In these shots I simply covered it up.



Production:
I've previously done several large scale pieces inside public buildings (notably a series of murals totaling 5,000 square feet inside several elementary schools). More recently I produced an 8x16 foot mural for the Fox Valley Park District in Chicago's western suburbs (contact info available upon request for personal references).

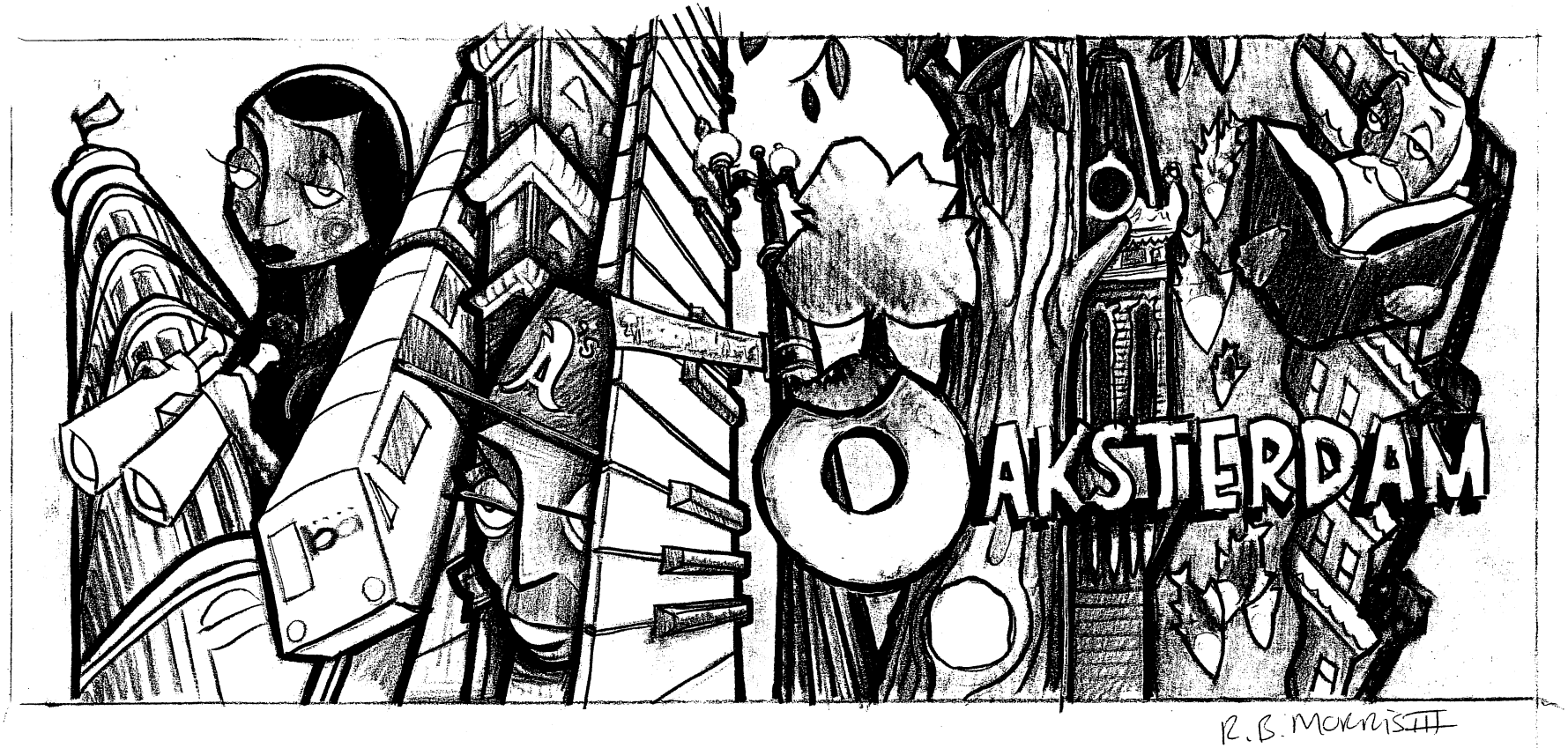
I don't have a great deal of experience producing outdoor murals, but I've worked on a wide variety of projects and excel at coordinating and directing teams. I have complete confidence that I could create and install this mural in a timely manner, within the $25/sq ft. budget. Furthermore, I know that by working with you to both shape and finetune the design, and keep you involved throughout the process - that the results would be something both Oaksterdam U. - and I - would be very proud of. I'm open to discussing installation options with any signpainting or billboard company that the university may have an existing relationship with, or assembling my own team. Enlarging work of this type is relatively common, and I'm satisfied this job could be done by an experienced local crew.

Maintenance and Graffiti Prevention:
I'm still researching potential materials for executing the mural, but based on the generally more forgiving temperatures and weather conditions, I'd like to pursue an eco-conscious solution. I've found one product from a well-known company, in particular, that's both water-based and graffiti resistant. They offer both paint and clear coatings, and so far it seems promising. If the mural were itself created with anti-graffiti paint, then the lower section (perhaps the bottom 9 or 10 feet) could have a fresh coat of the clear anti-graffiti coating applied every year or two. This may be all that's needed to prevent any lasting damage.

There are some wonderful non-paint options as well, from weatherproof plastics to nylon sailcloth. These are more expensive to produce, but quicker to install; I'm committed to finding the best opiton for both longevity and your budget.

As for the composition itself, I've kept graffiti in mind by designing the easily reached areas to be mainly grass and shrubs - easier to touch up from time to time, if necessary.

I happen to be planning on moving to the Bay area within the next year, but you may have noticed that I currently live in Chicago. I want to assure you that if I were awarded the job, I would be in Oakland (where I have several friends) and oversee the installation process to ensure everything goes smoothly.



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C-2A: Vertical Bands; C-2B, Tower with Leaves

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R.B. MORRISSH

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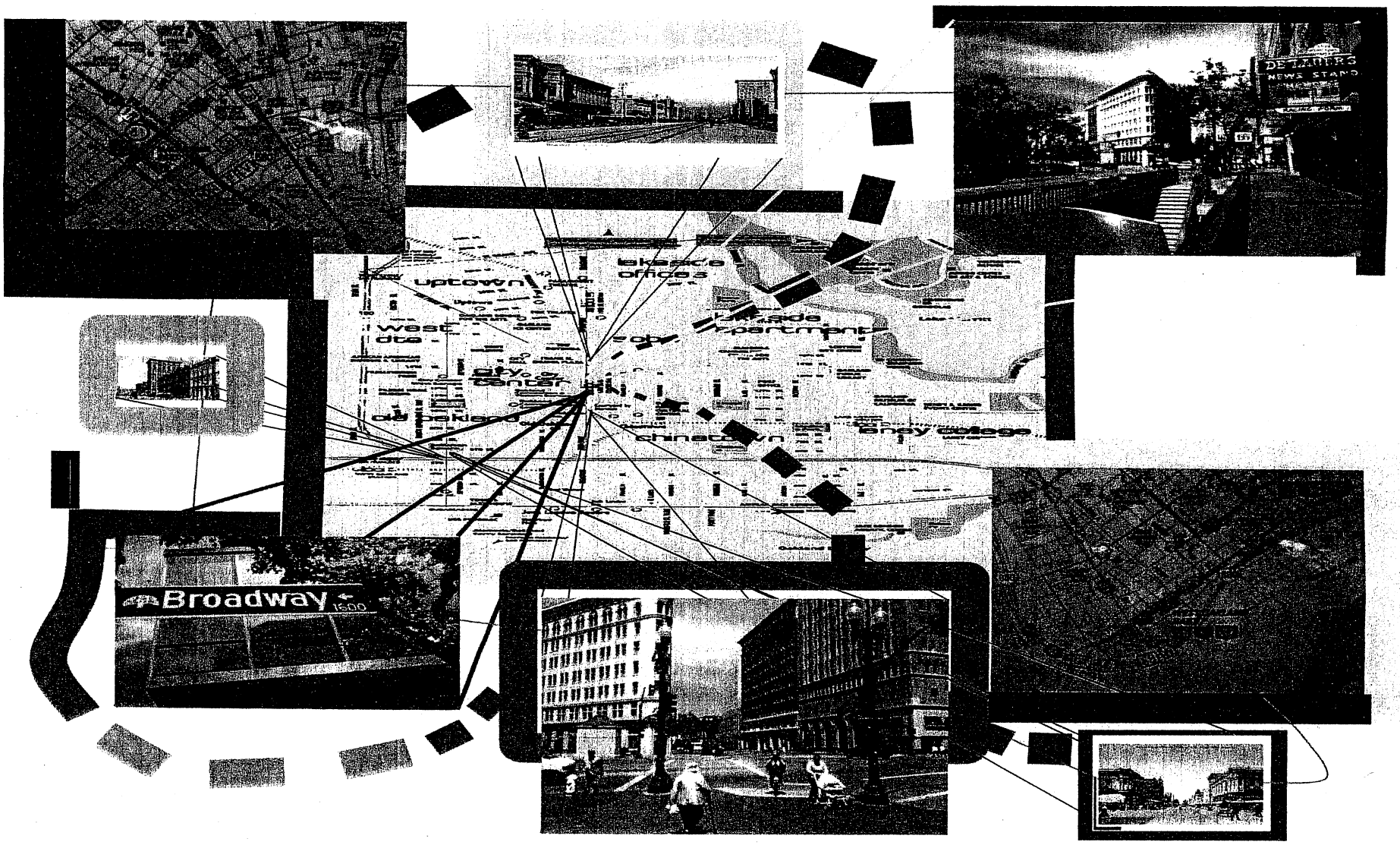
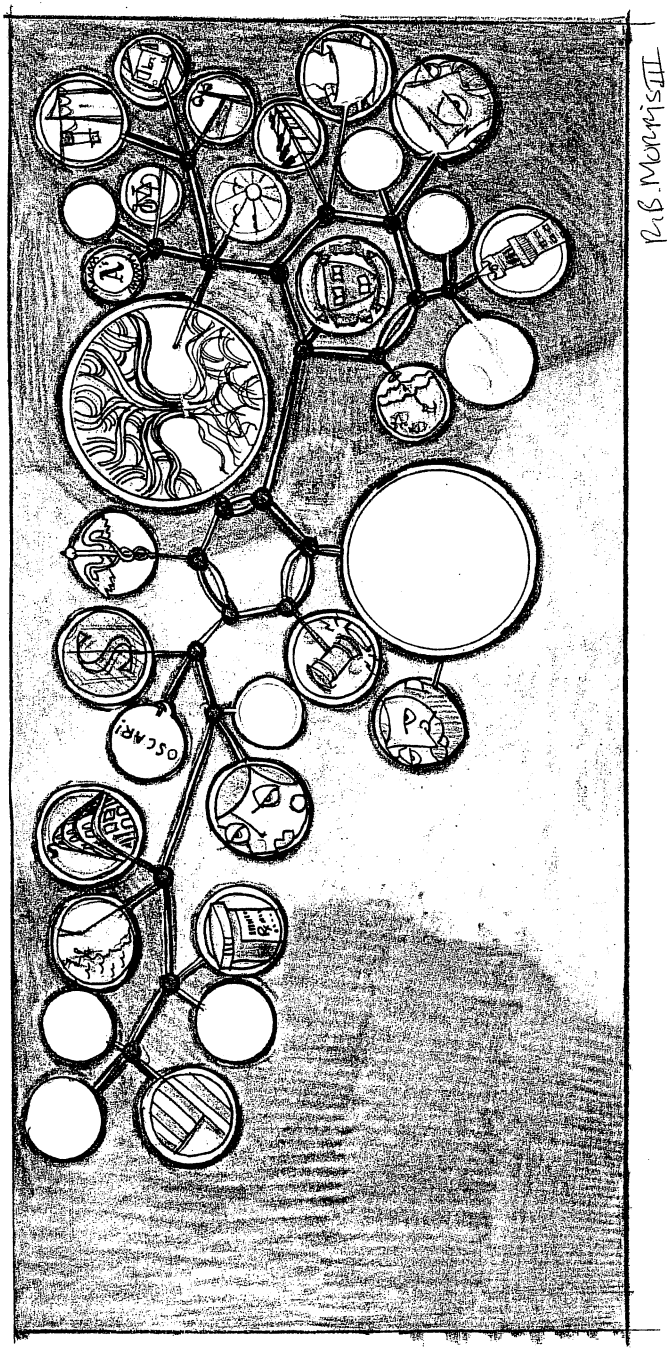
C-3: Downtown Buildings


uptown
city center
chinatown
Broadway
DE TAILERS
NEWS STAND



C-4: Branching Circles

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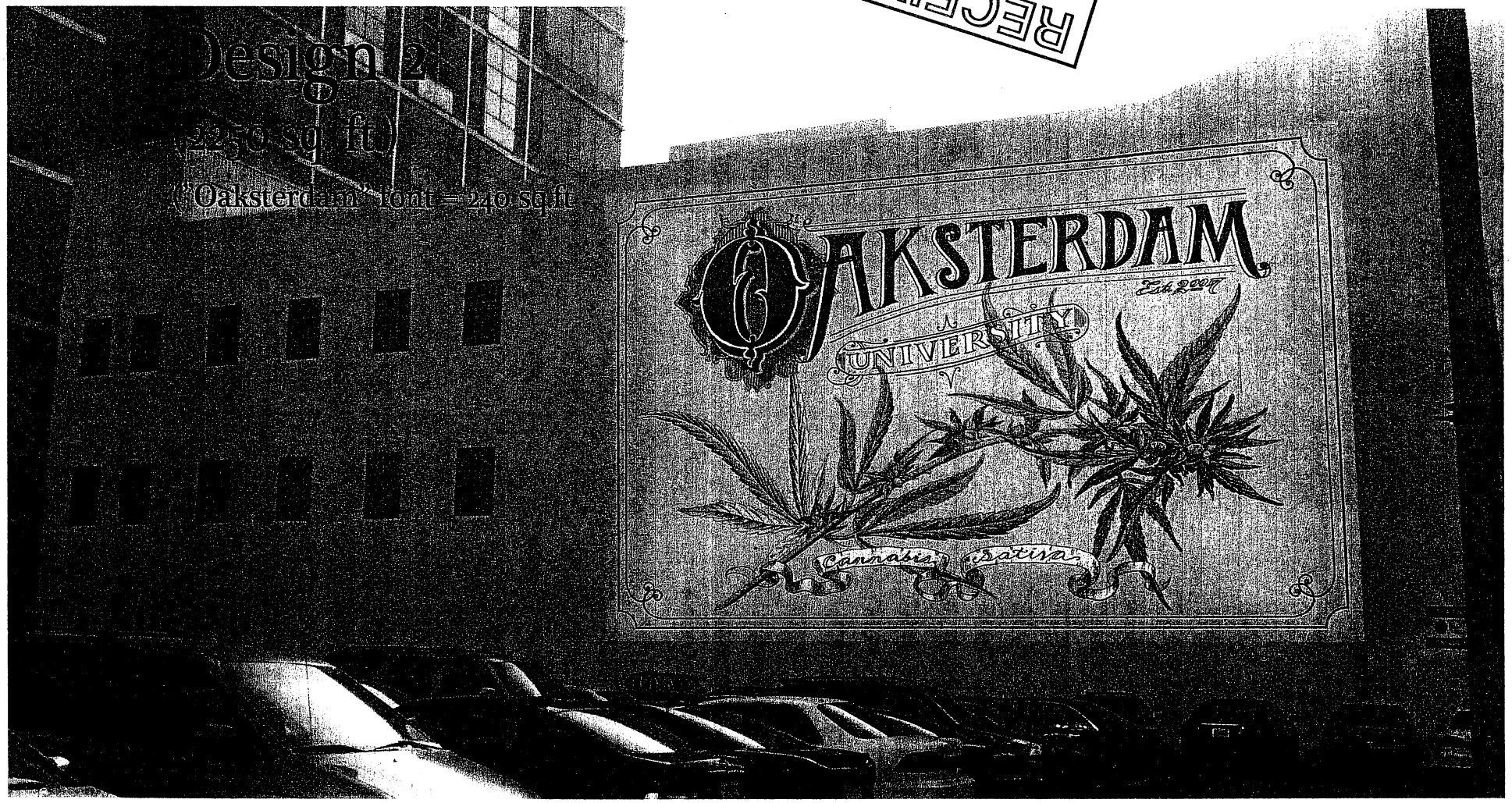
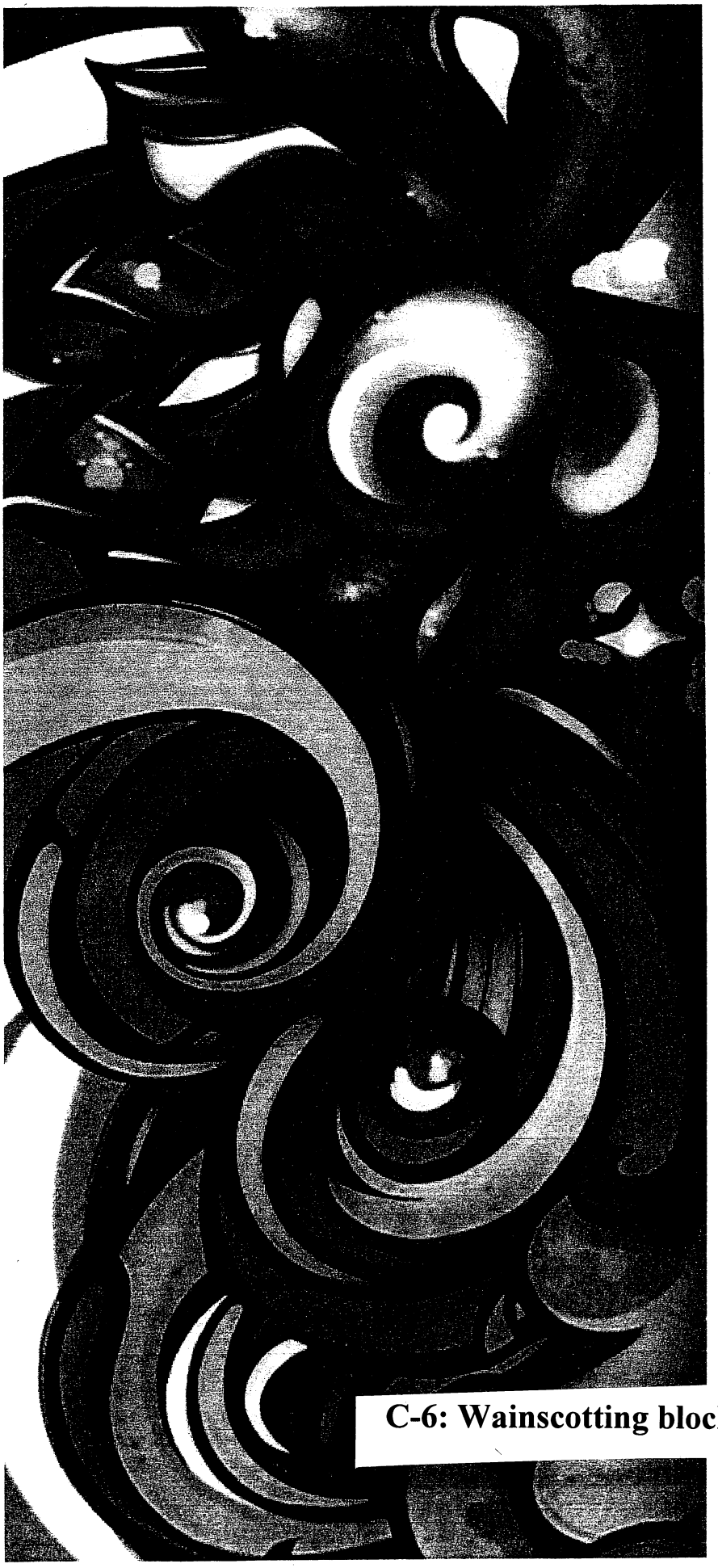


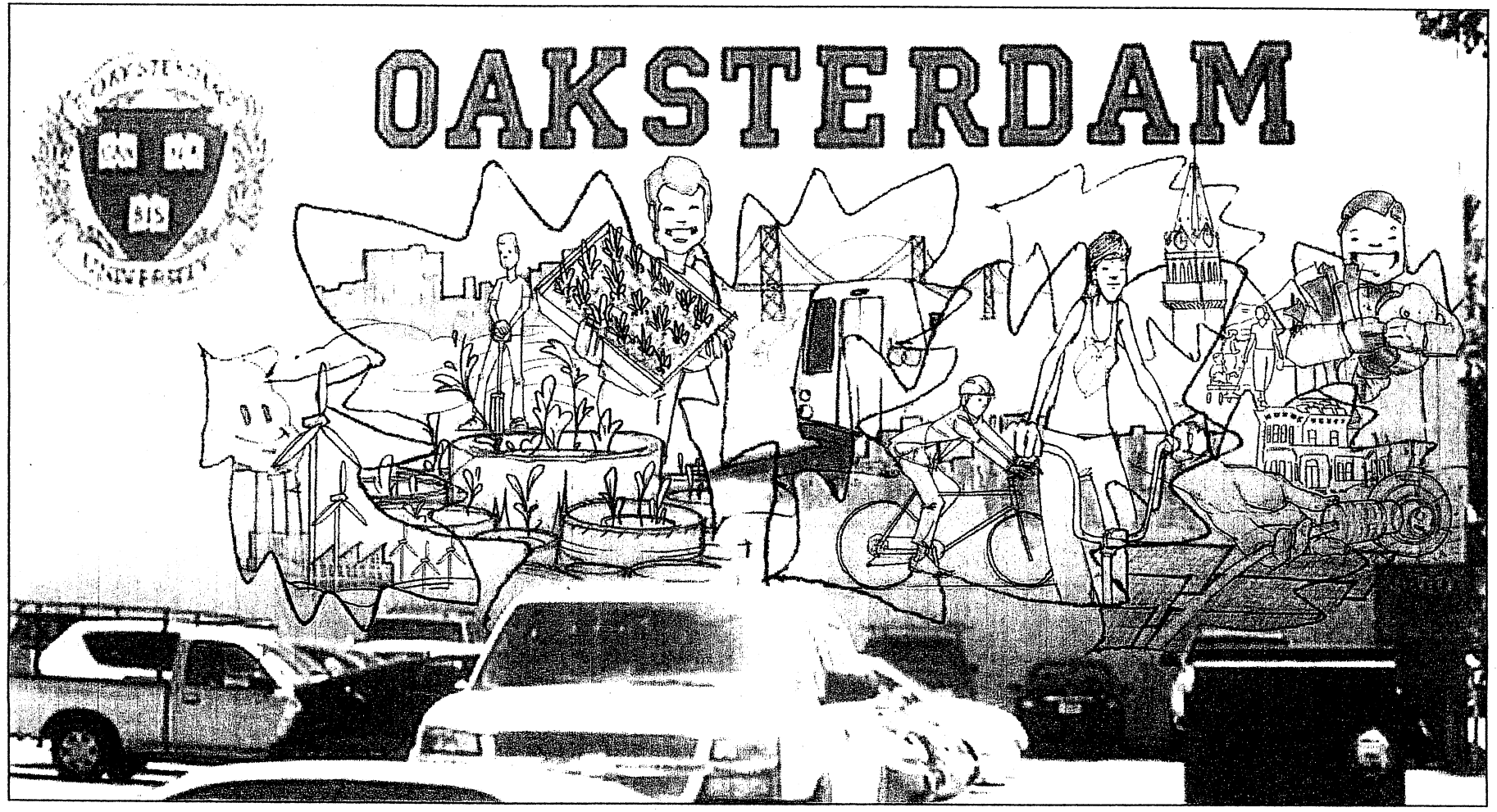
C-5: 19th Century Pharmacy Script

AMSTERDAM
GIN
Cannabis sativa

Dec 2 1908
Dec 2 1908



C-6: Wainscotting block prints



Composition 01 • "Green Power"

C-7: Collage (Bicycle/Urban Farming)

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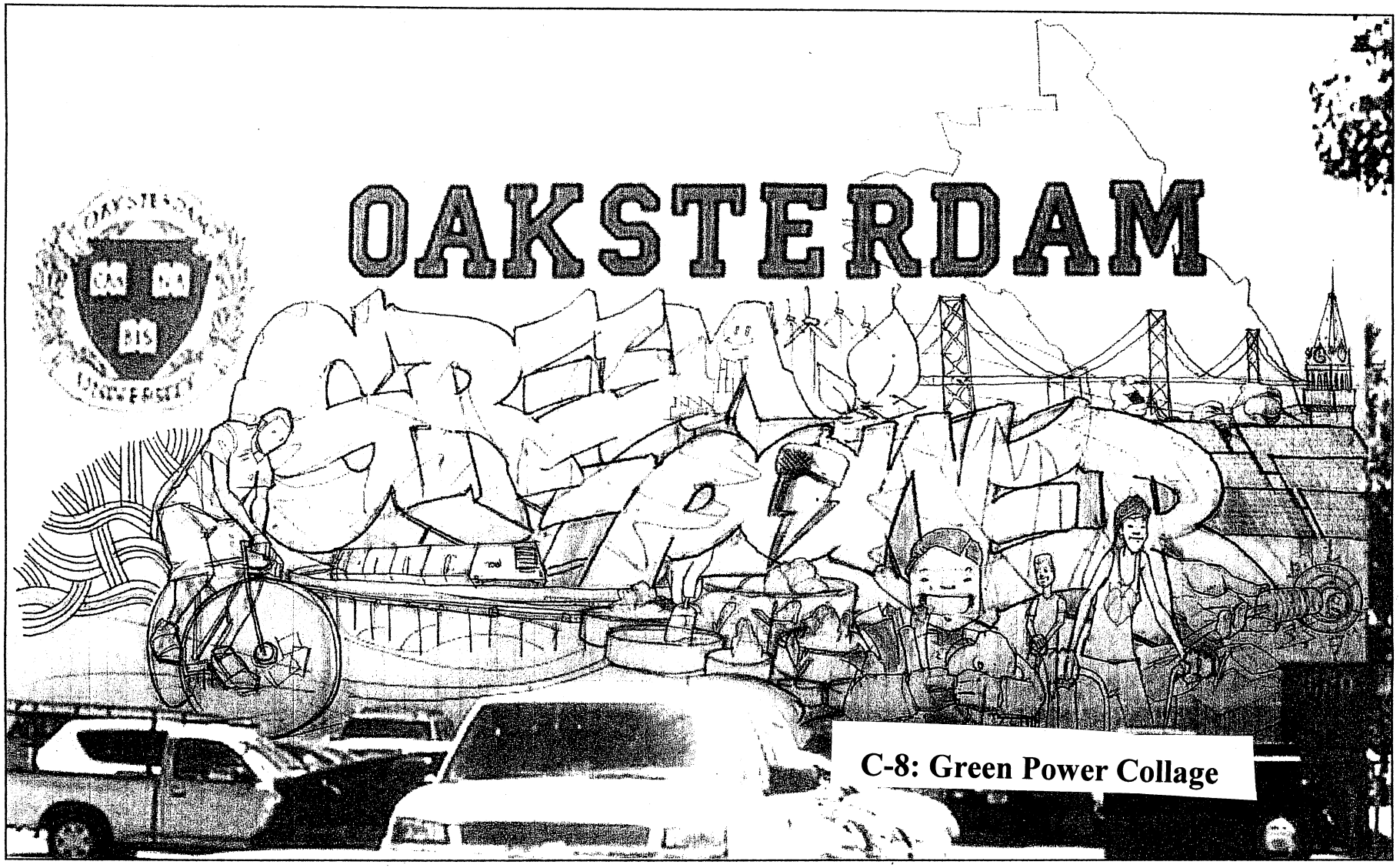

Composition 02 • "Green Power"

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Oaksterdam: Mural Art Project Comments from CEDA

The Planning staff received input from City of Oakland's Economic Development, Redevelopment –Central Business District, Cultural Arts & Marketing staff responsible for Downtown Oakland activities. Overall, based on design, complement to current and future Downtown Oakland business development program and public art efforts, artist expertise, and a consistency with the City of Oakland's existing Street Banner and Public Art Program requirements, there was a consensus that the design presented by B. Cornelius was the best choice. The artist has presented a beautiful wall mural of Lake Merritt that demonstrates the University's commitment to nature and beauty and presents a contribution to beautifying the landscape of Downtown Oakland. (Vintage California art style depicting Lake Merritt)

Steven Huss, Public Art Coordinator, and staff to the Public Art Advisory Committee of the Cultural Affairs Commission (CAC), established by the Oakland City Council, has expressed a willingness to work with the Oaksterdam and the selected artist to provide technical feedback to the artist on refining the design, colors and materials selection and assisting Planning with balancing the art with the existing commercial signage policies. Although this art project is not receiving any public funding support and therefore not subject to Public Art Advisory Committee or Cultural Affairs Commission approval,, staff believes that given the size and prominence of the mural, it would be beneficial to seek the artistic advice of expert staff and the Committee. Mr. Huss has offered to work with Oaksterdam and the selected artist to bring the proposal to an upcoming monthly meeting of the Public Art Advisory Committee.

Mitigations:

- Staff is recommending the following Conditions of Approval:
    - Oaksterdam agrees to work with Steven Huss, Public Art Coordinator, and the Public Art Advisory Committee to refine the art design and present the work for further input.
    - Included in the City Cultural Arts & Marketing staff review will be the location of any wording
    - That any wording that is agreed to do not significantly exceed the commercial signage allocation requirements so as to be consistent with existing city policies and does not set a precedent.
    - That if Oaksterdam has not entered into an agreement with the Artist and worked with City staff and the Public Art Advisory Committee by April 1st, 2011 that the current wall signed be removed.

The Lake Merritt/Uptown and Downtown Oakland Community Benefit Districts have expressed their concerns that these conditions are appropriate and that if not agreed to, the current sign should be removed because it violates the current city sign ordinance that all businesses and property owners must comply with.

Attachment E: FINDINGS-A10-107/DV10-031

VARIANCE FINDINGS

1. **That strict compliance with the specified regulation would result in practical difficulty or unnecessary hardship inconsistent with the purposes of the zoning regulations, due to unique physical or topographic circumstances or conditions of design.**

   This site has a unique physical or topographic circumstances or condition of design. The long, narrow site is across a large parking lot in the Central Business District, so that most of the building surface is not along a street right-of-way. While staff denied the original Variance for a sign up to 725 square feet in area, there is a new more compliant design as a result of the Planning Commission appeal hearing. Thus, making the words "Oaksterdam University" less than 15% of the wall area and with only 60 total square feet of area, not 725 square feet, constitutes an effective design solution improving livability, operational efficiency or appearance when combined with the landscape mural.

   In addition, the applicant's large leased space merits more sign area than the additional 20 square feet allowed by Code. Testimony during the public notice process from nearby business neighbors does support a sign larger than that provided by the Oakland Planning Code, but only as part of a larger public interest mural and only if the sign remains a small part of the mural.

2. **That strict compliance with the regulations would deprive the applicant of privileges enjoyed by owners of similarly zoned property.**

   Strict compliance with the code would not allow the applicant the privileges of sufficient sign identification on Broadway for this business, by enforcing a limit to the applicant's existing on-site 20 square foot sign. Other signs on Broadway and other major commercial streets have exceeded sign limitations through variances when warranted due to larger building size or extensive frontage dimensions.

3. **That the variance will not constitute a grant of a special privilege inconsistent with the limitations imposed on similarly zoned properties and inconsistent with the purposes of zoning regulations.**

Granting the Variance would not constitute a special privilege because there are other signs exceeding code limitations along Broadway and other commercial streets. A sign of a maximum of 60 square feet in area would be reasonable given the large size of the building wall that is visible across a surface parking lot to 17th Street and Broadway. The mural that would cover a significant portion of the building wall is not subject to the signage limitation. A sign as large as 60 square feet would not be inconsistent with the purposes of the zoning regulations regarding signage because of the large wall size and the added benefit of a community-enhancing mural.

DESIGN REVIEW FINDINGS

Section 17.136.050(B) Regular Design Review Criteria, Nonresidential Facilities:

1. That the proposal will help achieve or maintain a group of facilities which are well related to one another and which, when taken together, will result in a well-composed design, with consideration given to site, landscape, bulk, height, arrangement, texture, materials, colors, and appurtenances; the relation of these factors to other facilities in the vicinity; and the relation of the proposal to the total setting as seen from key points in the surrounding area. Only elements of design which have some significant relationship to outside appearance shall be considered, except as otherwise provided in Section1 17.136.060:

If the "Oaksterdam University" sign is reduced in size to 60 square feet and incorporated in a suitable mural, the design of this sign would appear harmonious and balanced and would relate well to the supporting building and surrounding areas, particularly as seen from Broadway. There are other murals and larger signs nearby which enhance Downtown.

2. That the proposed design will be of a quality and character which harmonizes with, and serves to protect the value of, private and public investments in the area.

The value of public and private investments is protected and enhanced by the revised December 2010 mural design, which would contribute to the district. Rather than just advertising the applicant's business, the revised mural/sign combination would ascribe to and attribute the whole district to the mural identity, a Downtown art work. The University sign would be reduced by over 90% in area from the original request, and as redesigned would better harmonize with signs in the area.

3. That the proposal conforms in all significant respects with the Oakland General Plan and with any other applicable design review guidelines or criteria, district plan or development control map which has been adopted by the Planning Commission or City Council

The General Plan and other guidelines promote visual continuity in Downtown and in areas with concentrations of historical buildings. This proposal satisfies the spirit and intent of the zoning ordinance given the building size, shape and location.