



Oakley City Planning Commission

STAFF REPORT 2 – Oakley Diner – Signage

To: Oakley City Planning Commission
From: Stephanie Woolstenhulme, City Planner
Date of Meeting: March 15, 2023
Type of Item: Signage review. VM Zone.
Process: Administrative.

RECOMMENDATION: Staff recommends that the Planning Commission review and approve or deny the signage application for Oakley Diner according to the findings of fact, conclusions of law and any condition set forth by the Commission.

PROJECT DESCRIPTION

Project Name: Signage – Oakley Diner
Applicant(s): Allied Electric Sign
Property Owner(s): Deer Meadows Enterprises
Location: 981 W. Weber Canyon Road
Parcel Number(s): OT-40-A
Size: .51 acre
Zone District: VM Zone
Adjacent Land Uses: Commercial/Residential
Existing Uses: Commercial

PROPOSAL:

The applicant wishes to discuss overall signage plan, including rear of building, and signage conditions placed by Planning Commission at March 1, 2023 meeting.

FINDINGS OF FACT

1. The proposed project is located at 981 W. Weber Canyon Road
2. Property is located in the VM Zone with current commercial use.
3. Building Permit 891-22 for remodel was approved on 10/26/2022.

4. Signage has opaque top and sides.
5. Conditions on signage from 3/1/2023 meeting are as follows:
 - a. Eliminate sign #3
 - b. Signage on building can remain as sized but LED luminous tubes must be dimmable.
 - c. Shut off time for sign #4 at 10:00 p.m.
 - d. Due to allowable sizing of on-building signs, no freestanding sign for North side of building will be allowed.

SUMMARY OF ALLOWABLE SIGNAGE

1. North Side
 - a. Less than 300' of road frontage to Weber Canyon Rd = 1 freestanding sign up to 40 sq feet.
 - b. Linear building footage of ~70' (1 sq ft per 5 ft) = 14 sq ft of signage
 - i. Proposed on-building sign (sign 1) = 38 sq ft.
 - ii. Proposed pole sign (sign 3) = 28 sq feet
2. East Side
 - a. Linear building footage of ~52' (1 sq ft per 5 ft) = ~10 sq ft of signage
 - b. No sign proposed on East sign
3. West Side
 - a. Less than 300' of road frontage to SR32 = 1 freestanding sign up to 40 sq feet.
 - i. Freestanding Pole Sign (sign 4) = 20 sq ft
 - b. Linear building footage of ~ 52' (1 sq ft per 5 ft) = ~10 sq ft of signage
 - i. Proposed on building sign (sign 2) = 22 sq ft
4. South Side
 - a. Linear building footage of ~70' (1 sq ft per 5 ft) = 14 sq ft of signage
 - i. No currently proposed sign

ITEMS OF CONSIDERATION

1. Lumen output cannot be determined until sign is manufactured and tested.
2. According to Allied Sign, this type of signage has been used successfully in other dark sky communities.
3. LED luminous tube lighting is dimmable
4. Possible to determine the amount of light trespass from signage?
5. Code allotment for signs = 1 sq ft of sign per 5 continuous linear feet of building where sign mounted (see summary above.)

The Planning Commission is empowered to require additional, reasonable improvements to mitigate any detrimental effects to surrounding property and residents and to safeguard the general welfare of future residents.

ATTACHMENT A
RELATED OAKLEY CITY CODE
 13-9-4 - Signs

No sign shall be erected, relocated or enlarged until the plan for such sign has been approved and a permit issued by the City Planner or designated planning staff member. Nameplates, property signs, service signs, and temporary signs conforming to the provisions of this Title may be erected without such approval or permit.

1. Number of Freestanding Signs:
 1. **Lots with less than three hundred feet (300') of street frontage on one street shall be allowed one freestanding sign.**
 2. Lots with more than three hundred feet (300') of street frontage on one street shall be allowed two (2) freestanding signs.
2. Location of Freestanding Signs: Freestanding signs shall be set back at least five feet (5') from any property or right of way line.
3. **Size of Signs:**
 1. **One square foot of sign area shall be permitted for every five feet (5') of continuous linear building frontage upon which such sign is mounted, up to a maximum of thirty (30) square feet.** Freestanding signs shall not exceed forty (40) square feet.
4. Lighting of Signs: **No spotlight, floodlight, luminous tubes or lighted sign shall be installed in any way which will permit the direct rays of such light to penetrate into any residential zone or onto any property used for residential purposes. All lighted signs must comply with 13-9-18 of this chapter.**
5. General Restrictions: No light, sign or other advertising structure shall be erected at the intersection of any streets in such a manner as to obstruct free and clear vision or at any location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device; or which makes use of the words "stop", "look", "danger", or any word, phrase, symbol, or character in such a manner as to interfere with, mislead or confuse traffic.
6. Signs on Public Property: No sign shall be erected on or project over publicly owned land, except signs erected by a public agency for the direction and safety of the general public.
7. Real Estate Signs: No real estate sales sign shall be located within thirty feet (30') of the edge of an adjacent road surface or no closer than an existing fence line that is parallel to the road, whichever distance is less.
8. Campaign Signs: Campaign signs are exempt from obtaining a sign permit; however, they must still comply with the following guidelines. Campaign signs shall not exceed three (3) square feet of area and four feet (4') in height, measured from the top of the sign to the grade directly below the sign. Campaign signs are permitted in any zone district, provided they are located a minimum of ten feet (10') back from the edge of the curb or edge of pavement, where there is no curb on the street which the sign fronts. If the ten-foot (10') distance would be within a structure, the sign may be within three feet (3') of the front of the structure. Illumination of campaign signs is prohibited. These signs shall only be permitted on private property with the permission of the property owner and are not permitted in the public right of way. City personnel may remove and impound these signs

if notice to remove the signs has been sent to the property owner or candidate and they have failed to comply with that notice.

9. Off Premises Signs Prohibited: No sign shall be erected or maintained on a parcel, lot or project area other than the specific lot or parcel on which the use or activity advertised on the sign is located.
10. Nonconforming Signs: Nonconforming signs, excluding billboards, shall be required to conform or be removed as follows. On the happening of any of the events described below, or where any of the following conditions apply, the sign or signs shall be brought into compliance within one year after the effective date hereof, and a new permit shall be secured therefor, or shall be removed.
 1. The cost of the nonconforming sign is valued at less than one hundred dollars (\$100.00). Sign value shall be determined based on an actual sales receipt for the sign or a cost estimate for the replacement cost provided by a qualified professional.
 2. **When a nonconforming sign is destroyed or damaged to an extent in excess of fifty percent (50%) of the sign value.**
 3. The sign is relocated in any manner.
 4. If the sign is altered structurally, or if more than fifty percent (50%) of the copy, as measured by the sign area, is altered, except for changeable copy signs and maintenance.
 5. If the business or service for which the nonconforming sign was installed is expanded or modified. All improvements to a single business or use within any twelve (12) month period shall be treated cumulatively in the administration of this subsection.
 6. Nothing in this section shall be deemed to prohibit the City from removing a billboard without providing just compensation in accordance with the procedures set forth in this subsection if the City Council provides reasonable notice of the proceedings and, following a public hearing, finds:
 1. The applicant made a false or misleading statement in any application to the City necessary to establish or change the billboard;
 2. The billboard is unsafe or presents a hazard to persons or property;
 3. The billboard is in a state of disrepair; or
 4. The billboard has been abandoned for at least twelve (12) months.

13-9-18 – Lighting and Dark Sky Regulations - as relevant

1. Application and Review Procedures: All Development Permit applications or submittals that propose exterior outdoor lighting or street lighting shall include a lighting plan that shows evidence that the proposed lighting fixtures and light sources comply with this Section and shall include the following:
 1. Plans or drawings indicating the proposed location of lighting fixtures, height of lighting fixtures on the premises, and type of illumination devices, lamps, supports, shielding and reflectors used and installation and electrical details.
 2. Illustrations, including but not limited to a manufacturer's catalog cuts, of all proposed lighting fixtures. For commercial, resort and industrial uses, photometric diagrams of proposed lighting fixtures are also required. In the event photometric diagrams are not available, the applicant must provide sufficient information

regarding the light fixture, lumens, degrees kelvin, and shielding mechanisms for the Planning Commission or Community Development Director to be able to determine compliance with the provisions of this Section.

3. A table showing the total number of proposed exterior lights, by fixture type, degrees kelvin, lumens, and lamp type.
2. Full Cutoff Fixture Requirements:
 1. Unless specifically exempted by this Section, all outdoor lighting shall use full cutoff fixtures and shall be installed so light is directed downward with no light emitted above the horizontal plane of the fixture (See Figures).
 2. Lighting must not be placed at a location, angle, or height that directs illumination or horizontal trespass outside the property boundaries where the light fixtures are located.
 3. **In order to qualify as a "full cutoff" fixture, a light fixture must have the top and sides made of completely opaque material so that light only escapes through the bottom of the fixture.** Fixtures with translucent or transparent sides, or sides with perforations or slits, do not qualify as full cutoff. Any glass or diffuser on the bottom of the fixture must be flush with the fixture (no drop lenses). Merely placing a light fixture under an eave, canopy, patio cover, or other similar cover does not qualify as full cutoff.
 4. Exemptions to Full Cutoff Fixture Requirements: Fixtures having a total light output less than one thousand (1,000) lumens (allowing a maximum of a 60-watt incandescent a 15 watt compact fluorescent bulb or LED equivalent) are exempted from the full cutoff requirement provided:
 1. **The fixture has a top that is completely opaque such that no light is directed upwards.**
 2. **The fixture has sides that completely cover the light source and are made of opaque or semi opaque material.** Fixtures with opaque sides may have incidental decorative perforations that emit small amounts of light.
 3. Semi opaque material such as dark tinted glass or translucent plastic may be used if the light source is not discernable behind the material.
 4. Completely transparent materials, such as clear glass, are not allowed.
 5. The bulb or lamp must not be visible from any point outside the property on which the fixture is located.
3. Light Trespass Standard: All light fixtures, including security lighting, shall be aimed and shielded so that the direct illumination shall be confined to the property boundaries of the source. Motion sensing light fixtures shall be fully shielded and properly adjusted, according to the manufacturer's instructions, to turn off when detected motion ceases.
4. Prohibited Lighting: The following types of lights are prohibited:
 1. Floodlights or spotlights affixed to buildings for the purpose of lighting parking lots or sales display lot areas.
 2. Architectural lighting intended to accent or draw attention to architectural features of a building or structure.
 3. Landscape lighting intended to accent or draw attention to landscape elements of the property.
 4. Search lights, laser source lights or any similar high intensity lighting is prohibited except in emergencies by police and fire personnel or at their direction.

5. Up lighting to illuminate buildings and other structures.
6. Flashing, blinking, intermittent or other lights that move or give the impression of movement.
7. **Neon or luminous tube lighting except as permitted in Commercial zones by a low impact or conditional use permit.**
8. Window display lighting between the hours of 10 p.m. and 7 a.m.
9. Electronic message signs or billboards. Exceptions are made for signs owned or operated by the City or other governments for public safety purposes.
5. Color Temperature: The maximum correlated color temperature for Outdoor Light Fixtures is as follows (Color temperature is a way to describe the light appearance provided by a light fixture. It is measured in degrees of kelvin on a scale from 1,000 to 10,000):
 1. All lighting shall make use of lamps whose correlated color temperature does not exceed 3,000 degrees kelvin. To reduce the amount of blue light within the lighting spectrum, the goal of the City is that all new lighting subject to this Section will strive to implement color temperatures of 2,200K to 2,700K (softer light that appears more amber in color). This color approximates older high pressure sodium style lighting fixtures. Some lighting systems may also utilize filters which are designed for the fixture to achieve this level.
 2. The correlated color temperature of lighting may exceed 3,000 degrees kelvin in situations where the Planning Director determines that accurate color rendition is crucial to public safety or the activities of law enforcement. In no case shall the correlated color temperature of such critical lighting exceed 5,000 degrees kelvin.
6. Lumens per Fixture: The maximum lumens allowed for Outdoor Light Fixtures are as follows (The acceptability of a particular light is decided by its Lumen output, not wattage; check manufacturer's specifications):
 1. For single-family residential Uses, fixtures up to 2,000 Lumens output per lamp.
 2. **For commercial, industrial, Resort, and Multi-Family Uses, fixtures up to 2,500 lumens output per lamp.**
 3. The total outdoor light output, excluding streetlights used to illuminate public Rights-of-Way, shall not exceed the following limits averaged over the entire project (values listed are total initial lamp Lumens per Acre and per residence):
 1. For Single-Family Detached Dwellings and Duplexes the maximum outdoor light output shall not exceed 20,000 lumens per residence.
 2. For commercial, industrial and multi-family Dwelling Units the maximum outdoor light output shall not exceed 100,000 lumens per acre. Allowed lumen output shall correspond with the size of the Parcel, for example a Parcel that is .75 acres shall have a maximum output of 75,000 lumens, or a parcel that is 1.5 acres shall have a maximum output of 150,000 lumens.