

STAFF REPORT

THE CORPORATION OF THE TOWN OF COBOURG



Report to:	Cobourg Heritage Advisory Committee	Priority:	<input type="checkbox"/> High <input checked="" type="checkbox"/> Low
Submitted by:	Marina Smirnova Planner II – Heritage Planning and Development msmirnova@cobourg.ca	Meeting Type:	Open Session <input checked="" type="checkbox"/> Closed Session <input type="checkbox"/>
Meeting Date:	December 15, 2023		
Report No.:	Planning and Development-179-23		
Submit comments to Council			

Subject/Title: Heritage Permit Application (HP-2023-023): 17 King Street East – Proposed Illuminated Sign for Real Estate Office – SECOND SUBMISSION

RECOMMENDATION:

WHEREAS Heritage staff have reviewed the proposed concept for a new illuminated fascia sign for Jacqueline Pennington’s RE/MAX real estate brokerage at 17 King Street East;

AND WHEREAS the proposed signage does not conform with the Town of Cobourg’s Sign By-law, the Commercial Core Heritage Conservation District (HCD) Plan, and is not consistent with the Town’s Guidelines for Signage in Heritage Districts;

IT IS RECOMMENDED THAT Heritage Permit application #HP-2023-023, as submitted by Jacqueline Pennington Real Estate Corporation, **be respectfully denied.**

1. STRATEGIC PLAN

Not applicable at this time.

2. PUBLIC ENGAGEMENT

The Cobourg Heritage Advisory Committee (CHC) operates in accordance with the Advisory Committee and Local Board Policy and Procedures for municipal boards and

committees in the Town of Cobourg. In general, the CHC is comprised of 7 members: 2 members of Council, and 5 citizen members which reflect the diverse interests of the community.

The agenda for a CHC meeting is prepared and distributed to all Committee members and is posted on the municipal website at least 48 hours in advance of the scheduled meeting date.

Existing heritage legislation does not prescribe public notification or meetings for the approval of alterations to designated properties. However, the Cobourg Heritage Master Plan and implementing Heritage Conservation District Plans and associated regulations/guidelines underwent extensive public consultation and engagement prior to their approval. Review and approval of Heritage Permit applications by the Town are undertaken within the context of these documents.

The CHC also receives public delegations and communications/correspondence from citizens in accordance with the Advisory Committee and Local Board Policy and Procedures for municipal boards and committees in the Town of Cobourg.

3. PURPOSE

The purpose of this report is to provide commentary on Heritage Permit application #HP-2023-023 for the installation of proposed illuminated fascia sign for a RE/MAX real estate brokerage office. This is the second review of the application; Heritage Permit application #HP-2023-023 came before the Cobourg Heritage Advisory Committee at a special meeting on November 22, 2023.

Staff have reviewed the original application and the additional information provided by the applicant between November 22 and December 15. Staff have ultimately determined that it does not conform with Town policies and therefore cannot be approved via delegated authority and must be referred to the Cobourg Heritage Advisory Committee. The subject property is located in the Commercial Core Heritage Conservation District (HCD).

4. ORIGIN AND LEGISLATION

An application for a Sign Permit was received on October 16th from Jacqueline Pennington Professional Real Estate Corporation for proposed storefront signage for the new real estate brokerage office slated to open at 17 King Street East. This application was submitted through the Cloud Permit application portal.

For the proposed sign concept, please see **Appendix 1**.

No separate and formal Heritage Permit was received for the proposed signage, as changes to the approval process resulted in a joint review by both municipal by-law and heritage staff. However, heritage approval is still required for proposed signage, and therefore heritage staff are treating this application as if a concurrent Sign Permit and Heritage Permit application have been submitted.

The subject property is located in the Commercial Core Heritage Conservation District and is designated under Part V of the Ontario Heritage Act, and by By-law #118-91 and By-law #042-2016.

In accordance with the *Ontario Heritage Act*, the 90-day deadline for Council to consider the application is January 14, 2023 (assuming the 90-day period began on October 16).

5. BACKGROUND

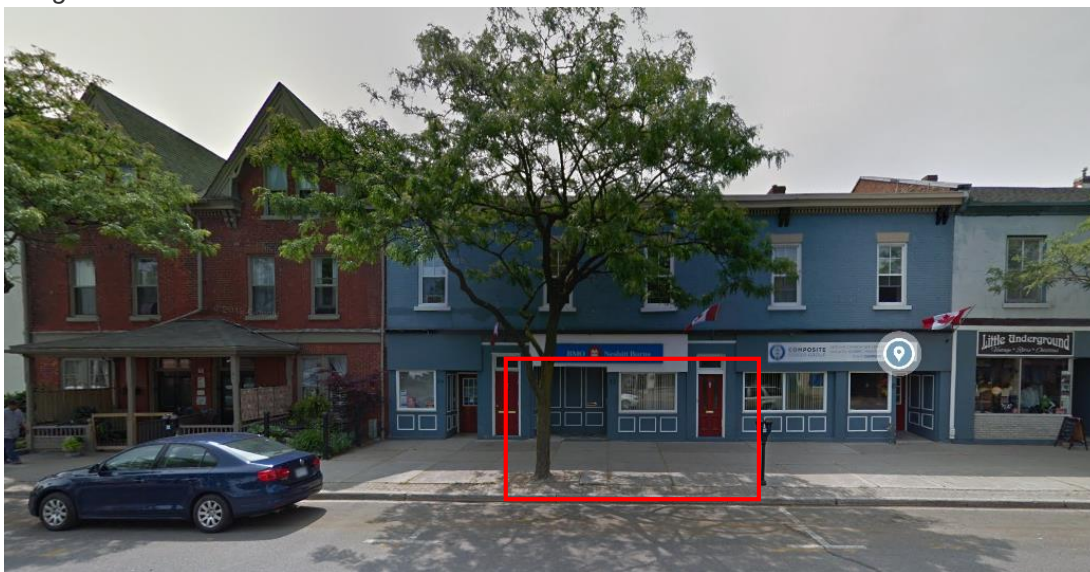
Geographic Context

The subject property is located on the south side of King Street east of Division Street in the Commercial Core Heritage Conservation District (HCD).



Above: The subject property is shown outlined in red in the context of the Commercial Core Heritage Conservation District (indicated in blue) and the East Heritage Conservation District (indicated in green).

Below: The subject property is shown outlined in red in the context of the streetscape along the south side of King Street.

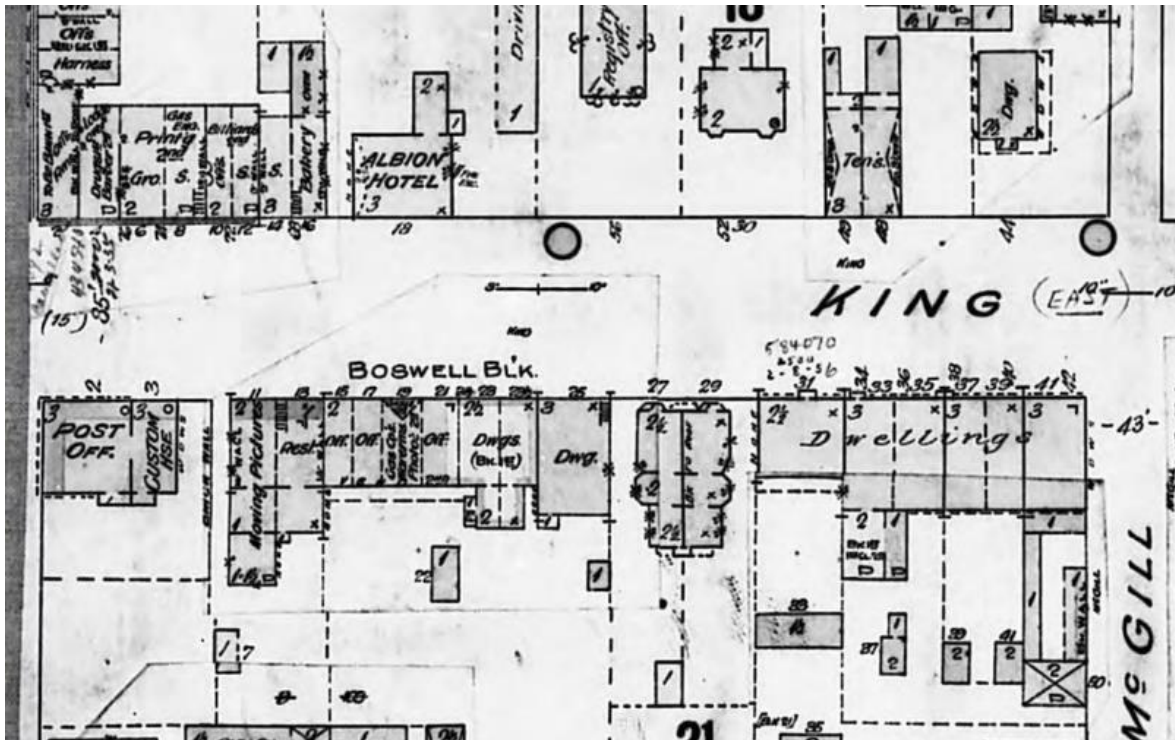


Historic Context

The Commercial Core District is defined by mid- to late-19th century commercial development in Cobourg, with development beginning mostly after the War of 1812.

Early frame buildings from the 1820s and 1830s were influenced by American architecture from the many settlers who came from the United States. Many of these early structures were destroyed by fires, resulting in a predominantly brick street wall by the arrival of the 20th century.

17 King Street East is part of the larger Judge Boswell Block, comprised of 13-23 King Street East. The entire block was constructed in 1876 by Judge Boswell, and is both commercial and residential in nature, delineating the transition from the commercial downtown to the residential east end of King Street. The first four units, including 17 King Street East, are designed for commercial ends, with shed roofs and storefronts. The last two units appear as semi-detached houses, though they are physically attached to the storefronts.



Above: 1902 (updated 1911) Fire Insurance mapping shows the extent of the Boswell Block. 25 King Street East is not part of the Boswell Block; rather, this three-storey brick structure (now stuccoed), was constructed circa 1848 by James Robinson. The semi-detached house at 29-31 King Street East was built by Miss Amelia Sykes, daughter of a wealthy Cobourg family.

The ownership of the Judge Boswell Block passed on to the Sykes family in 1896. In 1896, Miss Amelia Sykes built the semi-detached house at 29-31 King Street East. According to Fire Insurance maps from 1902 (updated 1911), many of the units comprising the Boswell Block housed offices, including 17 King Street East.

Scope of Work

The proposed scope of work is the installation of a sign box to illuminate a new sign for the real estate brokerage office (see **Appendix 1**). Portions of the sign are to be illuminated using a combination of a sign box and acrylic “Push-Thru” lettering (see **Appendix 2** for an explanation of this technology). The content of the sign reflects the latest (18th edition, published in 2017) RE/MAX Brand Identity and Trademark Graphic Standards (see **Appendix 3** for the standards manual).

Please note that the proposed sign concept has been modified since the receipt of the original application (see **Appendix 4** for the original sign concept). On the original sign, the following aspects of the signage were proposed to be illuminated:

- The Jacqueline Pennington Name
- The ReMax Hallmark Name
- The Balloon and Jacqueline' initials logo
- The small lettering "independently owned and operated, and raising the bar' will **not** be illuminated as they are too small.

On the updated proposed sign, the following aspects are proposed to be illuminated:

- Jacqueline's full name and logo will be illuminated (including the initials which go above and below the text of Jacqueline's name)
- ReMax Hallmark name (i.e. ReMax Hallmark Realty Inc.)
- The phrase 'independently owned and operated and raising the bar' will **not** be illuminated.



Above: The applicant has provided a mock-up of the proposed signage as seen from the north side of King Street East (looking south). Note that the RE/MAX Hallmark Realty name appears smaller here than what is depicted on Signs Depot's two-dimensional mock-up of the proposed signage. Further, this mock-up shows the sign in daylight when it is not illuminated.

6. ANALYSIS

Town of Cobourg Commercial Core Heritage Conservation District Plan (2016)

The Town of Cobourg's Heritage Master Plan was adopted by Council in 2016 to direct conservation and management of the Town's heritage resources. As part of this project, the existing Heritage Conservation District guidelines for the Town's HCDs designated under Part V of the Ontario Heritage Act were reviewed, and HCD Plans were prepared. The Commercial Core Heritage Conservation District Plan was adopted by By-law

#042-2016 on May 24th, 2016. The Plan contains policies and guidelines for conservation and the management of growth and change in the Commercial Core HCD. Prior to Council's adoption of the Commercial Core HCD Plan, Heritage Permit applications were primarily evaluated against the Town of Cobourg's Heritage Conservation District Guidelines.

Policies are requirements that must be followed when undertaking alterations to buildings or changes to properties. Guidelines are best-practice suggestions to be considered when undertaking alterations to buildings or changes to properties.

Additionally, the Town of Cobourg adopted the Sign By-law #8-2009 in February 2009 to regulate signage and all other advertising devices (see **Appendix 5**). Although it is not limited in scope to heritage properties, it does include regulations to address the unique historical character of Cobourg's Downtown. Guidelines were developed to further assist applicants in understanding what is required when developing concepts for signage. The *Guidelines for Signage on Commercial Properties* (see **Appendix 5**) were approved by Council in August 2009.

The following section of this report provides excerpts from both the Commercial Core HCD Plan, the Sign By-law, and the *Guidelines* that are relevant to the evaluation of the proposed scope of work. The focus of guidance in considering alterations to signs is to ensure that they are appropriately placed within the façade and storefront, are well-designed, and do not overwhelm the building façade.

As per the Commercial Core HCD Plan, the following policies and guidelines apply to signs within the District:

4.5 Signs (From Section 4 of HCD - Alterations to Commercial Buildings)

Policies

- a) *Signs shall not block important architectural features such as windows and ornamentation, and should be attached in a manner that results in the least amount of damage to the façade. Attachment to masonry surfaces should be made through mortar joints and not masonry units, as mortar joints are more easily repaired. Existing holes in the fascia board should be used where feasible for attaching new signs.*
- b) *Building and business signs shall be limited to the traditional locations such as the storefront sign band under the cornice or lettering on the glass itself.*
- c) *Corporate logos, icons and sign motifs are permitted on building façades and store fronts provided that they are appropriately sized to fit within the fascia sign band.*
- d) *All projecting signs shall be located within the traditional sign band area.*

Guidelines

- a) *Signs need not adopt historical or popular heritage motifs, lettering or font styles that bear little relationship to the building or business.*

- b) *Contemporary signs will be encouraged where sign placement does not damage heritage building fabric and satisfies the intent of these guidelines.*
- c) *Signs illuminated by lighting external to the sign (e.g. 'gooseneck', pot lights) are encouraged and preferred. Signs illuminated by lighting internal to the sign may be permitted on a case-by-case basis, usually where they are replacements for existing similar signs or confined to traditional sign bands, usually above a transom and below the mid-belt cornice.*

10.3 Signs (From Section 10 of HCD - Landscape Conservation Guidance)

Guidelines

- a) *Commercial signs within the District are permitted and encouraged, to enhance the character of the District's commercial area. Large-scale signs that are visually intrusive and limit pedestrian flow on King Street and Division Street are not permitted.*
- b) *Additional signs (such as banners, flags or distinct street signs) that distinguish the area as a Heritage Conservation District are encouraged.*
- c) *In addition to these guidelines, the Town sign by-law shall also be followed.*

According to the HCD Plan, signs illuminated by lighting internal to the sign are permitted on a case-by-case basis. One of the instances in which internally illuminated signage is permitted is if it replaces existing similar signage.

Town of Cobourg Sign By-law (By-law #8-2009)

(7) Heritage Conservation District

Within the Commercial Core of the Heritage Conservation District, the following additional requirements shall apply to any business:

(b) The illumination of permitted signs shall be by the following means only:

- (i) traditional hooded spot lights;*
- (ii) lighting recessed in an architectural feature; or*
- (iii) lighting concealed within relief lettering (which lettering shall not project more than .10 meters from the main wall of the building) which shall illuminate the background panel.*

BACK LIT OR INTERNALLY LIT SIGNS SHALL NOT BE PERMITTED.

(f) Despite the provisions of Section 16 of this By-law, any change to a sign in the Commercial Core of the Heritage Conservation District shall require a heritage permit.

The Town of Cobourg's Sign By-law #8-2009 includes *Guidelines for Signage on Commercial Properties*. The purpose of these guidelines is to provide for the

development of signage which is consistent with the predominantly late 19th century architecture which exists in downtown, respecting not only the physical integrity of the building but also the age and general character of the District. The following excerpts from the *Guidelines* are relevant to the application:

1.5 Design

Objective

A sign's design should be integrated into the overall design of the façade and not be the most visible element on the building. The shape, material, texture, colours and method of lighting should all be compatible with the building's architecture.

1.6 Lighting

Objective

Lighting should produce an effect similar to daylight.

Guidelines

- 1. Signs shall be illuminated only from an external, shielded source such as a goose-neck light or pot-light.*
- 2. Fluorescent lighting and sodium vapour lighting are both strongly discouraged.*
- 3. Internally illuminated signs are prohibited, as per the Sign By-law.*

Discussion

Upon receipt of the initial application, staff relayed to the applicant on November 3rd, 2023 that the proposed signage was not in compliance with the Commercial Core Heritage Conservation District (HCD) Plan or the Town of Cobourg's Sign By-law, and that all signage located in an HCD (in particular, the Commercial Core HCD) is expected to be in compliance with the aforementioned. Staff did not express any concerns regarding the content of the sign itself (recognizing the importance of using corporate identity and branding standards); however, expressing to the applicant that the proposed means of lighting the sign would not be permitted. During discussions with the application, staff verified that the RE/MAX Brand Identity and Trademark Graphic Standards did not set out any requirements for lighting or require a specific means of storefront illumination.

At the November 22nd, 2023 CHAC meeting, the applicant presented a new sign concept, though one that would take advantage of the same means of storefront illumination as the initial concept (see **Appendix 6** for the applicant's presentation).



Above: Mock-ups of the original and updated sign concept are shown.

Due to a change to the proposed sign concept, as well as a desire on behalf of Committee members for greater clarity regarding the means of illumination, the recommended course of action was deferral of the application. After the meeting, staff requested that the applicant provide further detail. This included:

- Examples of this type of signage installed on storefronts elsewhere (as this would allow staff to see the signage illuminated in an outdoor context)
- A quantifiable amount of light that the sign will generate (as this would confirm the applicant’s assertion that the proposed signage will cast a “soft glow” as opposed to a bright light, like the Northern Reflections example (see **Appendix 2**).

With respect to other examples, the applicant asserted that there are not any directly comparable signs and that the sign manufacturer has not manufactured a subtle, glow-type backlit sign like what is being requested. According to the applicant, the “push-thru” lettering design is completely customizable, and each sign is designed for its specific purpose, but that variety means that providing an exact example is difficult. The applicant recommended that the mock-up commissioned, as well as the street view illustration (see **Appendix 7**) are the most accurate visible representation of the sign. The applicant did not provide clarification from the sign manufacturer to confirm how the sign will generate less light than the sample Northern Reflections sign.

Based on the information received to-date from the applicant, staff have maintained their original recommendation; this is grounded in several considerations:

Contravention of Sign By-law #8-2009

The proposed illuminated fascia sign, utilizing a sign box with internal lighting elements, is found to be in direct violation of Town of Cobourg’s Sign By-law #8-2009, which

governs signage within the Commercial Core Heritage Conservation District. The by-law explicitly prohibits internally lit signs in the District. This prohibition serves a crucial role in maintaining the historical character of the Commercial Core, and the applicant's proposal, which employs internal lighting elements, stands in direct contradiction to this established regulation. The Committee did suggest that since the proposed sign technology was relatively novel, it may be worthwhile to investigate further as to what the impact of the proposed signage would have on the streetscape. The following two points are based on the outcome of fact-finding conducted to-date.

Lack of Comparable Examples

Despite acknowledging the novelty and customizable nature of the “push-thru” lettering technology, the applicant has not provided adequate examples of similar signs installed on storefronts elsewhere. The absence of directly comparable signs has been noted as a significant concern, as it hinders the Committee's ability to gauge the potential visual impact of the proposed signage on the District. The applicant's proposal represents a departure from conventional signage in the area, and the lack of visual precedents raises questions about its compatibility.

Inadequate Information on Light Emission

The applicant asserts that the proposed sign will emit a "soft glow"; however, staff have not received verifiable data on the actual amount of light the sign will generate. This absence of specific information poses challenges in accurately assessing the potential impact of the signage on the streetscape, particularly during nighttime conditions. Without quantifiable data on light emission, uncertainty persists regarding the visual harmony of the proposed signage within the heritage surroundings. A more detailed understanding of the lighting characteristics is essential to ensure that the signage aligns with the goals outlined in the Heritage Conservation District Plan.

7. FINANCIAL IMPLICATIONS/BUDGET IMPACTS

There are no anticipated financial implications on the Municipality due to a decision made on this Heritage Permit application (either approval or denial).

8. CONCLUSION

The proposed fascia sign does not conform with the policies and guidelines outlined in the Commercial Core Heritage Conservation District (HCD) Plan or the Town's Sign By-law (#8-2009). Therefore, it cannot be approved via delegated authority, and staff are continuing to respectfully recommend denial.

9. NEXT STEPS

The outcome of this Committee's decision is not final and binding. The recommendation from the CHC will proceed for consideration by the Committee of the Whole and finally Council.

The application will be considered by the Planning & Development Standing Committee on: **January 10, 2024.**

The application will be considered by Council on: **January 31, 2024.**

Should this application be refused, or approved with conditions that are not satisfactory to the applicant, the applicant can appeal the decision to the Ontario Land Tribunal within 30 days of Council's decision. The final date to appeal the decision is: **March 1, 2024.**