



STAFF REPORT
THE CORPORATION OF THE TOWN OF COBOURG

Regular Council

Report to: Mayor, Deputy Mayor, and Councillors
From: Anne Taylor Scott, Director, Planning and Development
Marina Smirnova, Planner II (Heritage)
Report Number: DS-2024-002
Council Meeting Date: January 31, 2024
Subject: **Further Information on Heritage Permit #HP-2023-023 (17 King Street East) – Proposed Internally Illuminated Signage for Jacqueline Pennington Real Estate Brokerage Office**

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1. Recommendation:

THAT Council deny Heritage Permit application #HP-2023-023, as submitted by Jacqueline Pennington Real Estate Corporation

OR

THAT Council grant an exemption to the Sign By-law #8-2009, as amended, to Jacqueline Pennington Real Estate Corporation, to facilitate the erection of one (1) 40” by 209” internally illuminated fascia sign consisting of a sign box with an aluminum panel and raised “push-thru” acrylic lettering, illuminated from within using LED technology; and

THAT Heritage Permit application #HP-2023-023, as submitted by Jacqueline Pennington Real Estate Corporation, be approved.

2. Executive Summary:

This report addresses a Heritage Permit application (#HP-2023-023) concerning proposed signage at 17 King Street East within the Commercial Core Heritage Conservation District (HCD). The application, submitted by Jacqueline Pennington Professional Real Estate Corporation, seeks approval for an internally illuminated sign for a new real estate brokerage office. The primary issue centers around the proposed internal illumination, which contravenes the Town's Sign By-law and the Commercial Core Heritage Conservation District Plan. The application was brought before the Heritage Advisory Committee on November 22nd and December 15th, though no decision was made. The motion recommending denial was not passed, but a motion recommending approval was not passed either. Staff prepared a report for the Planning, Public Works, and Development Standing Committee meeting on January 10th, explaining the lack of decision (see **Attachment 1**). At the meeting, the Committee passed a motion to refer to Council Staff's recommendation on the denial of the original Heritage Permit application, with additional information provided by Staff on exemptions or considerations and the implications for the approval of Heritage Permit #HP-2023-023.

3. Background

PROPOSED 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 **Attachment 2**). Portions of the sign are to be illuminated using a combination of a sign box with an aluminum panel and acrylic "Push-Thru" lettering (see **Attachment 3** 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.

Please note that the proposed sign concept has been modified since the receipt of the original application (see **Attachment 4** for the original sign concept). On the original sign (pre-November 22nd CHAC meeting), 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 (post-November 22nd CHAC meeting), 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.

GEOGRAPHIC AND HISTORICAL INFORMATION

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



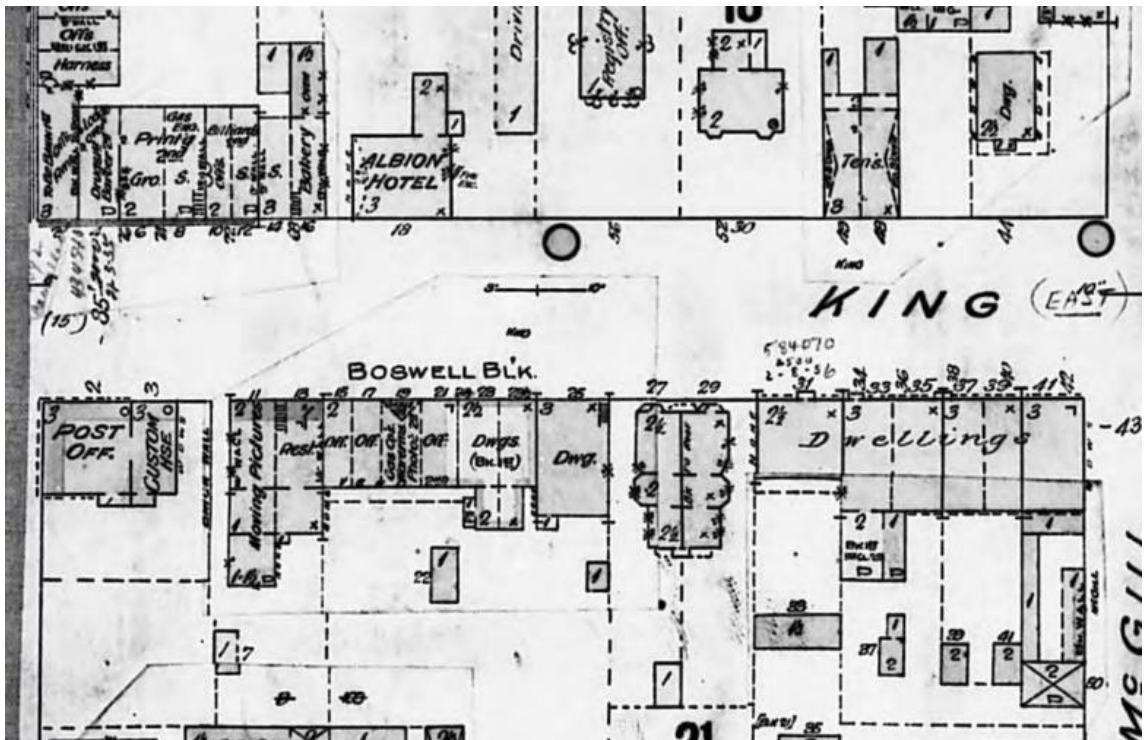
Above: The subject property is shown outlined in red in the context of the Commercial Core Heritage Conservation District (indicated in blue) and the East Heritage Conservation District (indicated in green).

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



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. Although the 1911 Fire Insurance map below depicts the buildings to the east of the Boswell block as residential in nature, they are currently mixed-use, with storefronts on the ground floor with residential units above. Therefore, the commercial downtown extends past the Boswell Block today to McGill Street/Victoria Park.



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 was 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; this trend persists today.

GENERAL BACKGROUND AND CHRONOLOGY

An application for a Sign Permit was received on October 16th, 2023 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 **Attachment 2**.

No separate and formal Heritage Permit was received for the proposed signage, as changes to the approval process made in 2021 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.

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 comply 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 that the proposed means of illumination 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 **Attachment 5** for the applicant's presentation to the CHAC; see **Attachment 6** for staff's recommendation report regarding the original concept).

Due to a last-minute change to the proposed sign concept, as well as a desire on behalf of CHAC members for greater clarity regarding the means of illumination, the recommended course of action was deferral of the application. After the November 22nd meeting, staff requested that the applicant provide further detail in preparation for the December 15th special meeting of the CHAC. 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 would 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 **Attachment 3**)).

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 **Attachment 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. Staff used the information that had been provided by the applicant to update the original report to the CHAC; however, as staff had outstanding concerns, the original recommendation (to deny the application) was maintained (see **Attachment 8** for staff’s updated recommendation report).

At the December 15th CHAC meeting, members reconsidered the application. Four (4) out of seven (7) members were in attendance, so quorum was achieved. The applicant presented to the Committee, justifying the proposed sign concept (see **Attachment 9** for the presentation slides). The applicant explained that despite having asked, the sign manufacturer could not provide an example of this type of signage.

A debate among CHAC members followed. Two (2) members reminded the applicant that they had expressed a desire to see material samples to gain a better understanding of the physicality of the sign, and to assess the true opacity of the aluminum panel. The applicant clarified that the aluminum panel would be entirely opaque, meaning that no light would filter through (except where the acrylic “push-thru” letters were raised from the panel). The applicant also agreed to explore the possibility of providing material samples at the Public Works, Planning, and Development Standing Committee meeting.

Ultimately, the CHAC failed to pass the motion based on staff’s recommendation. There were no concerns about the sign design other than the proposed means of illumination, which members recognized was in direct contravention of the Town of Cobourg’s Sign By-law. While there was an acknowledgement that the current Sign By-law may not accommodate modern technologies, there was also a recognition that moving to put forward a favorable recommendation would set a precedent, and that the age of the regulating By-law was irrelevant at this time. A vote on the motion, as written by staff, resulted in a 2-2 tie, and the motion was therefore defeated. However, no alternative motion was put forward.

The application proceeded to the Public Works, Planning, and Development Standing Committee meeting on January 10th with the original staff recommendation. The Committee could not come to a consensus either; therefore, the following motion was passed:

THAT the Committee refer Report No. DS-2024-001 to Council to consider the Staff recommendation on the denial of the Heritage Permit Application; and

FURTHER THAT the Committee direct Staff to provide further information on exemptions or considerations and the implications for the approval of Heritage Permit #HP-2023-023 at the January 31, 2024 Regular Council meeting.

4. Discussion:

Upon receipt of the initial application, staff relayed to the applicant 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. As the proposal has not been altered, staff's recommendation remains the same. The following is an evaluation of the proposed signage against the municipal policies in place, as presented to the CHAC:

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 **Attachment 10**). 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 **Attachment 11**) 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, colors 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.*

Based on the information received to-date from the applicant, staff have maintained their original recommendation to deny. 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 Committee requested that staff provide further information regarding options to Council. Following further review, Staff present the following two options to Council consideration:

1) Denial of Heritage Permit Application HP – 2023 – 023

If Council decides to uphold staff's recommendation and deny the Heritage Permit application, it would reinforce adherence to the existing Town of Cobourg's Sign By-law and the Guidelines For Signage On Commercial Heritage Properties, and uphold the recommendations outlined in Report No. DS-2024-001.

However, it is essential to highlight that denying this specific application does not preclude the possibility of future review and revisions. Council retains the authority to direct staff to undertake a comprehensive review of the Sign By-law and accompanying guidelines. Such a review could encompass an examination of emerging technologies, ensuring that regulations evolve to accommodate novel approaches while preserving the heritage character of downtown's streetscape. This approach underscores the Council's commitment to adaptability and responsiveness to the evolving needs of the community. It also reflects Council's dedication to honoring decisions made by previous Councils and upholding the image of downtown Cobourg as a historic district that the municipality has cultivated for itself, aligning with similar small municipalities across Ontario that have pursued a similar course of action.

Denying this application serves as maintains current regulatory standards while recognizing the potential for reassessment in the future. It is a proactive step that does not preclude the municipality from exploring progressive changes that align with both heritage conservation and contemporary business practices.

2) Approval of Heritage Permit Application HP – 2023 – 023

If Council chooses to approve the Heritage Permit application, it would signify a departure from staff's recommendation. This option necessitates an Exemption to the Sign By-law. In contemplating this decision, Council is encouraged to weigh the potential benefits of accommodating modern business practices against the precedent that approval may establish.

While acknowledging that modern technology can often coexist with the preservation of a downtown's heritage character, staff recommend exercising caution when setting precedents through application approvals. Staff recognize the importance of addressing business needs yet maintain that internal illumination may not be imperative in this instance, particularly for a real estate brokerage whose clientele is not primarily drawn by a prominent storefront. However, the proposed Exemption to the Town of Cobourg's Sign By-law provides a route for the applicant to align with their business goals while maintaining compliance.

5. Financial Impact and Budget

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

6. Relationship to Council's Strategic Plan Priorities 2023 to 2027 and beyond:

Thriving Community

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Service Excellence

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Sustainability

Strategic Action: Preserve and promote the heritage, history, and culture of Cobourg to sustain it as a vibrant and appealing destination.

7. 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.

8. Attachments:

Attachment 1 – Staff Report to Public Works, Planning, and Development Standing Committee (Jan. 10, 2024)

Attachment 2 - Memo to Standing Committee Regarding Heritage Permit Application HP-2023-023

Attachment 3 - Proposed Signage Mock-up (Prepared by Signs Depot)

Attachment 4 – Illumination Technology

Attachment 5 – Original Sign Concept Provided by Applicant

Attachment 6 – Applicant’s Presentation to CHAC (Nov. 22, 2023)

Attachment 7 – Staff’s Original Recommendation Report to CHAC
Attachment 8 – Street View of Streetscape on King St. E.
Attachment 9 – Staff’s Updated Recommendation Report to CHAC
Attachment 10 – Applicant’s Presentation to CHAC (Dec. 15, 2023)
Attachment 11 – Town of Cobourg Sign By-law #8-2009
Attachment 12 – *Guidelines for Signage on Commercial Properties*

**9. Report Not Considered by
Standing Committee Because:**

Time Sensitive Issue (information received too late for Standing Committee consideration)

Urgent Matter (issue arose after this month’s Standing Committee Meeting)

Other: Public Works, Planning, and Development Standing Committee referred original Heritage Permit application to Council with options provided by Staff.

Report Approval Details

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|----------------------|--|
| Document Title: | HP - 2023 - 023 (17 King Street East) - Staff Report to Council Regarding Sign By-law and Heritage Signage Guidelines.docx |
| Attachments: | |
| Final Approval Date: | Jan 24, 2024 |

This report and all of its attachments were approved and signed as outlined below:

Anne Taylor Scott - Jan 23, 2024 - 4:58 PM

Tracey Vaughan, Chief Administrative Officer - Jan 24, 2024 - 1:17 PM