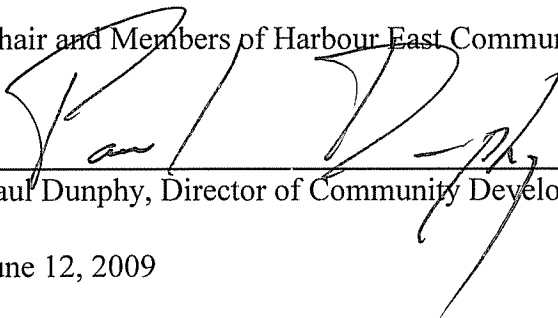


Harbour East Community Council
July 2, 2009

TO: Chair and Members of Harbour East Community Council

SUBMITTED BY:


Paul Dunphy, Director of Community Development

DATE: June 12, 2009

SUBJECT: Case 01268: Signage - Downtown Dartmouth Land Use By-law

ORIGIN

At the April 7, 2009 meeting of Harbour East Community Council (HECC), Council approved the following motion:

“Moved by Councillor McCluskey, seconded by Councillor Karsten that Harbour East Community Council direct staff to initiate the amendment process for the Land Use By-law for Downtown Dartmouth, the purpose being to address sign requirements on the upper stories of existing office buildings.”

RECOMMENDATIONS

It is recommended that Harbour East Community Council:

1. Give First Reading to the proposed amendments to the Downtown Dartmouth Land Use By-law as shown in Attachment “A” and schedule a public hearing; *July 2/09*
2. Approve the proposed amendments to the Downtown Dartmouth Land Use By-law as shown in Attachment “A” of this report.

BACKGROUND

Proposal:

The United Way of Halifax Region applied to install two aluminum framed, back-lit vinyl fascia signs measuring 2.5' high by 17' wide, with 17" tall lettering, on the 8th floor of the Dartmouth Medical Centre Building, located at 46 Portland Street. However, the signs did not meet the requirements of the Downtown Dartmouth Land Use By-law (LUB), as follows:

- lettering may not exceed one foot in height
- materials may only be wood or wood -like, or iron
- only exterior shielded illumination is permitted

Requested Amendment

At the April 2, 2009 meeting of Harbour East Community Council (HECC), staff were directed to commence a process to consider amendments to the LUB to allow such signs on existing high rise office buildings.

Existing Sign Requirements:

Local land use policy and zoning requires traditional design and building materials in signs, to complement architectural requirements for new buildings. The goal is to emphasise a strong pedestrian-oriented environment, with signs intended to be read by pedestrians at a relatively close distance.

No allowances were made for signs on the upper levels of the five existing mid to high rise office buildings, other than building name and address identification. In addition to the 8 storey Dartmouth Medical Centre Building, these buildings are:

- Queen Square, 45 Alderney Drive (18 storeys)
- Belmont House, 33 Alderney Drive (8 storeys)
- Marine House, 176 Portland Street (6 storeys)
- Alderney Gate, 40 Alderney Drive (6 storeys)

An amendment was previously approved by HECC in 2007 to allow a large backlit sign on the 8th floor of the Super 8 hotel on King Street.

DISCUSSION:

The existing sign design requirements are appropriate for street level signs, and deal with most situations. However, flexibility is appropriate for the five existing office buildings. Upper storey signs are intended to be seen at a greater distance, and in most cases cannot be seen by a pedestrian at street level. Allowing "modern" signs at the upper storey on these buildings, in

addition to more traditional signs at street level, is not contrary to the intent of the area plan to foster a pedestrian friendly, street-level environment which emphasizes “small town” character.

Admiralty Place Concerns:

Concern was expressed about the potential impact of one of the proposed United Way signs, at the rear of 46 Portland Street, on residential units in Admiralty Place. The illumination of the signs is proposed to be 780 watts. The sign would be located 165 feet from the nearest corner of the residential building. No upper storey signs would be permitted on the 5 storey Royal Bank building at 44 Portland Street, which is directly on Prince Street and closer to Admiralty Place.

Lighting in such signs does not have a “spotlight” effect, rather the light is diffused substantially when it passes through the sign facing. At street level or in close proximity to another building, the sign would be bright, however this intensity decreases with distance. It is the opinion of staff that the sign as proposed will pose no nuisance, especially given the collective wattage of lighting used in the interior of the building that shines out the windows after dark. However, Council does have the option of requiring that this particular sign be non-illuminated. Attachment B includes alternative wording which can be approved instead of those in Attachment A, if deemed appropriate.

Proposed Amendments:

In view of the above, amendments are appropriate to allow signs such as those proposed by the United Way. Attachment A to this report contains the required amendments to implement these goals. The requested amendments would:

1. allow fascia wall signs that are built of vinyl or plastic when placed at top storey of the five existing buildings;
2. allow interior illumination;
3. not limit the size of lettering, but limit its location to the space between the top floor windows and the roofline (which ranges from 2 to 4 feet depending on the building);
4. allow one sign per building face , except for the west face of 46 Portland Street would not be permitted a sign, as there is already a very large illuminated Royal Bank sign there;
and
5. not permit signs to extend across the entire facade.

Public Consultation:

A public meeting was held on April 27, 2009. The minutes are included as Attachment C to this report.

BUDGET IMPLICATIONS:

The costs to process this planning application can be accommodated within the approved operating budget for C310.

The budget availability has been confirmed by Financial Services.

FINANCIAL MANAGEMENT POLICIES / BUSINESS PLAN

This report complies with the Municipality's Multi-Year Financial Strategy, the approved Operating, Capital and Reserve budgets, policies and procedures regarding withdrawals from the utilization of Capital and Operating reserves, as well as any relevant legislation.

ALTERNATIVES

1. Council may choose to approve the proposed amendment as shown in Attachment "A" to the Land Use By-law. This is the recommended course of action.
2. Council may choose to alter the proposed amendments to the Land Use By-law, such as requiring the rear sign at 46 Portland Street to be non-illuminated as shown on Attachment B. Any other changes may necessitate further report(s). In the event revisions are requested an additional public hearing may be required.
3. Council may choose to refuse the proposed amendments to the Downtown Dartmouth Land Use By-law set out in Attachment A of this report and in doing so, Council must provide reasons for the refusal based upon a conflict with MPS policies. This option is not recommended for reasons set out above.

ATTACHMENTS

- Attachment A: Amendments to the Land Use By-law for Downtown Dartmouth
Attachment B: Additional Amendment re non-illumination of sign
Attachment C: Public Information Meeting Minutes

A copy of this report can be obtained online at <http://www.halifax.ca/commcoun/cc.html> then choose the appropriate Community Council and meeting date, or by contacting the Office of the Municipal Clerk at 490-4210, or Fax 490-4208.

Report Prepared by : Mitch Dickey, Planner, 490-5719



Report Approved by: _____
Austin French, Manager of Planning Services, 490-6717

Attachment A
Amendments to the Land Use By-law for Downtown Dartmouth

BE IT ENACTED by the Harbour East Community Council of the Halifax Regional Municipality that the Downtown Dartmouth Land Use By-law, is amended as follows:

By inserting the following new subsection to section 9 (a) as follows:

- 9 (a) (2) Notwithstanding any other provision of this by-law, top floor fascia signs shall be permitted on existing office buildings located at 46 Portland Street, 176 Portland Street, 33 Alderney Drive, 40 Alderney Drive and 45 Alderney Drive, in addition to any other permitted signs, subject to the following:**
- (a) Any such sign may only be located at the top of the main building wall between the uppermost storey windows and the roof line, and may not extend above the roof line or below the top of the window line.**
 - (b) Only one sign per building side shall be permitted, except for 46 Portland Street, where no signs are permitted on the Prince Street-facing elevation.**
 - (c) The maximum ratio of sign width to sign height shall be 6.5 to 1.**
 - (d) The provisions of 9 (a) (1) shall apply to sign design.**

I HEREBY CERTIFY that the amendment to the Land Use By-law for Downtown Dartmouth as set out above, was passed by a majority vote of the Harbour East Community Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2009

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2009

Julia Horncastle
Municipal Clerk

Attachment B
Amendments to the Land Use By-law for Downtown Dartmouth
Option for Non- Illumination of Rear Sign at 46 Portland Street

BE IT ENACTED by the Harbour East Community Council of the Halifax Regional Municipality that the Downtown Dartmouth Land Use By-law, is amended as follows:

By inserting the following new subsection to section 9 (a) as follows:

- 9 (a) (2) Notwithstanding any other provision of this by-law, top floor fascia signs shall be permitted on existing office buildings located at 46 Portland Street, 176 Portland Street, 33 Alderney Drive, 40 Alderney Drive and 45 Alderney Drive, in addition to any other permitted signs, subject to the following:**
- (a) Any such sign may only be located at the top of the main building wall between the uppermost storey windows and the roof line, and may not extend above the roof line or below the top of the window line.**
 - (b) Only one sign per building side shall be permitted, except for 46 Portland Street, where no signs are permitted on the Prince Street-facing elevation.**
 - (c) The maximum ratio of sign width to sign height shall be 6.5 to 1.**
 - (d) The provisions of 9 (a) (1) shall apply to sign design, except that any sign on the rear of 46 Portland Street shall be non-illuminated.**

I HEREBY CERTIFY that the amendment to the Land Use By-law for Downtown Dartmouth as set out above, was passed by a majority vote of the Harbour East Community Council of the Halifax Regional Municipality at a meeting held on the ____ day of _____, 2009

GIVEN under the hands of the Municipal Clerk and under the Corporate Seal of the Halifax Regional Municipality this ____ day of _____, 2009

Julia Horncastle
Municipal Clerk

Attachment C

**PUBLIC INFORMATION MEETING
CASE 01268 - LAND USE BY-LAW AMENDMENT
DOWNTOWN DARTMOUTH PLAN AREA**

April 27, 2009
Alderney Library, Dartmouth
7:00 p.m.

STAFF IN

ATTENDANCE: Mitch Dickey, Planner
Kurt Pyle, Supervisor of Planning Applications, Eastern Region
Holly Kent, Planning Technician
Jennifer Little, Planning Controller

OTHER: Gloria McCluskey, Local Councillor

MEMBERS OF

THE PUBLIC: 3

PRESENTATION/ OVERVIEW

Mr. Mitch Dickey, Planner, Planning Applications, called the meeting to order at approximately 7:05 p.m. in the Alderney Gate Library, Maxine Tynes Room, 60 Alderney Gate, Dartmouth.

Mr. Dickey welcomed residents to the meeting and thanked them for attending . He introduced Kurt Pyle as Supervisor of Planning Applications for the Eastern Region, Councillor Gloria McCluskey, Holly Kent as the Planning Technician and Jennifer Little as the Planning Controller. He explained that the purpose of the meeting is to discuss an application initiated by HRM to amend the Land Use By-Law for Downtown Dartmouth to address permissible signs on the upper storeys of existing mid to high rise office buildings. He advised that the purpose of the meeting is to share information with the residents and to receive feedback as well. No decisions will be made during this meeting.

Unite Way of Halifax has submitted a proposal to install two 8th floor fascia signs at 44 Portland Street. These signs are currently not permitted under the existing zoning by-law. Harbour East Community Council made a motion to consider amendments to allow such signs on office buildings. Referring to a slide, Mr. Dickey reviewed an example of sign boxes of 2.5' by 17' with 18" high letters. It had also been requested to allow back lighted and illumination.

Mr. Dickey explained that the reason why these signs are not allowed is because in 2000 a new plan for Downtown Dartmouth was developed. The zoning by-law focused on keeping the signage at a small scale and at street level for pedestrians. Upper storey signs are permitted, but can only

state the address of the buildings or the building name. He gave an example of the Royal Bank Building. He added that there are five mid to high rise office buildings in Downtown Dartmouth with no provision for tenants to have a sign. Referring to a slide, he pointed out the five affected office building sites. Council has suggested the review of these five buildings and to bring back recommendations as to what might be appropriate for upper storey signage.

QUESTIONS AND COMMENTS

Mr. Dickey explained that three questions for consideration are as follows:

- Are there concerns with allowing such signs?
- How big should the signs be?
- Should they only be on certain building faces?

He added that Downtown Dartmouth Plan does not allow for roof top signs.

Ms. Elizabeth Ann MacDonald, Dartmouth asked if the former Howard Johnson Hotel would be considered under this amendment.

Mr. Dickey explained that there had been an amendment made for hotel use.

Ms. MacDonald asked if the Sea Coast Towers have expressed interest in this amendment.

Mr. Dickey explained that the Sea Coast Towers have not expressed interest at this time, that it is under a development agreement and that as a residential tower, no upper advertising signs would be appropriate.

Ms. MacDonald explained her past experience regarding strong hurricane winds and noted the extensive damage that was made to the property. She expressed concern with future weather damaging the signs and possibly the areas below and around them. She asked if there will be certain requirements to avoid this type of damage.

Mr. Dickey explained that these signs will require a building permit and would be certified by an engineer.

Ms. Joan Fetterly, Dartmouth asked if it could be possible that back lit signs could be turned off at a certain time of night. She expressed concern with the lights interrupting nearby residents.

Mr. Dickey explained that HRM could not regulate the hours that the sign is lit however, Council could decide to allow the signs, but not allow for them to be lit. Alternatively, there could be an externally lit sign, with shielded light.

Ms. MacDonald asked how much light the signs would put off.

Some discussion was had about the Royal Bank Sign and how it can be seen from the bridge.

Mr. Dickey explained that if Council were to consider approving this application, they could look at only allowing the signs that are directed towards a certain angle i.e., the harbour side. Councillor McCluskey explained that the residents should also keep in mind future developments.

The residents noted that it is not the sign that they have concern with, but the illumination.

Ms. MacDonald asked if the Downtown Corporation Businesses has had any discussion regarding this.

Councillor McCluskey explained that this was initiated by Council. She added that she recommended a public information meeting for the residents in the area, as she felt it was important.

Ms. MacDonald expressed concern with the distribution notices for this public information meeting.

Mr. Dickey explained that there was a mailout to certain areas as well as a public information meeting notice placed in the Chronicle Herald and that information was given to Ms. Fetterly to be placed on the notice board at the Admiral Place.

Mr. Dickey explained that a public hearing will likely take place in July 2009 and that a notification will be sent to the Admiral Place for proper distribution.

Mr. Fetterly and Ms. MacDonald explained that even with the notification, they could assure residents within Admiral Place would be made aware of it. They asked if the residents have any questions, where should they direct them to.

Councillor McCluskey explained that they could forward their comments/concerns to Mr. Dickey. Harbour East Community Council will be meeting June 4, 2009 at the School Board building.

Ms. MacDonald asked if other United Way office buildings have the same signage.

Mr. Dickey explained that this is their metro area head office and that he also believes that the other locations do have this type of signage as well.

He explained that after tonight's meeting, a report will be submitted to Harbour East Community Council with recommendations. Council will then set a public hearing date, likely in July 2009.

Mr. Dickey asked if there were any other questions, and then closed the meeting.

MEETING ADJOURNMENT

Meeting adjourned at approximately 7:56 p.m.