

To: Development Services Committee

From: Warren Munro, HBA, RPP, Commissioner,
Development Services Department

Report Number: DS-21-16

Date of Report: February 3, 2021

Date of Meeting: February 8, 2021

Subject: Application for Variance to Sign By-Law 72-96, 27 to 33 Simcoe
Street South, WJW Canada Inc.

File: SV-2020-10

1.0 Purpose

The purpose of this report is to seek direction from Council with respect to part of a sign variance application to permit two (2) TV advertisement fascia signs, known as Read-o-graph signs that are not permitted by Sign By-law 72-96, as amended, (the “Sign By-law”). One Read-o-graph sign is proposed on each of the second and third storey of the building at 27-33 Simcoe Street South (the “Subject Building”).

Attachment 1 is a map showing the location of the subject site and the existing zoning in the area.

Attachment 2 is a copy of the Site Plan showing the proposed Read-o-graph fascia sign locations (Signs 5 and 6).

Attachment 3 is a copy of the building elevation showing the location of the existing permitted signs (Signs 1 to 4). Attachment 3 also shows the location of the two (2) new Read-o-graph fascia signs (Signs 5 and 6) and two (2) existing fascia signs (Signs 7 and 8) that also require a variance.

Attachment 4 is a copy of the details of the proposed Read-o-graph fascia Signs 5 and 6.

By-law 29-2009, as amended, (the “Delegation By-law”), grants the Commissioner of Development Services or the Director of Planning Services the authority to approve variances to the Sign By-law. The Commissioner, at their discretion, may forward controversial applications or applications proposed to be denied for Council’s consideration. The subject application as it relates to the two (2) proposed Read-o-graph fascia signs (Signs 5 and 6) is recommended for denial, necessitating this Report.

Staff have no objections to the two (2) existing fascia signs (Signs 7 and 8) that also require a variance.

2.0 Recommendation

That the Development Services Committee recommend to City Council:

That, pursuant to Report DS-21-16 dated February 3, 2021, the application for a variance to Sign By-Law No. 72-96, as amended, submitted by WJW Canada Inc. (File: SV-2020-10) to permit two (2) additional TV advertisement fascia signs (Read-o-graph Signs) on the southwest wall of the building at 27 to 33 Simcoe Street South on the second and third storeys, be denied.

3.0 Executive Summary

Not applicable.

4.0 Input From Other Sources

The following have been consulted in the preparation of this report:

- Heritage Oshawa

5.0 Analysis

5.1 Background

An enquiry from WJW Canada Inc. was submitted regarding a proposal to install two (2) Read-o-graph fascia signs on the Subject Building at 27 to 33 Simcoe Street South (see Attachment 1).

The Subject Building, built in 1920 and known as the Bradley Block, is listed in the Inventory of City of Oshawa Heritage Properties as a Class B property. This classification means it has been identified by Heritage Oshawa as having good potential for heritage designation.

The proponent was advised that a sign variance would be required, and further, that Heritage Oshawa review would be required.

Staff's review determined that the building currently has six (6) signs of which four (4) signs are permitted by the Sign By-law (see Signs 1 to 4 on Attachment 3). The applicant therefore proposes to recognize the two existing fascia signs not permitted by the Sign By-law (Signs 7 and 8 on Attachment 3) and to permit the installation of two (2) new Read-o-graph fascia signs (see Signs 5 and 6 on Attachment 3).

5.2 Process for Signs 5 and 6

On February 27, 2020, Heritage Oshawa reviewed the proposal for two (2) Read-o-graph fascia signs on the Subject Building under Item HTG-20-29 (see Signs 5 and 6 on Attachment 3), and passed the following motion:

“That Heritage Oshawa opposes the presented proposal for two TV screens mounted on the southwest corner of 33 Simcoe Street South as the addition of such fixtures detracts and destroys the heritage attributes of the property, area, and downtown Oshawa”.

On September 21, 2020, without further advance consultation with Planning Services staff, the owner of the Subject Building, WJW Canada Inc., submitted an Application for Variance to the Sign By-Law (File: SV-2020-10) to permit the installation of two (2) Read-o-graph fascia signs on the Subject Building as shown as Signs 5 and 6 on Attachments 3 and 4.

The two (2) Read-o-graph fascia signs, each measuring 2 metres (6.6 ft.) wide by 2.5 metres (8.2 ft.) high with a cumulative surface area of 10 square metres (33 sq. ft.), are proposed to be installed over two (2) existing windows on the second and third storeys of the southwest façade of the building as shown on Attachment 4.

Within the Central Business District Zone, the Sign By-Law permits one (1) fascia or canopy sign for each storey that faces a street line and contains lawful commercial uses, provided that not more than two (2) fascia or canopy signs shall be permitted per street line.

The second and third storeys of the building on the Subject Property do not contain lawful commercial uses, only lawful residential uses. There are already two (2) existing canopy signs, two (2) projecting signs, and two (2) existing fascia signs associated with the existing “Legend of Fazio’s” restaurant on the west and south walls of the first storey.

The building owner also has building permits under review with the City to renovate the second and third storey residential uses. Until the Owner submits detailed building permit drawings for the renovation, Building Services staff cannot determine if the windows proposed to be covered by the two (2) Read-o-graph fascia signs would be required as openings under the Ontario Building Code (the “O.B.C.”) for the residential uses.

A decision on this sign variance does not constitute approval of any building permit(s) which may be required for Signs 5 and 6 under the O.B.C.

5.3 Process for Signs 7 and 8

With respect to the two (2) existing fascia signs on the first storey that require a sign variance, staff have reviewed the variances required and determined they are in keeping with the character of the streetscape of the building (see Signs 7 and 8 on Attachment 3).

Heritage Oshawa did not provide any comments with respect to the existing fascia sign on the southwest façade of the ground storey, which requires a variance (see Sign 7 on

Attachment 3). However, the materials provided to them for review included photos showing the existing sign arrangement. A new sign has been added since February 27, 2020 (see Sign 8 on Attachment 3) that also requires a variance. This sign was reviewed by staff and also determined to be not detrimental to the heritage façade or the surrounding streetscape.

Therefore, staff intend to approve Signs 7 and 8 under the delegated authority of Article 16 of Schedule A of Delegation of Authority By-law 29-2009, following a decision of City Council with respect to Signs 5 and 6. The approval of variances to permit Signs 7 and 8 under the Delegation By-law will include conditions requiring the applicant to enter into an appropriate encroachment agreement if needed and will clarify that no further sign variances for fascia signs will be permitted.

5.4 Options

The options that follow in this section provide certain alternatives for consideration by the Development Services Committee and Council.

5.4.1 Recommended Option for Signs 5 and 6: Deny the Sign Variance for Proposed Read-o-graph Fascia Signs

The recommended option to Council is to deny the Sign Variance for the two (2) proposed Read-o-graph fascia signs for the following key reasons:

1. The requested variance is not desirable for the area, particularly since there is sufficient signage on the building to identify the Legend of Fazio's business and the City must make decisions which balance the demand for signage with the need to create attractive and appropriate streetscapes and the preservation of cultural heritage resources, particularly in the Downtown Oshawa Urban Growth Centre.
2. Heritage Oshawa does not support the proposed signs, as the addition of such fixtures detracts and destroys the heritage attributes of the property, area, and downtown Oshawa.
3. The applicant proposes third party advertising in addition to their restaurant advertising, whereas under the Sign By-Law, non-accessory signs, with some exceptions are prohibited in all zones. Exceptions allow for a billboard sign, election sign, homebuilders identification sign, real estate open house sign, subdivision or condominium billboard sign, utility pole sign, special event banner or community event sign.

Section 2.0 of this Report has been prepared with the appropriate language should Development Services Committee support this recommendation.

5.4.2 Option 2 for Signs 5 and 6: Approve the Sign Variance for Proposed Read-o-graph Fascia Signs

Under Option 2, Council would approve the sign variance for the two (2) proposed Read-o-graph fascia signs.

Should the Development Services Committee choose to advance this option, the following recommendation should be adopted:

“That the Development Services Committee recommend to City Council:

That, pursuant to Report DS-21-16 dated February 3, 2021, the application for a variance to Sign By-Law No. 72-96, as amended, submitted by WJW Canada Inc. (File: SV-2020-10) to permit two (2) additional fascia signs (Read-o-graph Signs) on the southwest wall of the building at 27 to 33 Simcoe Street South be approved, subject to the following conditions:

- (a) Static messages to have no animation, flashing, turning or full motion video;
- (b) Each static message is to remain up for a minimum of 8 seconds;
- (c) Transition time between two different static messages to be instantaneous; and,
- (d) Applicant to enter into an appropriate encroachment agreement, if required.

6.0 Financial Implications

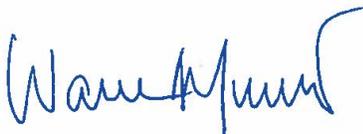
There are no financial implications resulting from Option 1 or Option 2 of this Report.

7.0 Relationship to the Oshawa Strategic Plan

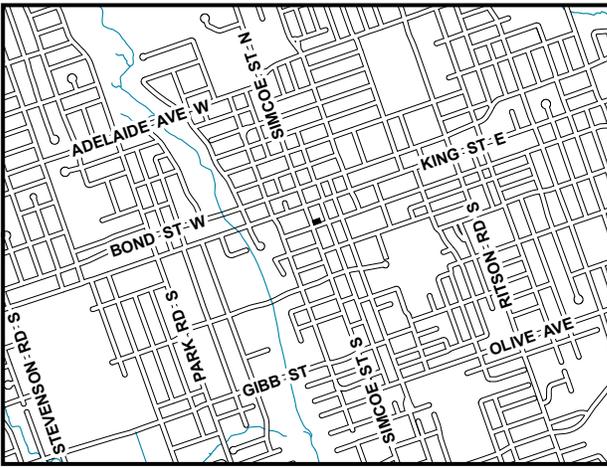
The Recommendation advances the Accountable Leadership and Cultural Vitality goals of the Oshawa Strategic Plan.



Tom Goodeve, M.Sc.Pl., MCIP, RPP, Director,
Planning Services



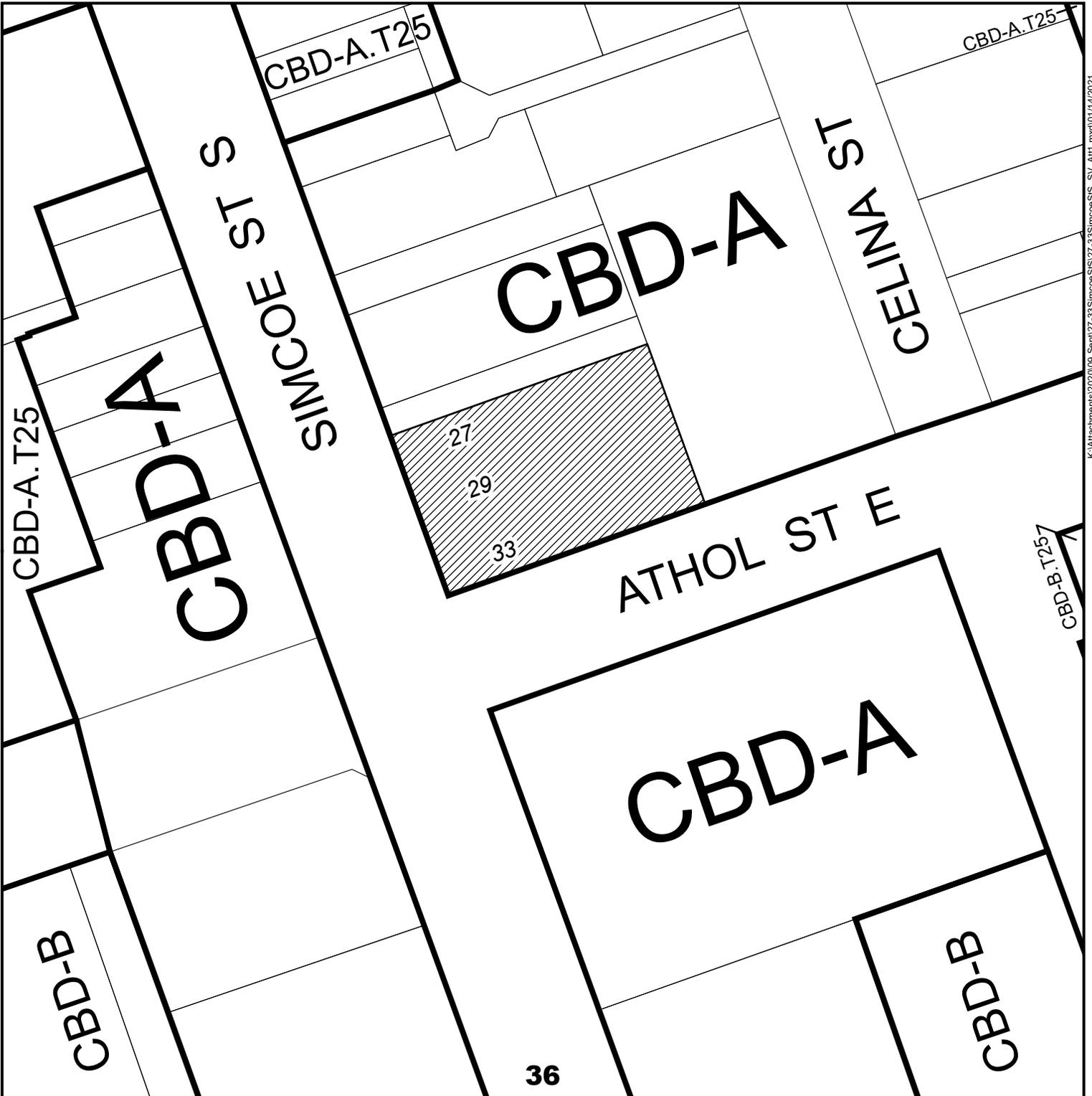
Warren Munro, HBA, RPP, Commissioner,
Development Services Department



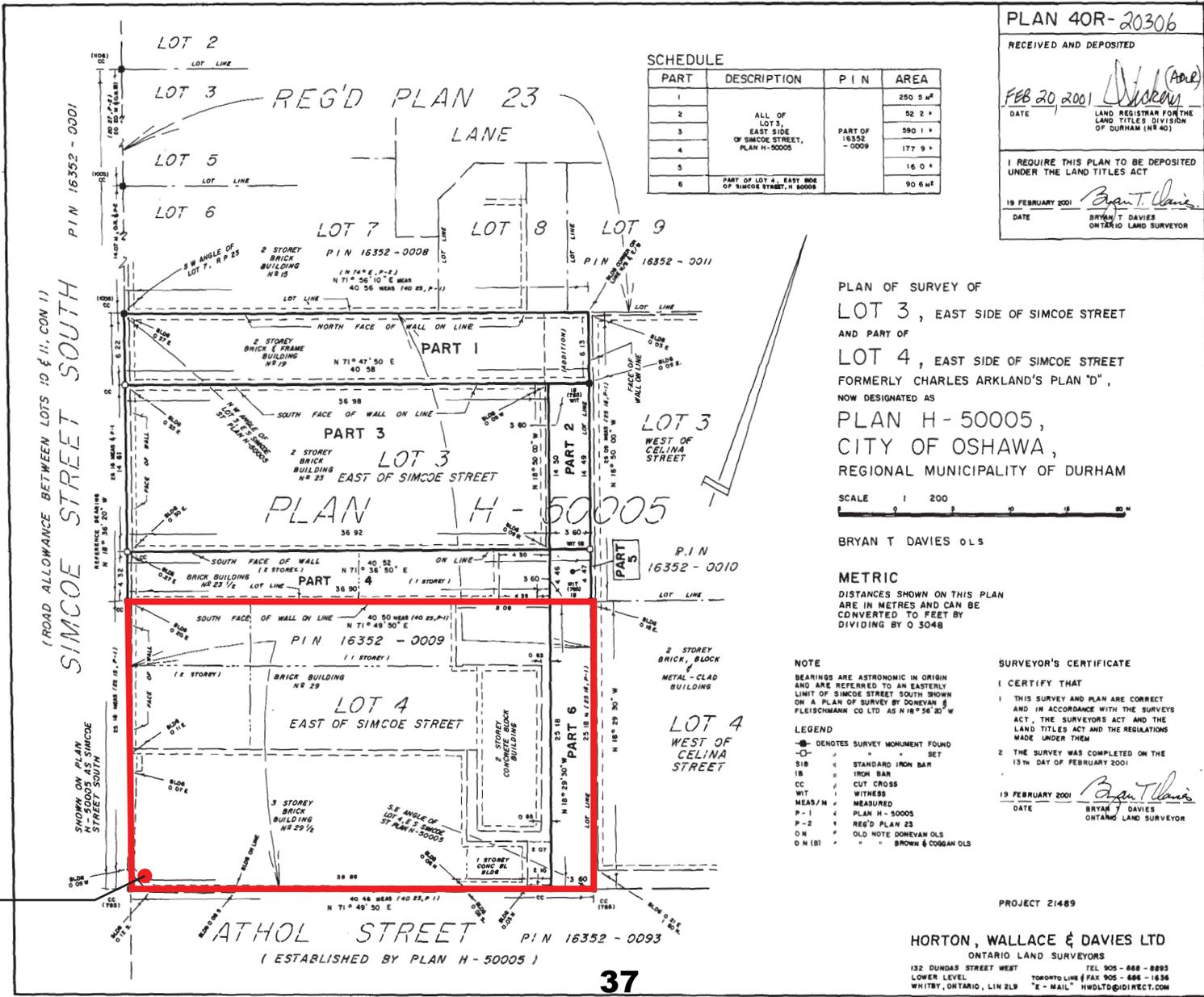
Subject: Application for Variance to Sign By-Law 72-96
Address: 27 to 33 Simcoe Street South
File: SV-2020-10



Subject Site 



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PROPOSED LOCATION OF SIGNS

40R-20306

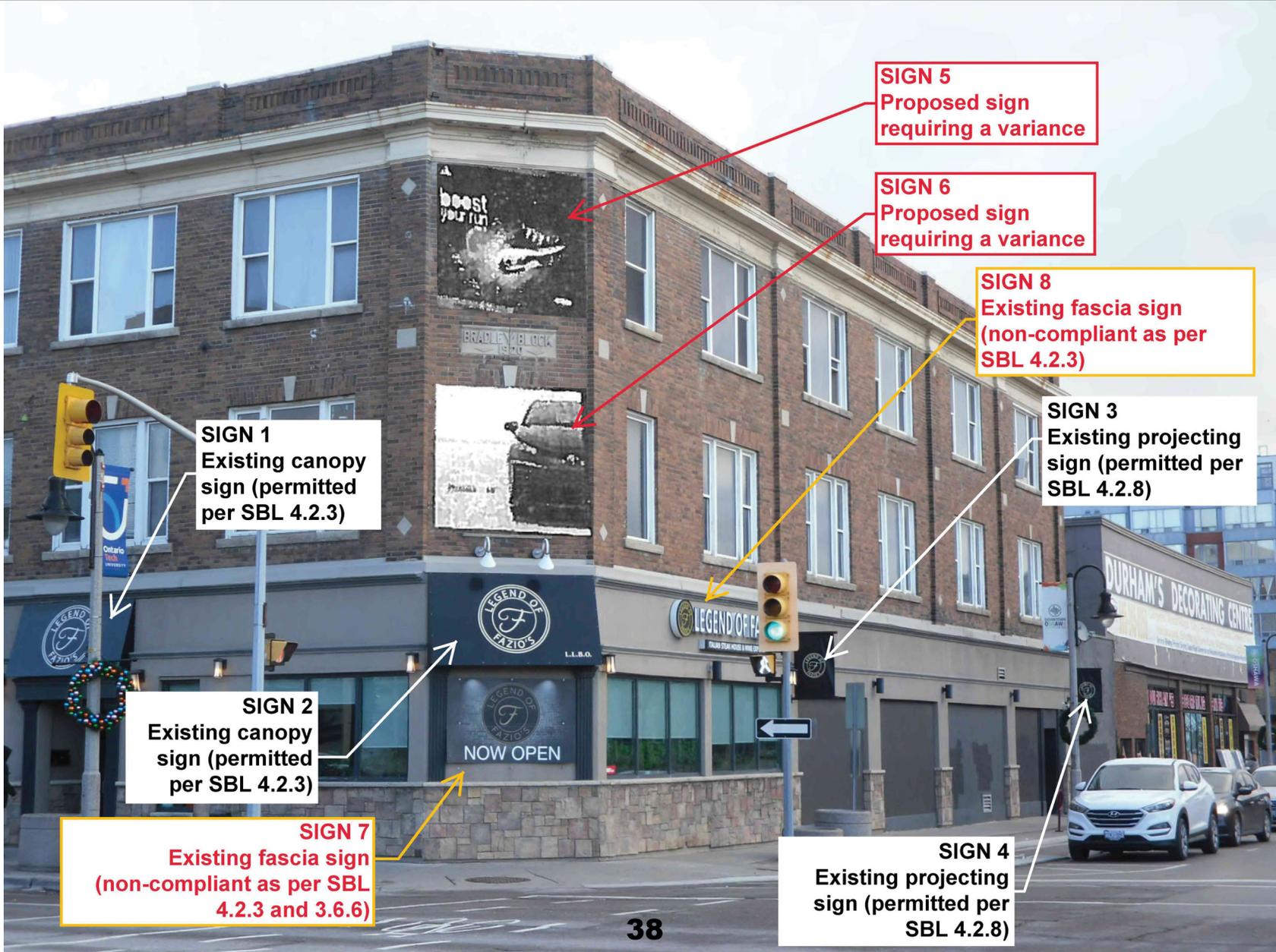
Subject Site

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SIGN 1
Existing canopy
sign (permitted
per SBL 4.2.3)

SIGN 2
Existing canopy
sign (permitted
per SBL 4.2.3)

SIGN 7
Existing fascia sign
(non-compliant as per SBL
4.2.3 and 3.6.6)

SIGN 5
Proposed sign
requiring a variance

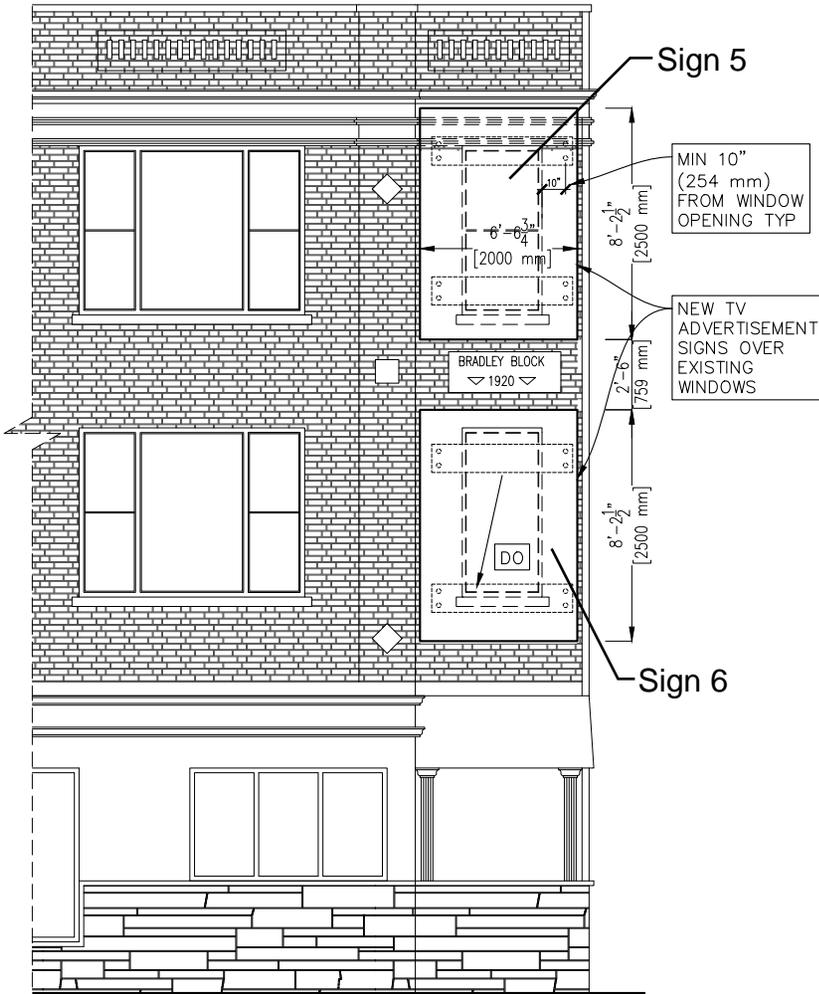
SIGN 6
Proposed sign
requiring a variance

SIGN 8
Existing fascia sign
(non-compliant as per
SBL 4.2.3)

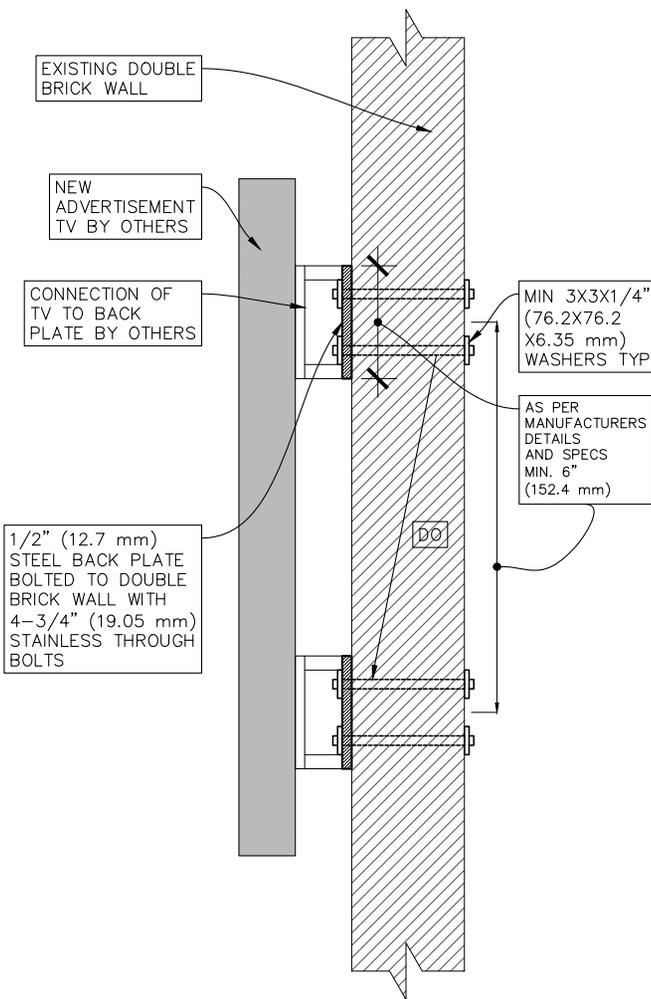
SIGN 3
Existing projecting
sign (permitted per
SBL 4.2.8)

SIGN 4
Existing projecting
sign (permitted per
SBL 4.2.8)

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ELEVATION



CONNECTION DETAIL



No.	Date:	Revision / Issued
3.	JAN 30, 2020	ISSUED FOR ENG REVIEW
2.	JAN 27, 2020	ISSUED FOR ENG REVIEW
1.	JAN 21, 2020	ISSUED FOR ENG REVIEW

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Project:
TV ADVERTISEMENT SIGN

Address:
33 SIMCOE STREET S,
OSHAWA, ON. L1H 4G1

Plot Date:
JAN 30, 2020

SCALE 1 50

WEST ELEVATION & CONNECTION DETAIL **A-3**