



Report to: Development Services Committee

Date: May 21, 2013

SUBJECT:

RECOMMENDATION REPORT

Application for Variances to the Sign By-law
Ruland Properties Inc. (The Remington Group)
Markham Centre

File No. SP 2013 111744

PREPARED BY:

Richard Kendall, Manager of Development, Central District
Extension 6588

RECOMMENDATION:

- 1) That the report titled Application for Variances to the Sign By-law, Ruland Properties Inc. (the Remington Group), be received;
- 2) That the application for the proposed sign variances (SP 13 111744) be approved;
- 3) That staff be directed to report on possible amendments to the Sign By-law to delegate sign variances to the site plan approval stage for certain unique districts within the City; and,
- 4) That Staff be authorized and directed to do all things necessary to give effect to this resolution.

BACKGROUND:

The Remington Group's "Downtown Markham" project is a comprehensive mixed-use development comprising 94.3 ha (233 acres) within the Centre West Precinct of Markham Centre (Figure 1).

The objective of the Markham Centre Secondary Plan (OPA 21) adopted by Council in 1994, is to create a complete and integrated community which contains a mix of uses suitable to a City Centre. This includes locating entertainment, retail, cultural and institutional facilities to reinforce the role of Markham Centre as an active area of higher order services and facilities.

Consistent with the objectives of the Secondary Plan, the Remington Group's Downtown Markham comprehensive development was zoned in 2004. The Markham Centre By-law (By-law 2004-196) implements the precinct plan and draft plan endorsed by Council. Given the long term build-out of the subject lands (projected at 20 plus years) and the need to provide land use flexibility over the course of the evolution of the new downtown, the Markham Centre By-law created permissive zone categories which provide for a variety of mixed-use permissions, consistent with an urban environment and Markham's objectives for creating a downtown over the long-term.

Remington's first phase of development is generally located within the north-westerly quadrant of their holdings, and consists primarily of residential uses – the Benchmark townhomes, the Bijou buildings, Verdale buildings and Nexus buildings. The first major retail component of their comprehensive plan, consisting of a 25,500 square metre retail, restaurant office and cinema complex, is under construction at the south east corner of Birchmount Road and Enterprise Boulevard. Construction is about to commence on a mixed-use (retail, restaurant, hotel and residential) project across the street from the cinema complex (Figure 2).

Given the unique urban nature of Remington's project and other projects in Markham Centre, consideration has been given to creating specific sign regulations and increased flexibility for signage in Markham Centre. To-date, amendments to the sign by-law have been enacted to accommodate certain messaging and signage components associated with enhanced construction hoarding.

As Remington develops their retail phases it has become apparent that certain of the retail provisions in the City's Sign By-law are more typically associated with one storey, retail projects, which don't necessarily translate well to large-scale, multi-storey, mixed-use projects anticipated for Markham Centre. Consequently, in refining the signage programme for their retail/cinema complex, Remington has encountered a number of challenges in terms of identifying the mix of tenancies within the building and complying with the current sign by-law regulations. Of particular challenge is the cinema component of the building and the introduction of a video display panel on Enterprise Boulevard.

The overall project has been designed with typical retail signage elements that comply with the sign by-law requirements, above the individual units on the ground floor and second floor of the project (Figure 3). Combined, these signs comply with the requirements of the sign by-law. However, the introduction of the cinema complex, which is one of several potential major attractions to the downtown core requires relief to the sign by-law regulations.

OPTIONS/ DISCUSSION:

In support of this project Remington is seeking the following variances to the Sign By-law:

VARIANCES REQUIRED	
1	Permit an increase in sign area from 77m ² to 229.04m ² for elevation T3.
2	Permit an increase in sign area from 48m ² to 74.49m ² for elevation V3.
3	Permit an increase in sign area for a projecting sign from 1m ² to 14.88m ² on elevation T3.
4	Permit an increase in sign area for a projecting sign from 1m ² to 1.69m ² on elevation V3.
5	Permit a readograph sign on a wall whereas, the sign by-law does not permit readographs to be located on walls. For elevation V3.
6	Permit a video display on a wall whereas, video display signs are prohibited.

Planning Staff recognize the importance of the retail/cinema complex to animating Markham Centre and making it a destination of choice for evenings and weekends. The majority of the cinema signage elements requiring relief to the Sign By-law are on building elevation T3 and oriented south, towards the Highway 407 exposure of the block and will, over time, be obscured by Remington's future building programme. These elements comprise two large poster panels announcing films associated with the cinema, two projecting or "blade" signs extending from the building, and the Cineplex sign/logos (Figures 3 and 4). Specifically, these signs exceed the allowable signage area and/or projection permissions for the south façade of the building by approximately 152 square metres, when combined with the signage elements for the balance of the retail uses on this elevation – T3. In total, the Cineplex signage represents 7.2% of that building's elevation area.

Along the Enterprise Boulevard frontage of the site, relief is being requested to accommodate the Cineplex logo above the cinema marquee and a Cineplex blade sign. In addition, relief is being requested for an electronic readograph proposed to be incorporated, along with identification signage, into the marquee for the theatre (Figures 3 and 5). These signs represent an increase of 26.5 square metres in permitted signage on elevation V3. The third component of the variance request is to accommodate an approximate 7.5 metre by 4.3 metre digital video screen oriented towards Enterprise Boulevard, which would otherwise be prohibited with the By-law (Figure 6).

Remington advises that the digital video screen is an important feature of their 'downtown' building programme. They indicate that it provides dynamic visual interest and will be programmed to include community information, promote charities, display artistic content and some advertisement. It also speaks to the 'entertainment' use of the building. The screen is also positioned to take advantage of the enhanced boulevard on the north side of Enterprise (the combined widths of the public sidewalk and building set-back) which will be a large outdoor cafe and gathering space. They further advise that tenant signage will be subject to a stringent Tenant Design Criteria guideline and architectural control. Staff note that while the digital video screen proposed at approximately 32.25 sq m, is relatively large, it only occupies approximately 1.6% of the façade area of this building (Figure 3).

The Sign By-law 2002-94 identifies the following criteria that Development Services Committee and Council shall have regard for when considering an application for a sign variance:

- a) *Special Circumstances or conditions applying to the land, building or use referred to in the application:*
- b) *Whether strict application of the provisions of this By-law in context of the special circumstances applying to the land, building or use would result in practical difficulties or unnecessary and unusual hardship for the applicant, inconsistent with the general intent and purpose of this by-law:*
- c) *Whether such special circumstances or conditions are pre-existing and not created by the owner or applicant:*

d) Whether the sign that is the subject of this variance will alter the essential character of the area:

With the introduction of the cinema, retail, restaurant and office uses associated with this project, and the pending development of the hotel, restaurant, retail and residential uses on the opposite side of Enterprise Boulevard, this portion of Markham Centre is an emerging retail and entertainment node. The mixed-use nature of this project is unique, integrating a variety of uses in both a horizontal and vertical fashion within one building, with a portion of the cinema and certain office and restaurant uses occupying the upper levels.

It is noted that the variances are primarily required to accommodate a specific tenant associated with entertainment uses. It is anticipated that the additional signage will serve to further enhance and define this area as an entertainment district within the downtown core of Markham Centre. On this basis, Planning and Design staff are supportive of the requested sign variances. The sign uniformity plan submitted in support of the site plan application is generally acceptable, subject to the variances being requested.

As discussed, the unique urban nature of Remington's project and other projects in Markham Centre suggests a review of comprehensive sign by-law provisions for Markham Centre. As Remington develops their retail phases, certain retail provisions in the Sign By-law don't appear to accommodate the large-scale, multi-storey, mixed-use projects anticipated for Markham Centre.

Consequently, it is recommended that staff be directed to report back on potential amendments to the Sign By-law pertaining to cinemas and other uses within defined 'entertainment' districts in the city and explore options to delegate approval of signage and potential sign variances as part of the site plan approval process. This approach could also be considered for Langstaff, Buttonville and other emerging major commercial attractions, and would provide a more flexible framework for dealing with similar, large scale projects in Markham Centre and elsewhere in the city.

FINANCIAL CONSIDERATIONS:

Not Applicable.

HUMAN RESOURCES CONSIDERATIONS:

Not applicable.

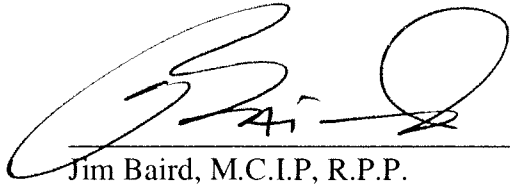
ALIGNMENT WITH STRATEGIC PRIORITIES:

Not Applicable.

BUSINESS UNITS CONSULTED AND AFFECTED:

This report has been reviewed by the Building Department.

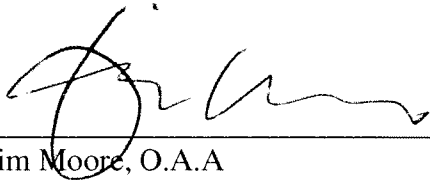
RECOMMENDED BY:



Jim Baird, M.C.I.P., R.P.P.
Commissioner, Development Services



Rino Mostacci, M.C.I.P., R.P.P.
Director, Planning and Urban Design



Tim Moore, O.A.A.
Director, Building Standards

ATTACHMENTS:

- Figure 1 – Air Photo/Location Plan
- Figure 2 – Site Plan
- Figure 3 – Elevations
- Figure 4 – Cineplex Signage Elements
- Figure 5 – Cineplex and Marquee/Readograph
- Figure 6 – Digital Video Screen




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AIR PHOTO 2012

APPLICANT: RULAND PROPERTIES INC.

S/E CORNER OF BIRCHMOUNT RD. AND ENTERPRISE BLVD.

FILE No. 2013111744(RK)

 SUBJECT LANDS

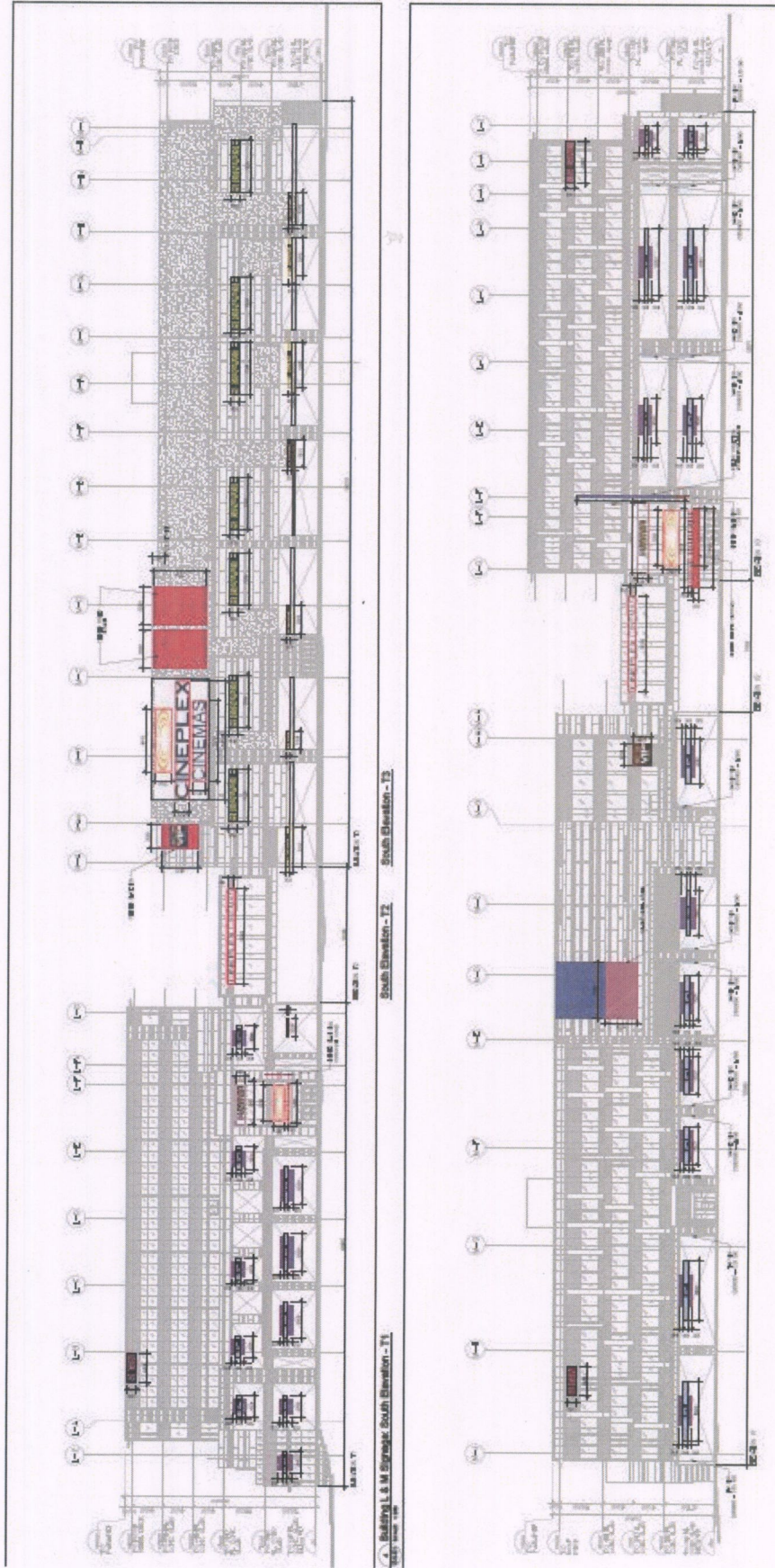


Figure 3

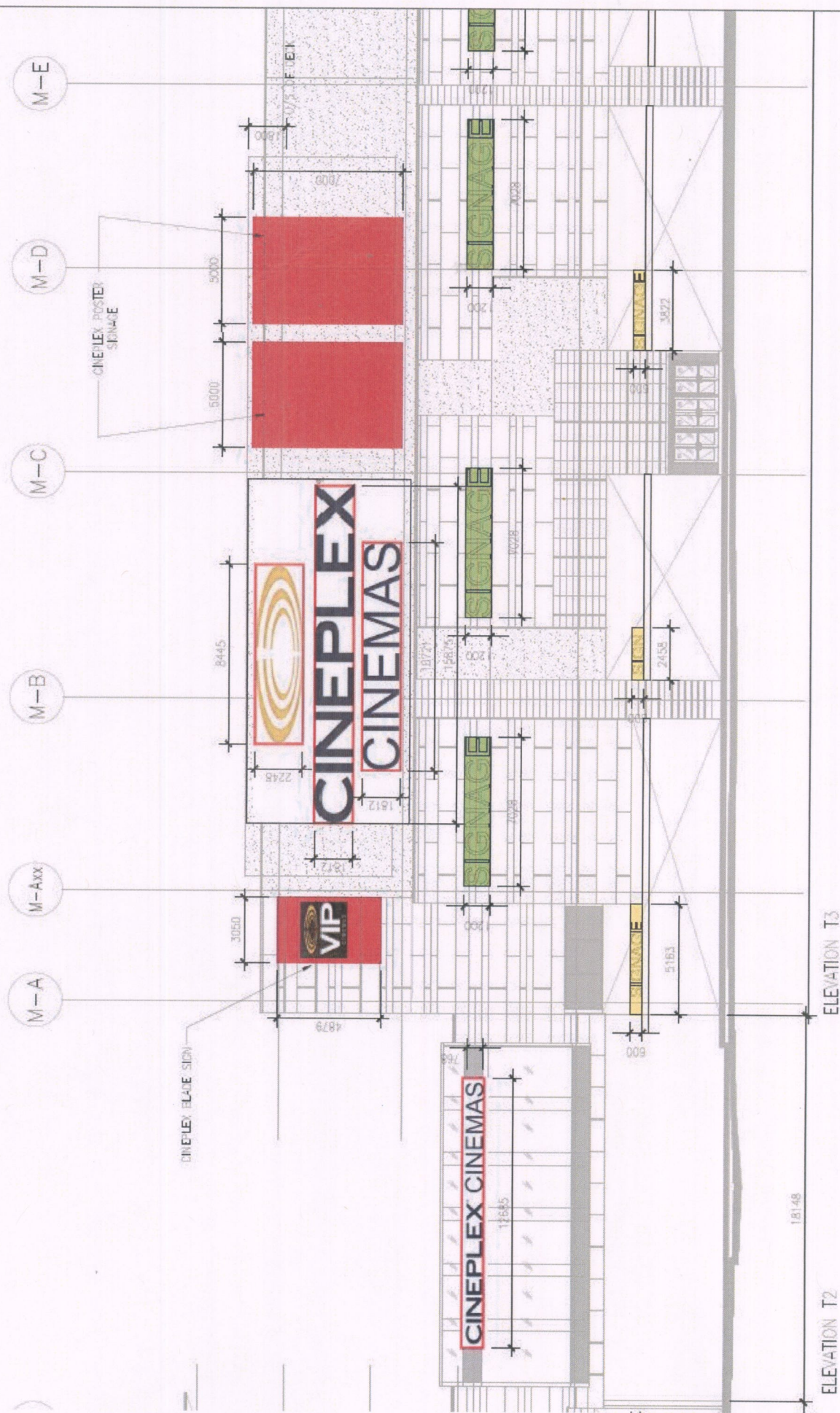


Figure 4 – Cineplex Signage Elements

South Elevation - T3

South Elevation - T2

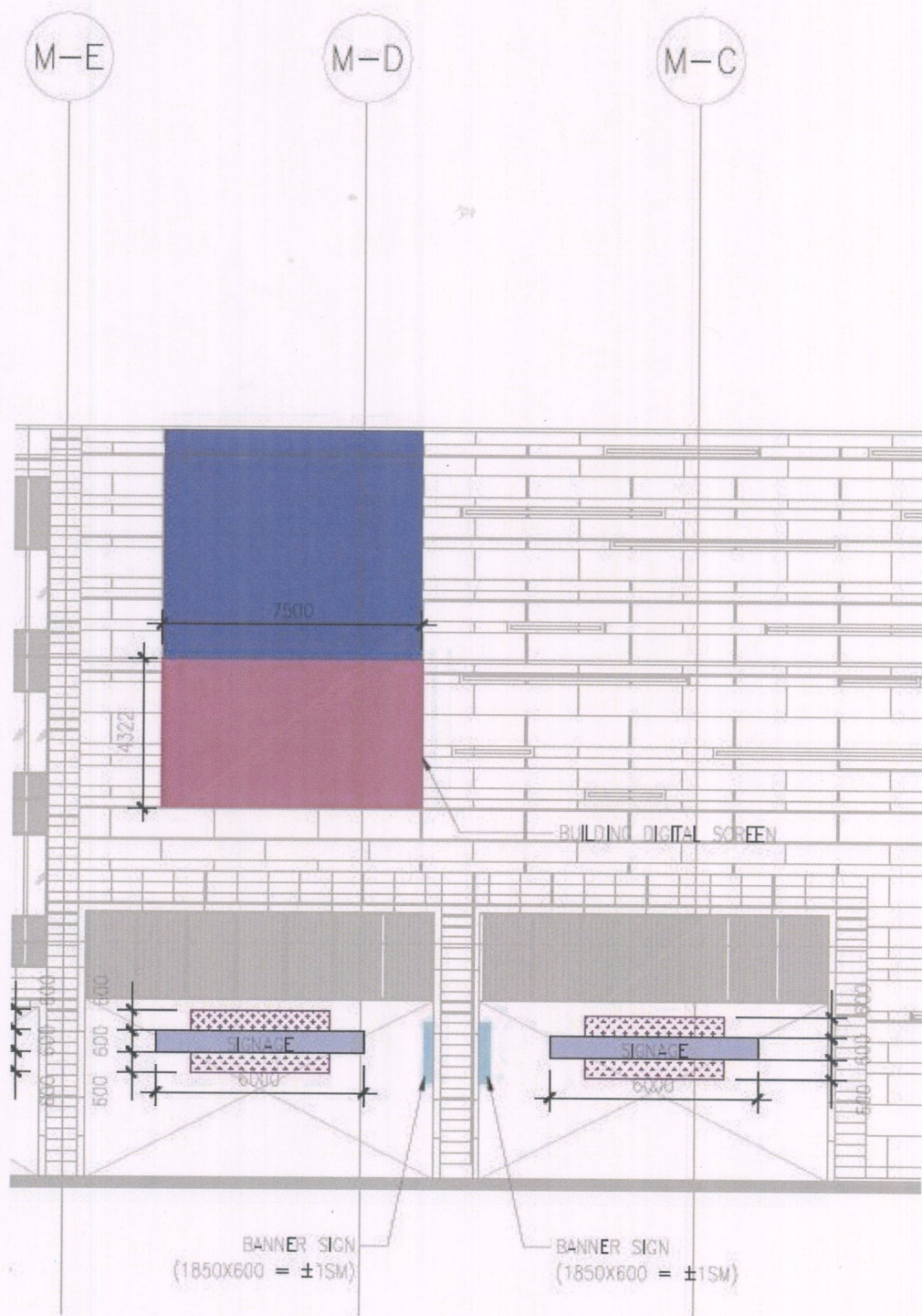


Figure 6 – Digital Video Screen