

DATE OF MEETING | December 17, 2018 |

AUTHORED BY | CALEB HORN, PLANNING ASSISTANT, CURRENT PLANNING |

SUBJECT | **DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP365 – 125 FRONT STREET** |

OVERVIEW

Purpose of Report

To present for Council’s consideration, a development variance permit to allow an animated freestanding sign in excess of the maximum sign area requirements at 125 Front Street. |

Recommendation

That Council issue Development Variance Permit No. DVP365 at 125 Front Street with the following variances:

- allow an animated sign; and
- increase the maximum sign area of a freestanding sign from 10m² to 30.46m².|

BACKGROUND

A development variance permit application, DVP365, was received from Michael Hessler on behalf of the Port Theatre Society to vary the provisions of “Sign Bylaw 1987 No. 2850” (the “Sign Bylaw”) to allow a new freestanding sign at the entrance of the Port Theatre at 125 Front Street.

The subject property is owned by the City of Nanaimo and is the location of the Port Theatre performing arts centre, which opened in 1998 and is operated by the not-for-profit Port Theatre Society. There is currently one existing static sign at the entrance to the building (see Attachment D).

Subject Property

<i>Zoning</i>	DT1 - Core
<i>Location</i>	The subject property is located at the intersection of Front Street and Museum Way, adjacent to Diana Krall Plaza.
<i>Total Lot Area</i>	3,500m ²
<i>Official Community Plan (OCP)</i>	Map 1 – Future Land Use – Urban Node

Statutory Notification has taken place prior to Council’s consideration of the variance.

DISCUSSION

Proposed Development

The applicant is proposing to construct a new freestanding sign directly in front of the existing building entranceway and canopy. The proposed sign will be 5.94m high, 30.46m² in area, and will contain a 3.95m² animated portion in order to advertise events occurring at the Port Theatre. The sign will be oriented towards the sidewalk area at the intersection of Front Street and Museum Way. The design of the sign incorporates a wave-like motif as expressed in the logo of the Port Theatre Society. A structural engineering review will be required prior to issuance of a sign permit.

Proposed Variances

LED / Animated Signs

The Sign Bylaw does not allow for LED/animated signs except in order to display digital time, temperature, and/or gas price information. The applicant proposes to incorporate an animated portion (3.95m² in area) within the new sign. On 2011-FEB-14, City Council adopted the LED/Animated Signs Development Variance Permit Guidelines (the “Guidelines”, see Attachment F). The Guidelines assist Council and Staff when evaluating Development Variance Permit applications for animated signs. The animated portion of the proposed sign is in accordance with the Guidelines including limitations on illumination and animation of images. The operational requirements will be stipulated through the development variance permit conditions and the required sign permit.

The proposed animated sign will allow the Port Theatre to better promote itself to residents and visitors, and provide information about upcoming events. No negative impacts are anticipated. Staff support the proposed variance.

Freestanding Signs – Maximum Sign Area

The Sign Bylaw allows for freestanding signs in downtown zones up to a maximum sign area of 10m² and a maximum height of 9m. The proposed sign’s height of 5.94m complies with the Sign Bylaw, but the proposed sign’s display area is 30.46m², a variance of 20.46m². The total sign area includes the artistic ‘waves’, without which the sign area would be 21.11m².

The proposed sign is well suited to the scale of the building, and will provide better identification of the use of the building and wayfinding to the building entrance. Given the Port Theatre’s significance and prominent location in the downtown across from the waterfront walkway entrance, the proposed variance is supportable.

See Attachments for more information.

SUMMARY POINTS

- Development Variance Permit Application No. DVP365 proposes variances to allow an animated sign and to increase the maximum area of a freestanding sign from 10m² to 30.46m².
- The animated portion of the proposed sign is in accordance with the LED / Animated Signs Development Variance Permit Guidelines.
- The proposed sign will allow the Port Theatre to better promote itself to residents and visitors.
- Staff support the proposed variances.

ATTACHMENTS

ATTACHMENT A: Permit Terms and Conditions

ATTACHMENT B: Location Plan

ATTACHMENT C: Proposed Site Plan

ATTACHMENT D: Context Photo – Existing Entranceway

ATTACHMENT E: Proposed Elevation Drawings

ATTACHMENT F: LED / Animated Signs – Development Variance Permit Guidelines

ATTACHMENT G: Aerial Photo

Submitted by:

L. Rowett
Manager, Current Planning

Concurrence by:

D. Lindsay
Director, Community Development

ATTACHMENT A PERMIT TERMS AND CONDITIONS

TERMS OF PERMIT

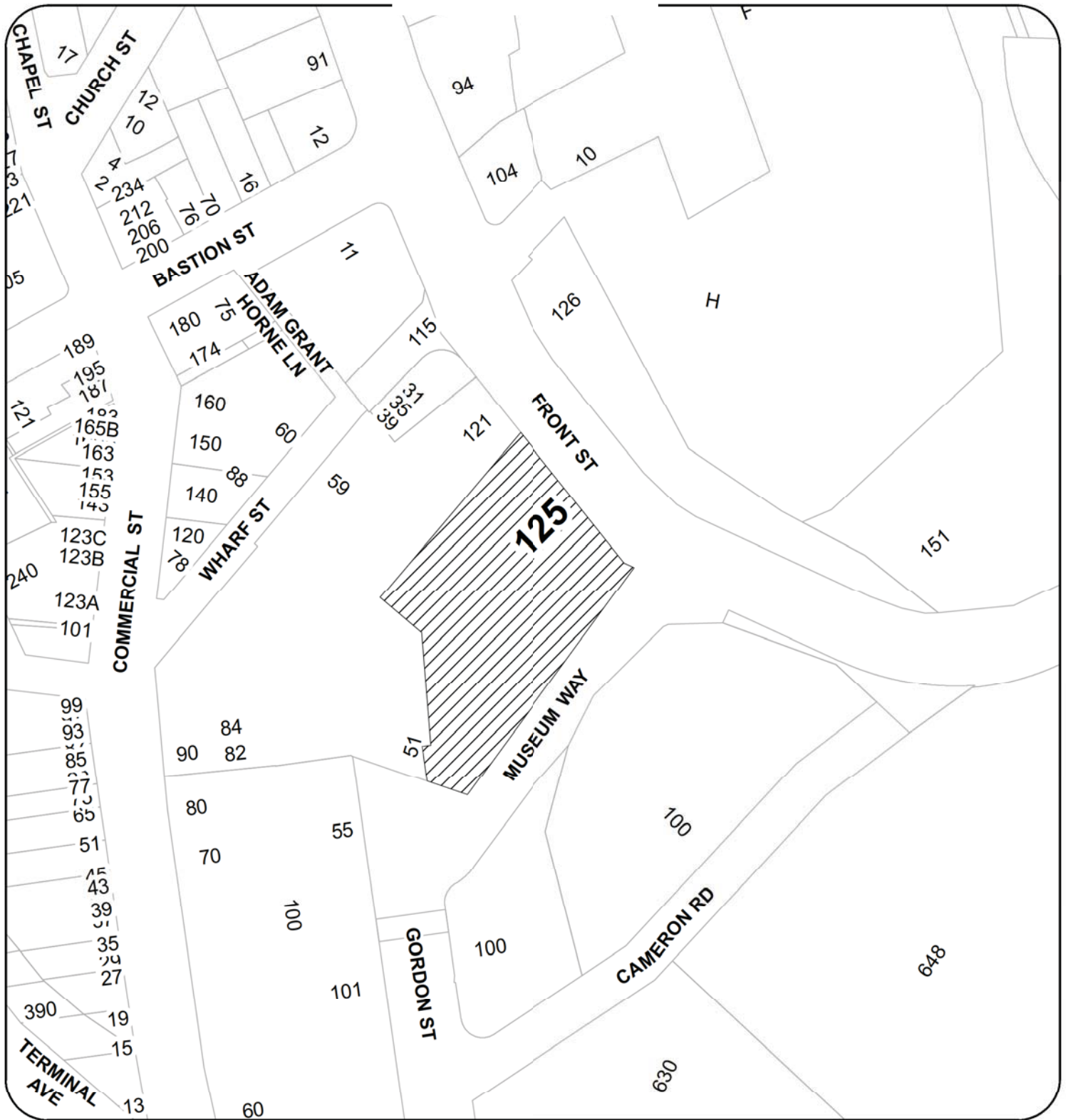
The City of Nanaimo "SIGN BYLAW 1987 NO. 2850" is varied as follows:

1. *Section 3(22) General Provisions* – to allow an animated sign generally as shown on Attachment E.
2. *Section 5(5)(A)(iii)(a) Freestanding Signs* – to increase the maximum sign area of a freestanding sign from 10m² to 30.46m².

CONDITIONS OF PERMIT

1. The proposed freestanding sign shall be located on the east corner of the existing building, generally as shown on the Site Plan dated 2018-NOV-05, as shown in Attachment C.
2. The proposed freestanding sign shall be developed in accordance with the Elevation Drawings dated 2018-OCT-29, as shown in Attachment E.
3. The LED/animated portion of the proposed sign is limited to static images only which must be displayed for a minimum display period of six seconds per image. The use of animation effects to transition from one static image to the next will be permitted. Maximum transition time is three seconds. Continuous video, flashing or scrolling type signs are not permitted.
4. The animated portion of the proposed sign must include automatic dimming so that light intensity levels are automatically adjusted based on current weather conditions and the time of day.
5. The brightness level of the animated portion of the proposed sign shall not be more than 0.3 foot candles over ambient levels, as measured using a foot candle meter at a distance of 30m from the face of the sign.

ATTACHMENT B
LOCATION PLAN



DEVELOPMENT VARIANCE PERMIT NO. DVP00365
LOCATION PLAN

N



Subject Property

Civic: 125 FRONT STREET

Legal Description: LOT 1, SECTION 1, NANAIMO DISTRICT AND OF THE
BED OF THE PUBLIC HARBOUR OF NANAIMO, PLAN VIP63076 EXCEPT
PART IN PLAN VIP63941 AND VIP79756

ATTACHMENT C PROPOSED SITE PLAN



RECEIVED
DVP365
2018-NOV-05
Current Planning



Front Entry Signage
Rev 05 November 2018

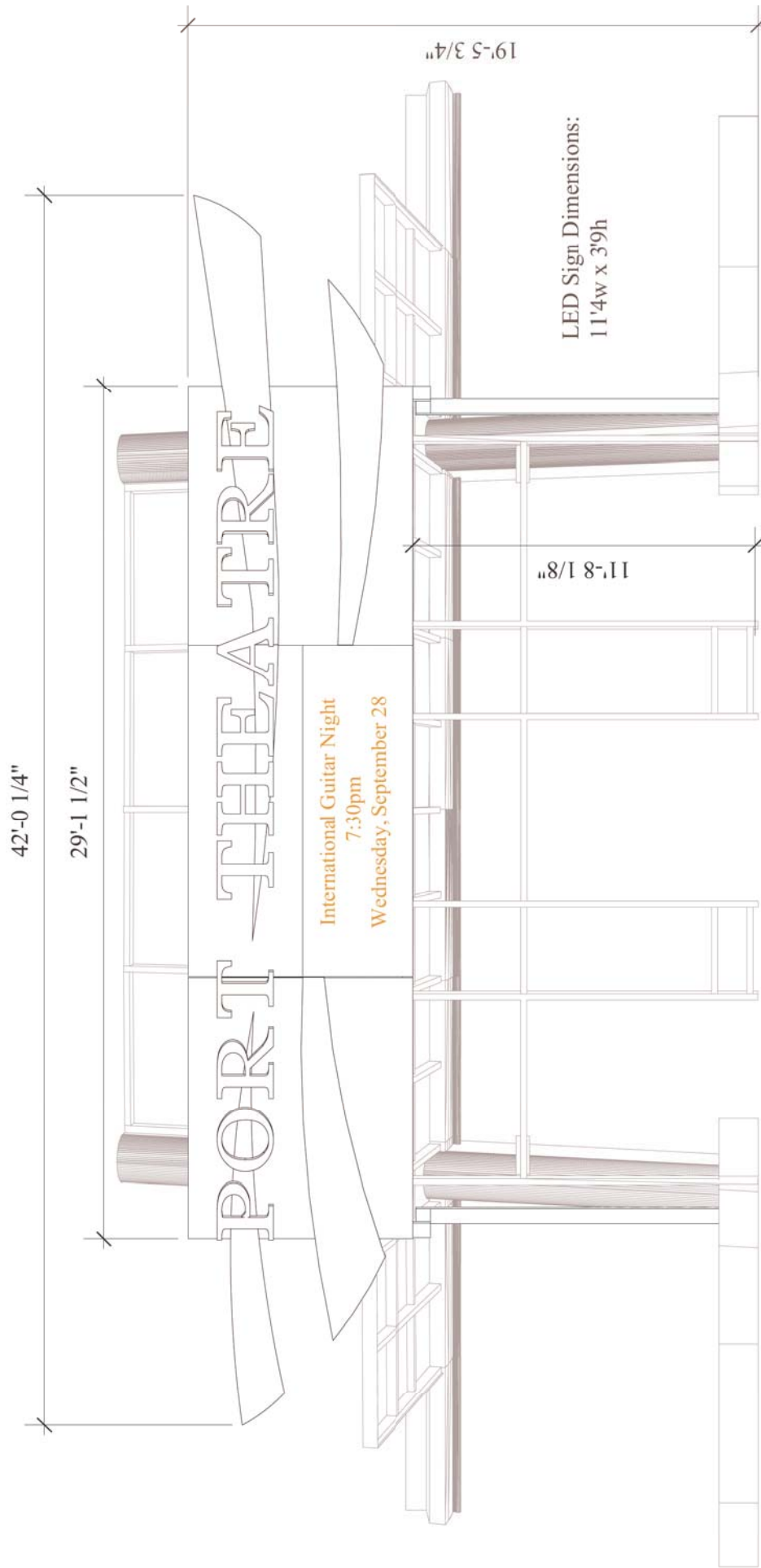
1 [Drawing Title]
Scale: 1:100

ATTACHMENT D
CONTEXT PHOTO - EXISTING ENTRANCEWAY



RECEIVED
DVP 365
2018-NOV-26
City of Vancouver

ATTACHMENT E PROPOSED ELEVATION DRAWINGS

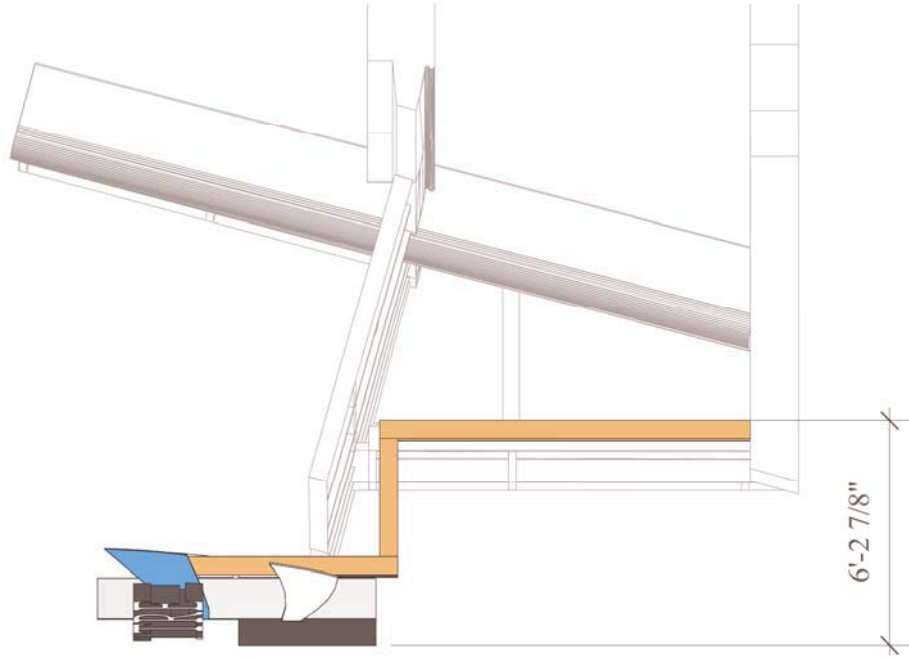


1 Front Elevation
Scale: 3/16" = 1'-0"
98

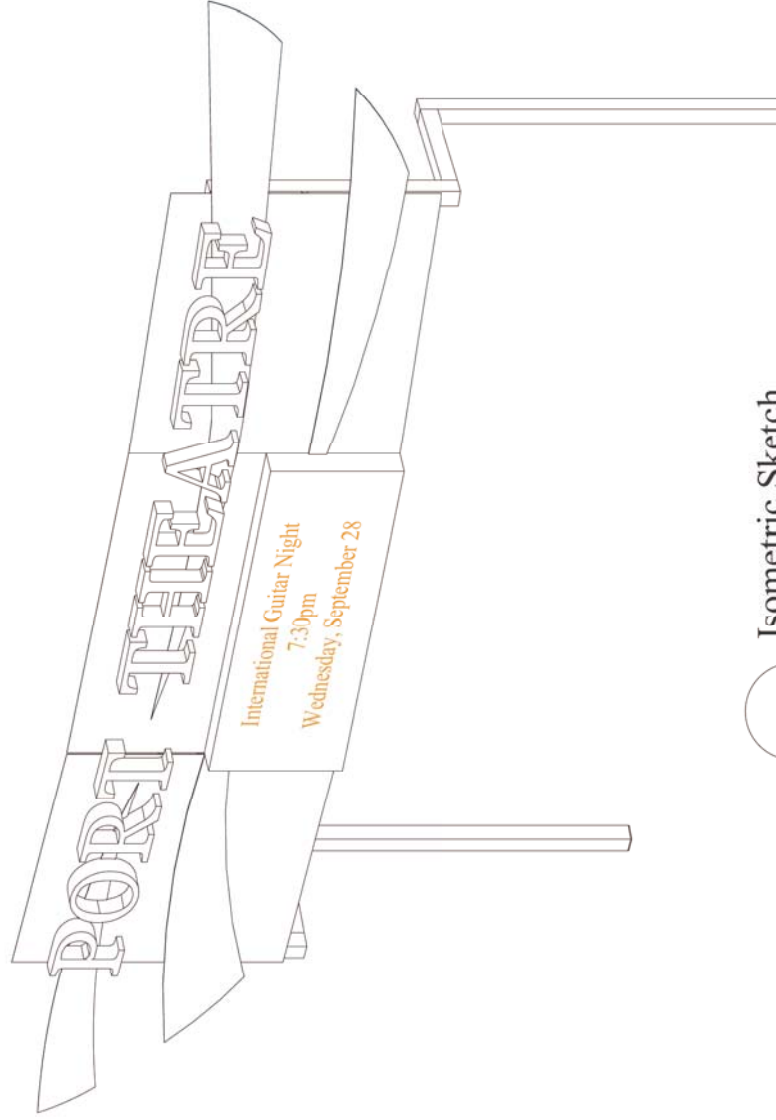


Front Entry Signage
Rev 29 October 2018

RECEIVED
DVP365
2018-OCT-29
CURRENT PLANNING



2 Side Elevation
Scale: 3/16" = 1'-0"



3 Isometric Sketch
Scale: 3/16" = 1'-0"



Front Entry Signage
Rev 29 October 2018



LED / ANIMATED SIGNS

Guidelines / Operational Requirements to be Considered as Part of the Development Variance Permit Application Process

The following are to be considered by applicants and used by staff and Council when evaluating DVP applications for LED / animated signs:

1. LED / animated signs that are only visible inside a building do not require a permit.
2. The maximum size of the LED / animated sign is 9.29m² (100ft²) and no more than one LED / animated sign shall be permitted per lot.
3. Window LED / animated signs are permitted up to 50 percent of the window area in which it is situated.
4. No LED / animated sign shall be permitted unless it can be demonstrated not to be a nuisance that distracts or impairs safe vehicle operation.
5. No LED / animated signs shall be permitted on properties fronting or adjacent to the Nanaimo Parkway.
6. Sign copy is limited to static images only which must be displayed for a minimum display period of six seconds per image. The use of animation effects to transition from one static image to the next will be permitted. Maximum transition time is three seconds. Continuous video, flashing or scrolling type signs are not permitted.
7. All LED / animated signs must include automatic dimming so that light intensity levels are automatically adjusted based on current weather conditions and the time of day.
8. The brightness level of all LED / animated signs shall not be more than 0.3 foot candles over ambient levels, as measured using a foot candle meter at a distance of 30m (98.42ft) from the face of the sign.
9. Where a residential dwelling is located within 30m (98.42ft) of the sign face, and for all LED / animated signs on lands zoned Institutional, the sign must be turned off between the hours of 10pm and 6am. Where the business is open past 10pm, the LED sign may remain functional until the close of business hours. An application should provide evidence to demonstrate no conflict will occur with any adjacent residential development.
10. Third-party advertising, except not-for-profit organizations or events, is not permitted except on LED / animated signs located on City-owned property. Third-party advertising for malls is permitted for tenants advertising on the subject property only.