

Attachment-3 Applicant Letter of Justification



February 16, 2023

Delivered by Email

City of Guelph
1 Carden Street
Guelph, ON N1H 3A1
Attention: Michelle Mercier, Zoning Coordinator, Sign Administrator

Dear Ms. Mercier:

**Re: 1) Sign By-law Variance Application: 245 Hanlon Creek Blvd. – East Façade;
2) Sign By-law Variance Application: 245 Hanlon Creek Blvd. – West Façade;**

SmithValeriotte Law Firm LLP (SV Law) is hereby submitting two (2) Sign By-law variance applications for proposed Fascia Signs at its new office location of 245 Hanlon Creek Blvd. This covering letter addresses both applications. Enclosed herewith are Sign By-law Variance Application Forms (one for each of the East and West façade signs), along with a cheque in the amount of \$2,200.00, representing the combined fee for the two variance applications. The proposed signs are to be located on the east (Hanlon Expressway) and west (Hanlon Creek Blvd.) facades of the newly constructed building a 245 Hanlon Creek Boulevard. When our Guelph office relocates to that building in March 2023, SV Law will be the largest tenant by square footage (27,000+ sq. ft.) at that address. The proposed external fascia signage is necessary for a business of our size to justify the significant expansion in office space and long-term commitment to serving the Guelph community at this new location. The approximate locations of the signs can be seen here:



Reply to Guelph Office:

MAILING ADDRESS
P.O. Box 1240, Guelph, ON N1H 6N6

ADDRESS
105 Silvercreek Pkwy. N., Suite 100, Guelph, ON N1H 6S4
T 519 837 2100 TF 800 746 0685 F 519 837 1617

Reply to Fergus/Elora Office:

MAILING ADDRESS
P.O. Box 128, Fergus, ON N1M 2W7

ADDRESS
294 East Mill Street, Unit 108, Elora, ON NOB 1S0
T 519 843 1960 F 519 843 6888

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More detailed technical drawings are enclosed as Schedule A to this letter, and show the precise dimensions, layout, location, and illumination that is proposed. Renderings of the two proposed signs are show below, superimposed over the building along with the existing signage:



Proposed east façade sign rendering, with existing BDO signage (the "East Sign")



Proposed west façade sign rendering, with existing BDO signage (the "West Sign")

{SV:02808961-3}

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Other than being on opposite sides of the building, the two applications are identical. Both applications seek to permit illuminated signs, which are proposed to be located on the 3rd storey and partially on the parapet, despite Section 18.4.2(M) of Sign By-law (2021)-20621 (the "By-law"). Section 18.4.2(M) stipulates that:

- M) For buildings with 3 or more Storeys, one (1) non-illuminated Fascia Sign per Premises may be located on the top Storey of the building if no Signs are located on any other Storey of the building. If this Section is utilized, then no other signs are permitted to be located on any other Storey of the side of the building to which there is a sign on the top Storey.

SV Law is seeking a variance for each of the East and West signs to permit an illuminated sign on the third storey, opposite the existing BDO signage.

1. Overview and Relief Sought:

245 Hanlon is located in a B.5-5 (Corporate Business Park) Zone, within the Hanlon Creek Business Park, which permits a variety of uses including Office Uses. This area west of the Hanlon has been designated and zoned to attract various commercial and industrial uses, far removed from more sensitive (e.g., residential) land uses. Indeed, the lands to the immediately north, west, and south of the subject property are all zoned B.5 or variations thereof, and the Hanlon expressway is to the immediate east of the subject property.

The specific proposals for the East and West Signs are for 4.36m wide signs affixed above the 3rd storey window line, opposite and in keeping with the existing BDO signage in terms of size and scale. The lettering would be 1.14m (the "S" letter) and 0.84m (the "LAW" letters) high, with the checkmark in the "V" of the logo extending 1.8m in height. The letters are 3" in depth and would be flush mounted to the exterior fascia of the building on both the east and west facades. They are proposed to have white LED illumination to define the edges of the letters, but the letters themselves would not be backlit. Variances for each of the signs are required as the signs are proposed to be a) illuminated and b) on the same side as an existing sign on the top (3rd) storey.

Since additional signs at the top story of a 3+ storey building are prohibited by 18.4.2(M), seeking a variance is the only viable option. In other words, changing the design in order to meet the By-law criteria isn't possible. Whereas fascia signs are permitted, including illuminated fascia signs, the By-law only allows such signs on the first or second storey. A first or second storey sign would look cluttered and unbalanced against the upper-right justified BDO signage (and given the building height, would incidentally also be prohibited).

2. Sign By-law Criteria

The By-law stipulates in Section 7.7 that in determining whether to grant a Variance, the Sign Administrator (and Council on appeal) shall consider the following:

- a) Whether the Sign is compatible with the Urban Design guidelines for building, property and the surrounding area;
- b) whether there is an impact on the Heritage Characteristics of the building, property, and/or the surrounding area;
- c) whether there is a negative impact on any surrounding residential uses;

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- d) whether the Applicant has complied with all terms and conditions of approval of any previous Sign Permit issued to the Applicant under this section, if any,
- e) impacts, if any, on accessibility; and,
- f) any written response(s), if any, received in response to a public notice if required by the Sign Administrator.

These criteria are addressed in turn below:

- a) Whether the Sign is compatible with the Urban Design guidelines for building, property and the surrounding area

The Urban Design Guidelines are given effect through Section 8.14 of the Official Plan, and Section 3.7 of the Commercial Built Form Standards, and staff are to review these provisions in assessing any sign variance application. Section 8.14 of the Official Plan specifies that:

8.14 Signage

1. Signs, display areas and lighting should be compatible in scale and intensity to the proposed activity and tailored to the size, type and character of a development or the space to be used.
SV Law Response: the proposed East and West signs mirror the existing BDO signage in the upper corner of the façade, providing a clean and balanced look to the building. The signage is in keeping with the scale and intensity of the activity, and is tastefully incorporated into the building design in a way that blends with the architectural features. SV Law will occupy 27,000+ square feet within this building, which is significantly more area than any other tenant (including BDO). It is entirely appropriate that external signage properly display the headquarters of a key tenant and longstanding Guelph business.
2. Signs on cultural heritage resources, including within Heritage Conservation Districts or within cultural heritage landscapes shall be compatible with the heritage character of the property, district or landscape and may be regulated in accordance with the provisions of the Ontario Heritage Act, as applicable.
SV Law Response: no portion of the subject property or the Hanlon Creek Business Park is designated under the Ontario Heritage Act or within a Heritage Conservation District. This criterion is entirely inapplicable to these two Sign Variance applications.
3. Signage should be incorporated into the building facade design.
SV Law Response: The area above the 3rd floor windows was designed with flush mounted signs in mind, and was pre-wired for illumination. Both the BDO and SV Law leases with the owner of the building explicitly permit the signage for our respective businesses, as shown on the renderings above. The black fascia banner across the top of the building vertically frames the proposed signage providing for a blended look.
4. Commercial signage should be displayed at a consistent height on building facades such as at the top of the ground floor. Signage shall generally not be permitted on the top of buildings or poles.
SV Law Response: The proposed signs will be at a consistent height with the existing BDO signage. The suggestion of signage being 'at the top of the ground floor' is for example purposes only and is not a mandatory or even a presumptive requirement. Neither of the

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proposed signs is "on the top of the building" or on poles. In short, the proposed signs fully comply with this criterion.

Turning to the Commercial Built Form Standards, section 3.7 of the Commercial Built Form Standards sets out guidelines for signage:

3.7 Site Signage, Display Areas & Wayfinding:

Objective:

To ensure that the design and siting of site signage, display areas and wayfinding contribute to a high quality public realm.

Standards:

3.7.1. Signage should be incorporated into the building façade design of new commercial and mixed-use development (OP Policy 8.14.3).

SV Law Response: this guideline mirrors OP Policy 8.14.3. See comments above.

3.7.2. Signage can include wayfinding and directional signage, informational signage and commercial signage. A coordinated approach to site signage and wayfinding is encouraged to reduce visual clutter and to ensure that signage is easy to understand

SV Law Response: the proposed signage mirrors the existing BDO signage, providing an uncluttered look that assists in wayfinding to the property.

3.7.3. Commercial signage should be displayed at a consistent height on building façades such as at the top of the ground floor. Signage shall generally not be permitted on the top of buildings or poles (OP Policy 8.14.4).

SV Law Response: this guideline mirrors OP Policy 8.14.4. See comments above.

3.7.4. Commercial building signage should be visible from the public realm.

SV Law Response: The proposed signage is at the top of the building just below the roofline specifically to ensure that it is visible from the public realm. Clients and visitors travelling southbound on the Hanlon Expressway will see the signage when approaching the Laird Road interchange. Likewise, on the Hanlon Creek Boulevard (west) approach, the signage is mounted at a consistent height with the BDO signage, to be clearly visible from the public realm. Just like all other businesses along Hanlon Creek Boulevard, signage is intended to be clearly visible.

3.7.5. Signs, display areas and lighting should be compatible in scale and intensity to the proposed activity and tailored to the size, type and character of a development or the space to be used (OP Policy 8.14.1). Signage should not impede pedestrian circulation or vehicle sight lines.

SV Law Response: This guideline generally mirrors OP Policy 8.14.1. See comments above. There is nothing in the proposed design that could possibly impede pedestrian circulation or vehicle sight lines.

- b) whether there is an impact on the Heritage Characteristics of the building, property, and/or the surrounding area

This second criterion poses no obstacle for the two proposed signs. There are no heritage characteristics of the brand-new building at 245 Hanlon Creek Boulevard, nor are there any properties with any potential *cultural heritage value or interest* in the surrounding area. This is the

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Business Park, and any rationale for avoiding illuminated signs in industrially-zoned areas closer to downtown or residential areas, for example, are simply inapplicable in this location.

c) whether there is a negative impact on any surrounding residential uses

As 245 Hanlon Creek Blvd. is in the heart of the Business Park, surrounded on three sides by commercial uses and by the Hanlon Expressway to the east, there are no residential uses that could possibly be impacted by the proposed signage. Even across the Hanlon Expressway, there exists only more business park (Southgate), with the loading docks of industrial-type businesses backing onto the Hanlon Expressway (which of course all have fascia signage). There are zero impacts to these businesses.

d) whether the Applicant has complied with all terms and conditions of approval of any previous Sign Permit issued to the Applicant under this section, if any

Not applicable. This impugned section 18.4.2(M) is new and is not something that SV Law or (to our knowledge) any other business has had to contend with before.

e) impacts, if any, on accessibility

There are no negative impacts on accessibility. From a wayfinding perspective, the proposal ensures all members of the community will have no issue locating the building.

f) any written response(s), if any, received in response to a public notice if required by the Sign Administrator

Whether any written responses are received remains to be seen. SV Law welcomes the opportunity to respond to any written comments.

3. Other Considerations

Looking at the above-noted By-law criteria, there is nothing that would suggest that these two variances shouldn't be permitted. While we can understand the basis for the prohibition on multiple signs at upper storeys, including the potential impact it could have on residential areas or on the character of heritage districts or to individually designated properties, none of those potential concerns are present in this case. Based on the criteria against which the Sign Administrator (or Council) must weight these variance applications, there is really no question that the proposal checks all the boxes. But there are further and other considerations which also strongly militate in favour of granting these variances:

1. Firstly, the East and West Signs are proposed on the 3rd storey. In other words, they're not proposed for the 4th, or 5th, or 10th, but rather the *first storey above which they would be otherwise permitted*. Since the prohibition on multiple signs in the By-law is for buildings with '3 or more Storeys', these proposed signs are just barely captured by this limitation. While there is likely merit to limiting 'sign clutter' and excess illumination on taller buildings, especially near residential areas or mixed use areas, surely the fact that these signs are proposed on the 3rd story, being the lowest they could be while still being prohibited, means these applications should be treated differently than if the proposal was for a much taller building.
2. Secondly, the Hanlon Creek Business Park is not just a locally important employment area, it is designated by the *Province of Ontario* as a **Provincially Significant Employment Zone (PSEZ)**.

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PSEZs are designated through the Growth Plan, 2019, and are intended to identify areas for protection for long-term, provincially- and regionally-significant employment uses. This means that the Province considers this area to be one of 31 areas province-wide that is critical for the provincial economy. The PSEZ mapping has been properly incorporated into the City's Official Plan through OPA 80 (currently with the Minister of Municipal Affairs for approval).

Simply stated, the goal of the City (and of the Province) is to attract marquee businesses and tenants to the business park, to become key employers in order to drive the local and regional economy. Imposing the blanket prohibition in section 18.4.2(M) at 245 Hanlon Creek Blvd, let alone anywhere in the Business Park, is fundamentally at odds with the employment- and tax-generating strategy of the Business Park. Key businesses simply will not locate to the business park if they cannot display signage, even in the subtle and tasteful manner proposed herein. Rigidly applying 18.4.2(M) to deny these variances sends the clear message to the business community that Guelph is closed for business, and is so caught up in the formulaic application of its by-laws that it has lost sight of the forest for the trees.

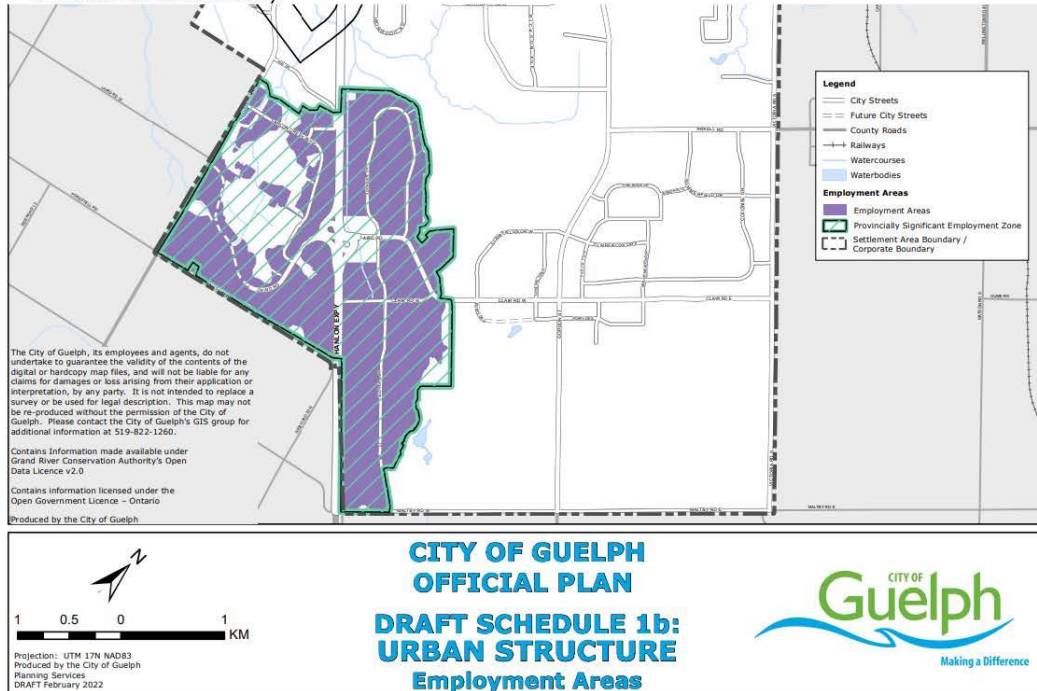
While the criteria in 7.7 of the Sign By-law clearly demonstrate the merits of these variances, the location of the subject property with the PSEZ should end the debate. Indeed, Council really ought to consider amendments to the Sign By-law to add regulations and permissions specifically for the Hanlon Creek Business Park, given its unique, provincially significant status. Below is the overlay of the PSEZ mapping:



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The PSEZ has been incorporated into the City's Official Plan via OPA 80 (currently with the Minister for a decision):



3. Thirdly, when one looks at the 'streetscape' along the Hanlon Expressway immediately to the north and south of 245 Hanlon, what is proposed is entirely in keeping with the clean and uncluttered visual appearance of the Hanlon Business Park:



View looking northwest from the southbound Laird Rd. offramp. The subject property is in the background. Fascia signage (at similar elevations to what is proposed) is shown in the foreground for the buildings to the south of the subject property.

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Similarly, the building to the immediate north of the subject property has fascia signage (with every single business advertising their location). There proposal herein is for a much more consistent and blended look (tying in with the existing BDO signage) than what is seen in the above photo.



Looking west across Hanlon Creek Blvd., directly across the street from the subject property. Again, note that every business has its own signage for wayfinding and brand recognition.

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Just south of the subject property, along the east side of Hanlon Creek Blvd., we again see the consistent look and feel of the fascia signage within the Hanlon Creek Business Park. What is proposed is entirely in keeping with the streetscape in the surrounding area, which is what is expected in a business park.

4. Conclusion

Given all the foregoing, SV Law respectfully requests that the variances for each of the East and West Signs be approved. Not only are all criteria in section 7.7 of the By-law satisfied, but the broader context of the building's location with a provincially significant employment zone means that promotion of employment-generating uses is imperative. Turning down these variances would signal to other would-be tenants and marquee businesses that Guelph isn't deserving of their investment.

We would be happy to answer any questions and to provide any further information upon request.

Yours Very Truly,
SMITHVALERIOTE LAW FIRM LLP
PER:

Kevin M. Thompson, B.Sc. (Hons.), J.D.
Practising Partner through a professional corporation
KMT

direct line: 519-821-4146
email: kthompson@svlaw.ca

{SV:02808961-3}

Attachment-3 Applicant Letter of Justification (continued)

SCHEDULE "A" TO SIGN BY-LAW VARIATION APPLICATION COVER LETTER

Preliminary Artwork
 Site Check required prior to manufacturing

Client: SV Law
 Location: Guelph ON
 Signage Type: Signage Proposal
 VERSION: V1

1/4\" woodling
(4-9 per letter)

New Illuminated Channel Letters | West Elevation

- Router cut aluminum backers with 3\" white returns
- Router cut 3/16\" white acrylic faces with translucent vinyl applied to 1st surface
- White LED illumination
- Letters to be mounted flush to exterior wall

C: 050 M: 001 Y: 100 K: 020	Brilliant Green 3M 3630-106	C: 045 M: 025 Y: 016 K: 059	Infinity Blue 3M 3630-187
--------------------------------------	---------------------------------------	--------------------------------------	-------------------------------------

aluminum returns
1/4\" x 4\" wood ling
1/16\" alum face
3/64\" alum returns
all penetrations to be sealed

2\" stucco
3/4\" plywood
steel studs
gypsum board

underside of roof deck

448 1/4\" (11.29m)

The representation of the signage depicted on this page is for illustrative purposes only and may not accurately reflect the actual size, location, specifications, or other attributes of the signage. Lovett Signs shall not be responsible for any discrepancy whatsoever between any aspects of the signage as represented herein and the actual signage installed.

Client Approval _____ Approval Date _____

www.lovettsigns.ca
 515 Harlon Creek Blvd., Guelph ON
 T: 519 822 9558
 F: 519 822 2075
 E: sales@lovettsigns.ca

Client	SV Law	Drawing #	SVlaw_GuelphON_HarlonCreek_O_PERMIT.cdr
Address	245 Harlon Creek Blvd Guelph ON	Illumination	yes <input checked="" type="checkbox"/> no <input type="checkbox"/> Site checked
Salesperson	Mike Kurlicki	Designer	JC
Start Date	12 • 23 • 22	Revision Date	Jan 23, 2023

A
 layout

All artwork copyright Lovett Signs & New Inc. A minimum of \$500 will be charged if the artwork is used in whole or in part without written consent.

SCHEDULE "A" TO SIGN BY-LAW VARIATION APPLICATION COVER LETTER

Preliminary Artwork
 Site Check required prior to manufacturing

Client: SV Law
 Location: Guelph ON
 Signage Type: Signage Proposal
 VERSION: V1

1/4\" woodling
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Client	SV Law	Drawing #	SVlaw_GuelphON_HarlonCreek_O_PERMIT.cdr
Address	245 Harlon Creek Blvd Guelph ON	Illumination	yes <input checked="" type="checkbox"/> no <input type="checkbox"/> Site checked
Salesperson	Mike Kurlicki	Designer	JC
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B
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Attachment-3 Applicant Letter of Justification (continued)

Client: SV Law
 Location: Guelph ON
 Signage Type: Signage Proposal
 VERSION: V1

Preliminary Artwork
 Site Check required prior
 to manufacturing

245 Hanlon Creek Blvd. Guelph, ON. NIC 1C1



1 WEST ELEVATION

Signage Sq Footage: 88.13 sq ft / 8.19 sq m
 Building Elevation Sq Footage: 6221.96 sq ft / 578 sq m
 Signage % to Elevation: 1.42%
 Weight: 60 lbs.



2 EAST ELEVATION

Signage Sq Footage: 88.13 sq ft / 8.19 sq m
 Building Elevation Sq Footage: 6221.96 sq ft / 578 sq m
 Signage % to Elevation: 1.42%
 Weight: 60 lbs.



Client Signature

Client Approval

Approval Date

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Lovett Signs

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www.lovettsgns.ca
 515 Hanlon Creek Blvd, Guelph ON
 T: 519 822 9858
 F: 519 822 2075
 E: sales@lovettsgns.ca

Client	SV Law	Drawing #	SVLaw_GuelphON_HanlonCreek_D_PERMIT.cd
Address	245 Hanlon Creek Blvd Guelph ON	Illumination	yes <input checked="" type="checkbox"/> no <input type="checkbox"/>
Salesperson	Mike Kuricki	Designer	E
Start Date	12*23*22	Revision Date	Jan 23, 2023

B
 layout

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