



## STAFF REPORT ACTION REQUIRED

### **SIGN VARIANCE Request 5290-5292 Yonge Street**

<b>Date:</b>	February 22, 2010
<b>To:</b>	Chairman and Members, North York Community Council
<b>From:</b>	Director of Building and Deputy Chief Building Official
<b>Wards:</b>	<b>Ward 23 - Willowdale</b>
<b>Reference Number:</b>	Folder No. 10-119858 ZSV 00 ZR File No. 2010NY030

### **SUMMARY**

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This staff report is about a matter that the Community Council has delegated authority to make a final decision provided that it is not amended to that it varies with City policy or by-laws.

The purpose of this report is to review and make recommendations on a request by Hendrik Op't Root of Hendrik Op't Root Architect Ltd. on behalf of DUCA Financial Services and Diversicare Retirement Home, for a variance from the North York Sign By-Law 30788 as amended, to permit the erection of four illuminated wall signs, two illuminated ground signs, two non-illuminated roof signs; three projecting banner signs for a total of eleven (11) first party signs on the existing office building and the proposed retirement apartment building located at 5290-5292 Yonge Street.

### **RECOMMENDATIONS**

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Toronto Building, North York District recommends that:

1. The North York Community Council approve the request for sign variances at 5290 and 5292 Yonge Street.

### **Financial Impact**

There are no financial implications resulting from the adoption of this report.

## Comments

The property is located on the west side of Yonge St., north side of Ellerslie Avenue, east of Canterbury Lane, in a newly created Residential RM6(174) zone. There is an existing DUCA Financial three storey commercial office building and a proposed 17 storey retirement residence which comprise Phase 1 and Phase as the overall development. Phase 1 was built out in 2009 and building permit applications are under review for the Phase 2 retirement apartment building.

Surrounding land uses are as follows:

North – Commercial (C1) – Two storey retail and office uses

South - Commercial (C1) - Retail uses

East - Commercial (C1) - Office towers and a Service Station

West - Residential (R4) with a police station directly across Canterbury Lane, and a Fire Station located just to the north of the police station.

Fourteen signs in total have been proposed for this development. Three of the wall signs (A,B&C) have been legally installed through a sign permit issued in 2008.

The purpose of this sign variance request is to accommodate the eleven (11) additional signs the owner requires for identification of the existing and proposed uses at this location.

An application for sign permit was submitted 10-108994 was submitted on January 25, 2010. A review of the drawings indicated these eleven signs all required variances.

The proposed signs do not comply with the former City of North York Sign By-law No. 30788 as amended, in the following ways:

Sign By-law Requirements	Applicant's Proposal	Required Variance(s)
5.1.10. Ground and wall signs identifying the building and the occupants having an aggregate sign area not exceeding 15.0m <sup>2</sup> may be erected in the case of business office in a residential zone.	To erect a total of 4 illuminated wall signs to identify the business offices, which will result in an aggregate sign area of 24.00 m <sup>2</sup> .	To allow 4 illuminated wall signs for business identification, which will result in the site having an aggregate sign area of 24.00 m <sup>2</sup> where a maximum sign area of 15 m <sup>2</sup> is permitted for business office in a residential zone.
2.9.13 Projecting signs are prohibited signs.	To erect three projecting signs on the east wall facing Yonge Street, under the canopy, within the private property, each having a sign area of 2.31m <sup>2</sup> .	To allow three vertical projecting banner signs each with a sign area of 2.31m <sup>2</sup> where projecting signs are prohibited.

<b>Sign By-law Requirements</b>	<b>Applicant's Proposal</b>	<b>Required Variance(s)</b>
5.1 Roof signs are not permitted in a residential zone.	To erect two non-illuminated first party roof signs each with a sign area of 5.95m <sup>2</sup> to be located on the roof of the proposed Diversicare retirement residence.	To allow two first party roof signs each with an area of 5.95m <sup>2</sup> on the proposed retirement residence apartment where roof signs are not permitted in a residential zone.
5.16 One identification and vacancy information ground sign not exceeding 2.4 m <sup>2</sup> in sign area is permitted for an apartment building.	To erect one ground sign for first party identification with a sign area 3.35 m <sup>2</sup> .	To allow one ground sign for first party identification having a sign area of an area of 3.35 m <sup>2</sup> where a ground sign not exceeding 2.4m <sup>2</sup> is permitted for an apartment building.
5.16 One identification wall sign not exceeding 9.3 m <sup>2</sup> in sign face area is permitted for an apartment building.	To erect one identification wall sign located on the face of the apartment entry canopy with a sign area of 14.86m <sup>2</sup> .	To allow one identification wall sign having a sign area of 14.86 m <sup>2</sup> where one identification wall sign not exceeding 9.3 m <sup>2</sup> is permitted for an apartment building.
5.1.9 One directional sign at each point of entry and exit to and from a parking station of an apartment building or buildings is permitted providing the sign does not exceed 0.3m <sup>2</sup> in sign area.	To erect a directional wall sign above the underground garage entrance facing Ellerslie Avenue, with a sign area of 14.86m <sup>2</sup> .	One directional sign located above the underground garage entrance having a sign area of 14.86m <sup>2</sup> where one directional sign with a maximum of 0.3 m <sup>2</sup> in sign area is permitted.

### **Requirements of the new Sign By-law:**

The new Harmonized Sign By-law was enacted by Council on December 6, 2009 and will come into full force and effect on April 6, 2010. The by-law sets out the following provisions for the proposed sign based on sign district, sign class and sign type.

### **Sign Districts:**

The by-law establishes Sign Districts. The proposed sign would be located in R-Residential District. Subject to §694-21. of the by-law an RA-Residential Apartment Sign District may contain a ground sign identifying a home occupation permitted by the City's applicable Zoning by-law.

**§ 694-18. Illumination.**

No first party sign shall be illuminated at any time when a smog alert is in effect. All first party signs shall cease to be illuminated within four hours of the issuance of the smog alert. Where a sign is located in an RA sign district, the sign shall not be illuminated between the hours of 11 p.m. and 6 a.m. except where the sign is a first party sign associated with a lawful business which operates during this period and only while the business is actually in operation.

The proposed signs do not comply with the provisions for A Residential Apartment Sign District in the new City of Toronto Sign By-law which was adopted by Council on December 6, 2009 as follows:

Sign By-law Requirements	Applicant's Proposal	Required Variance(s)
<p><b>§694-21. B</b> A ground sign identifying an apartment building is permitted provided:</p> <p>(a) The sign face area shall not exceed 1.5 square metres; and There shall be no more than one such sign erected at each frontage.</p>	<p>To erect two identification ground signs having sign face areas of 2.4 m<sup>2</sup> and 3.35 m<sup>2</sup> on the Eilerslie Avenue and Canterbury Place frontages respectively.</p>	<p>To allow two ground signs with sign face areas of 3.35 m<sup>2</sup> on the Canterbury Place frontage and 2.4 m<sup>2</sup> on the Eilerslie Avenue frontage; where one ground sign per frontage, identifying an apartment building is permitted provided the sign face area shall not exceed 1.5 m<sup>2</sup>.</p>
<p><b>§ 694-15. Prohibited signs.</b>  A. Anything not expressly permitted by this chapter is prohibited.  B. The following are expressly prohibited:  (2) A roof sign</p>	<p>To erect 2 roof signs on top of the proposed 17 storey Retirement Residence Apartment.</p>	<p>To allow two roof signs on the Retirement Residence Apartment, where roof signs are expressly prohibited.</p>
<p><b>§ 694-21. B 4</b>   A Wall sign, with one sign face only, facing a street in an RA zone to identify the apartment building only.</p>	<p>The erect a directional wall sign located above the underground garage entrance located at the south side of the building facing Eilerslie Avenue.</p>	<p>To allow a directional wall sign located above the underground garage entrance located at the south side of the building facing Eilerslie Avenue where wall signs in RA districts are permitted only to identify the apartment building.</p>

The applicant has requested that this application be processed in order to be on the agenda for the March 9, 2010 meeting of the North York Community Council. If this

request for variance is approved by the North York Community Council and additional variances are later identified and required, the responsibility rests with the applicant to submit a sign variance application which will be subject to the provisions of the new City of Toronto Sign By-law.

The applicant has confirmed he is aware that future variances will need to be submitted through the new Sign By-law process.

## **CONTACT**

Diane Damiano, Manager, Plan Review  
T: 416 395 7561, F: 416-395-7589  
E mail: damiano@toronto.ca

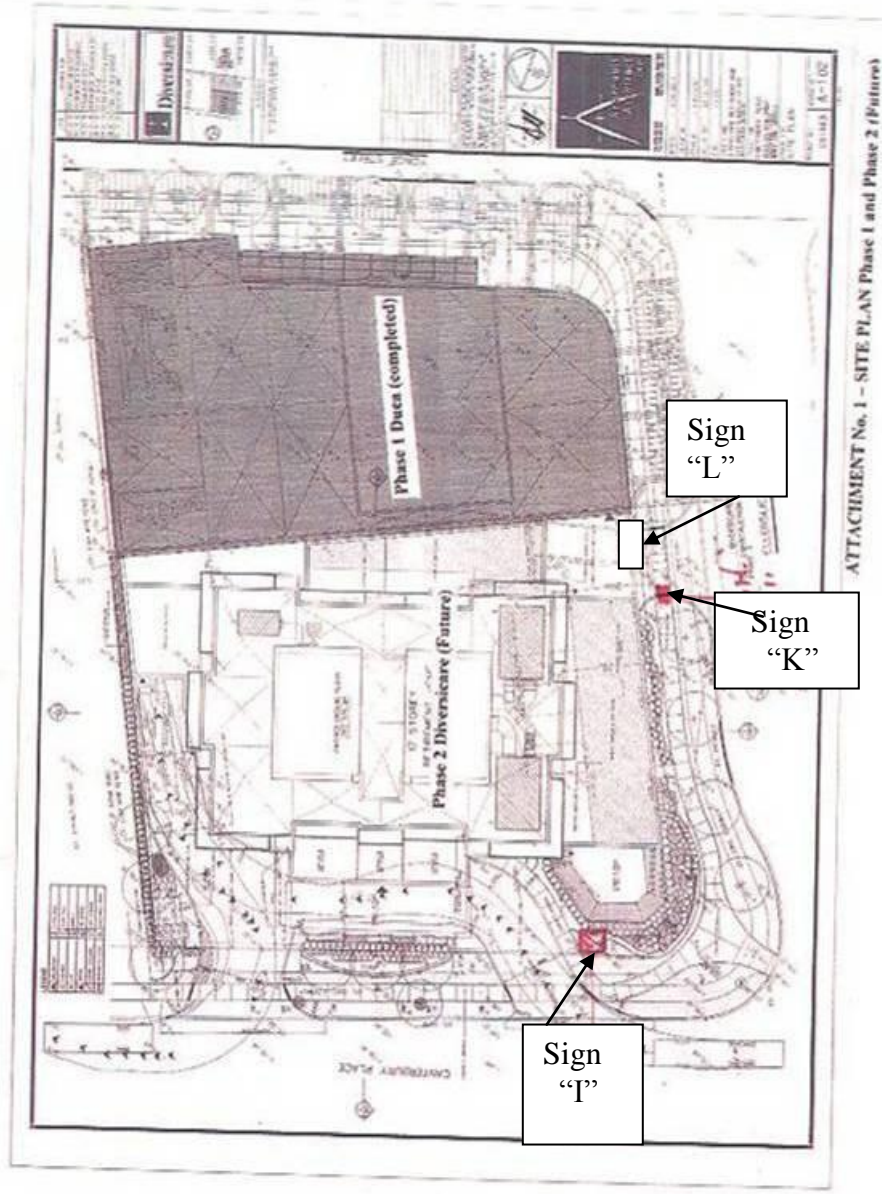
## **SIGNATURE**

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Edward Tipping, P. Eng.  
Director of Toronto Building and Deputy Chief Building Official  
North York District

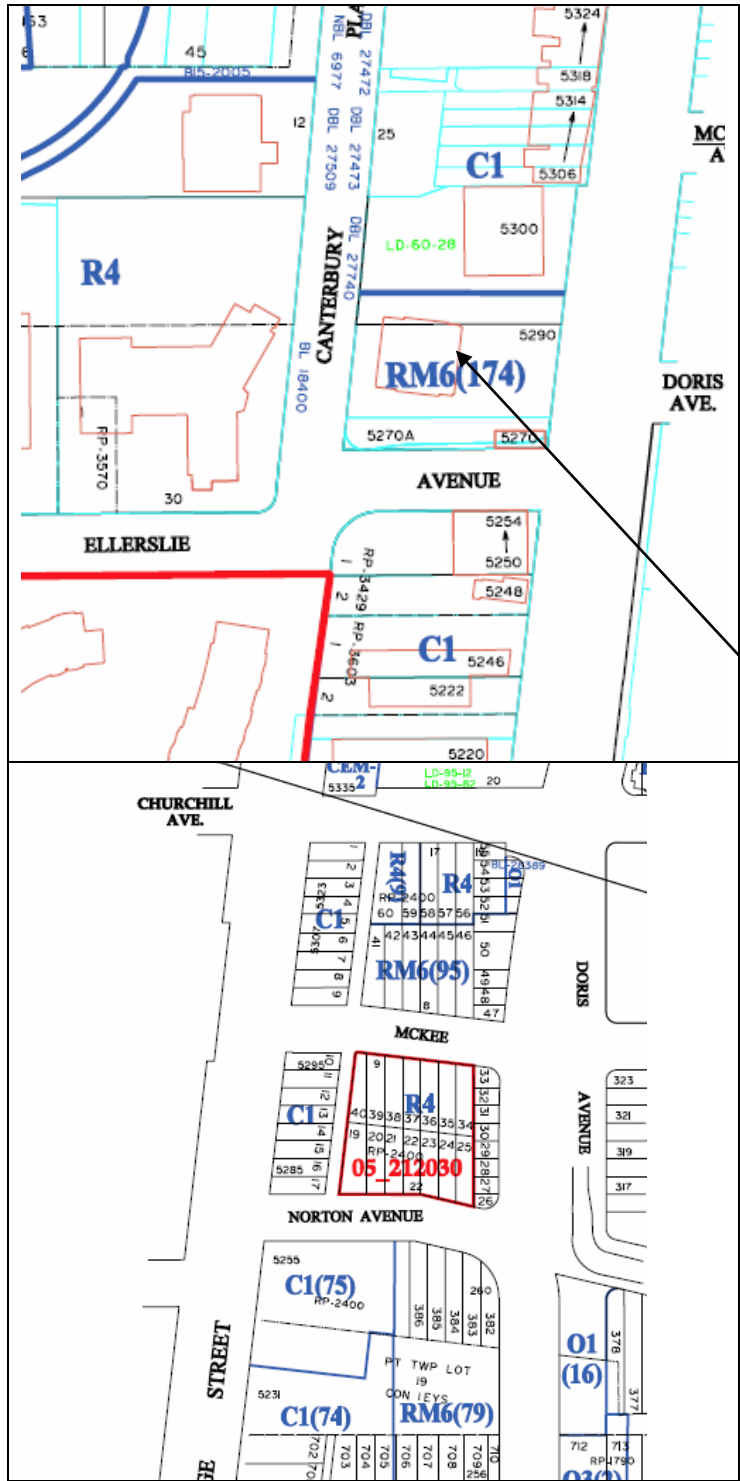
## **ATTACHMENTS**

Attachment 1 – Site Plan  
Attachment 2 – Zoning map  
Attachment 3 – West Elevation  
Attachment 4 – Details of the proposed Banner Signs  
Attachment 5 - North – West Elevation Plan  
Attachment 6 – East and West Elevations of Proposed Retirement Apartment  
Attachment 7 – City of Toronto Sign By-law District Map  
Attachment 8 - Applicant Letter (2 pages)  
Attachment 9 - Applicant Submission



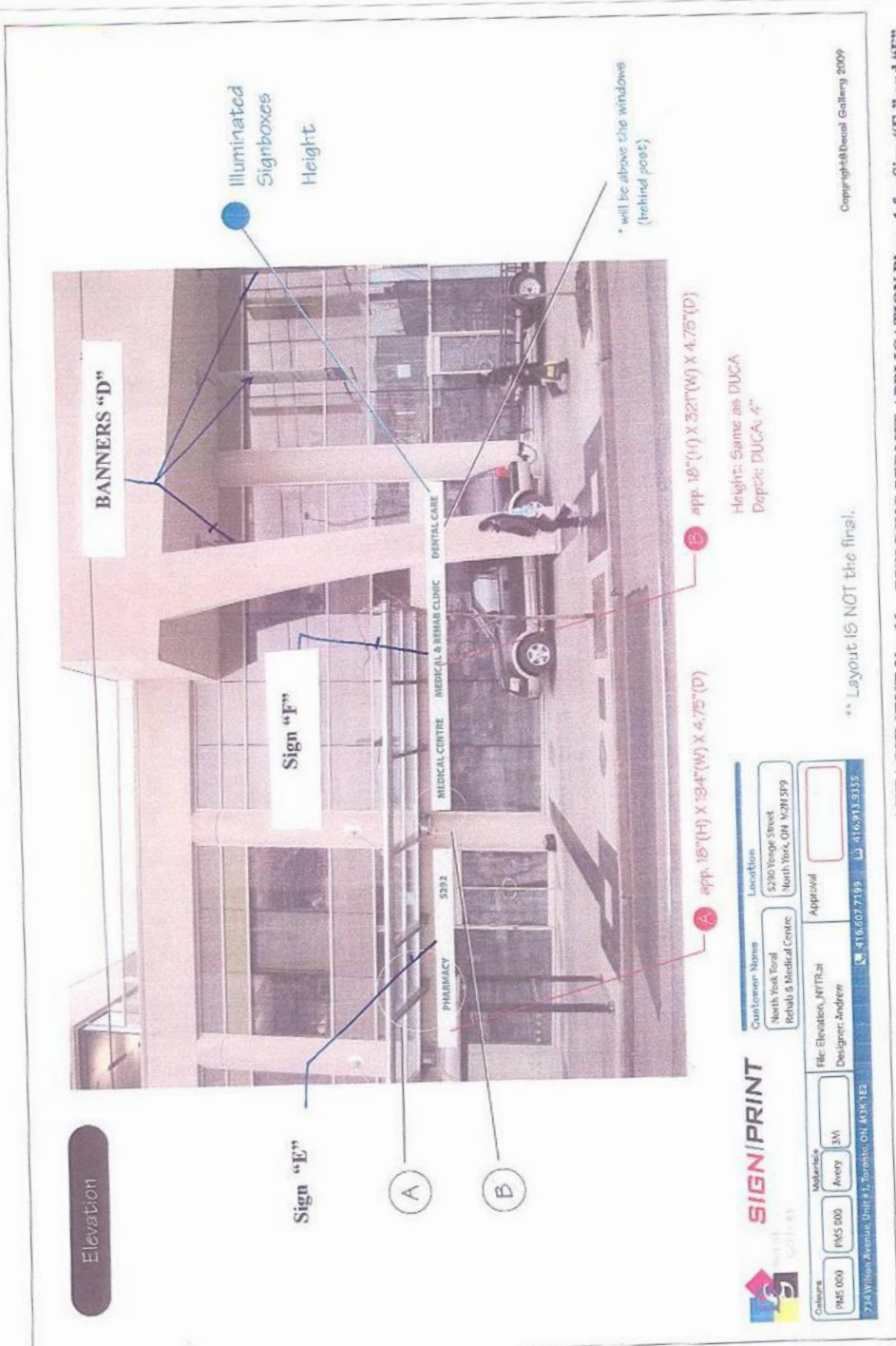
**Attachment #1**

**Site Plan**



## Attachment #2

## Zoning Map

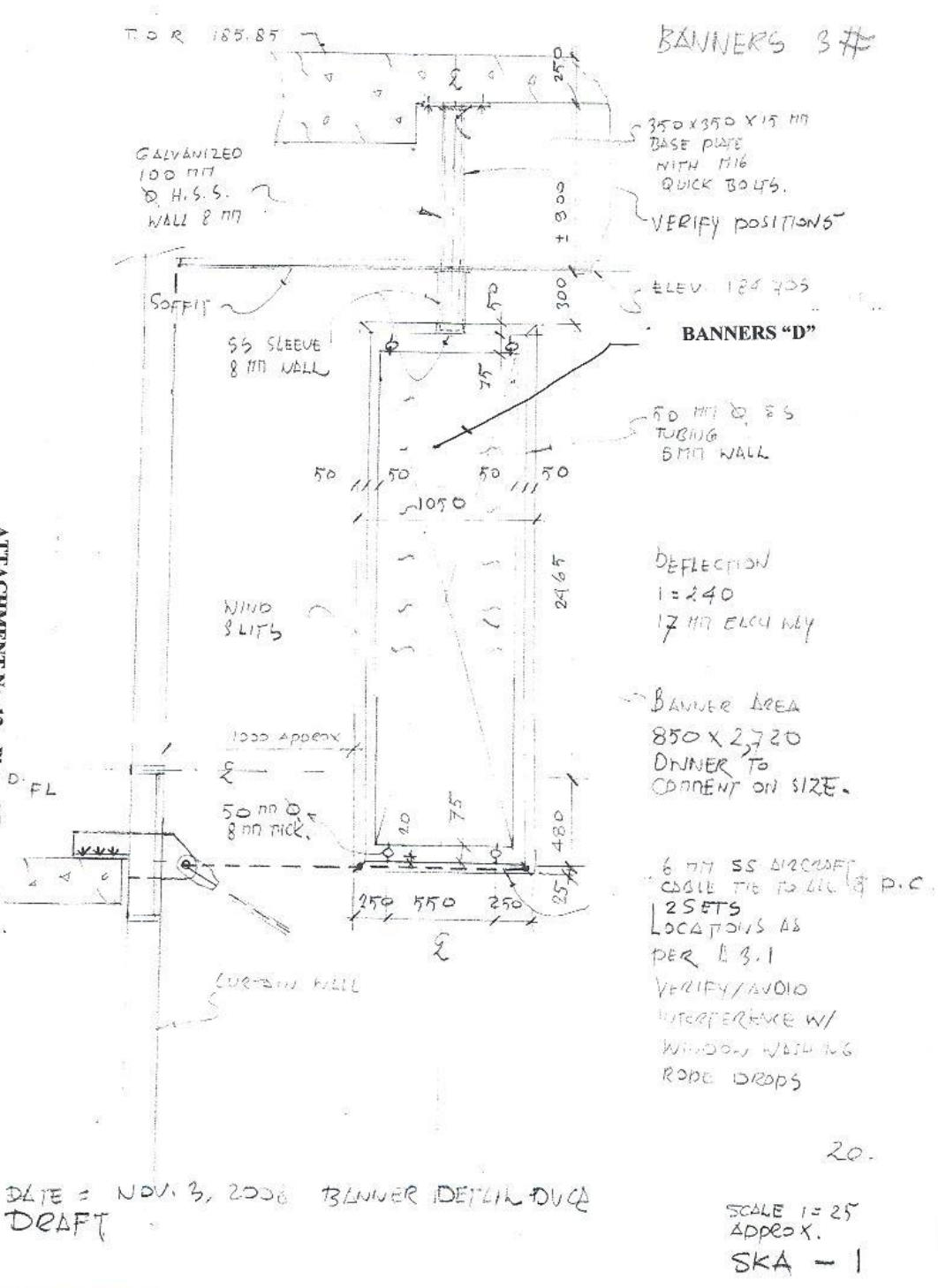


ATTACHMENT No. 11 – BUILDING PERMIT APPLICATION Phase 1 for Sign "E," and "F"

**Attachment #3**  
**West Elevation**



ATTACHMENT No. 12 - Phase 1 Banners Sign 'D' (3 total) (see also Attachment No. 11)



### Attachment #4

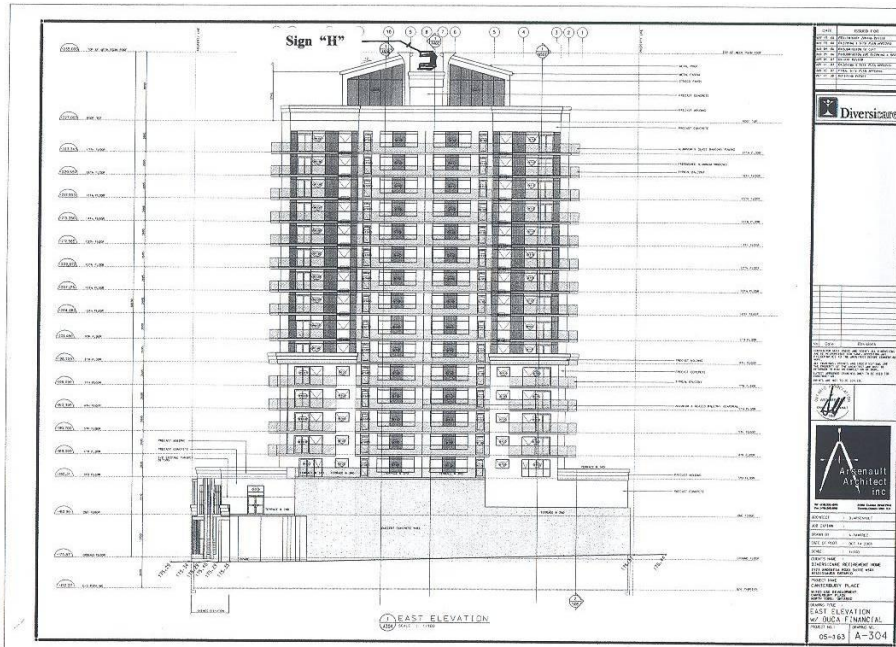
### Banners



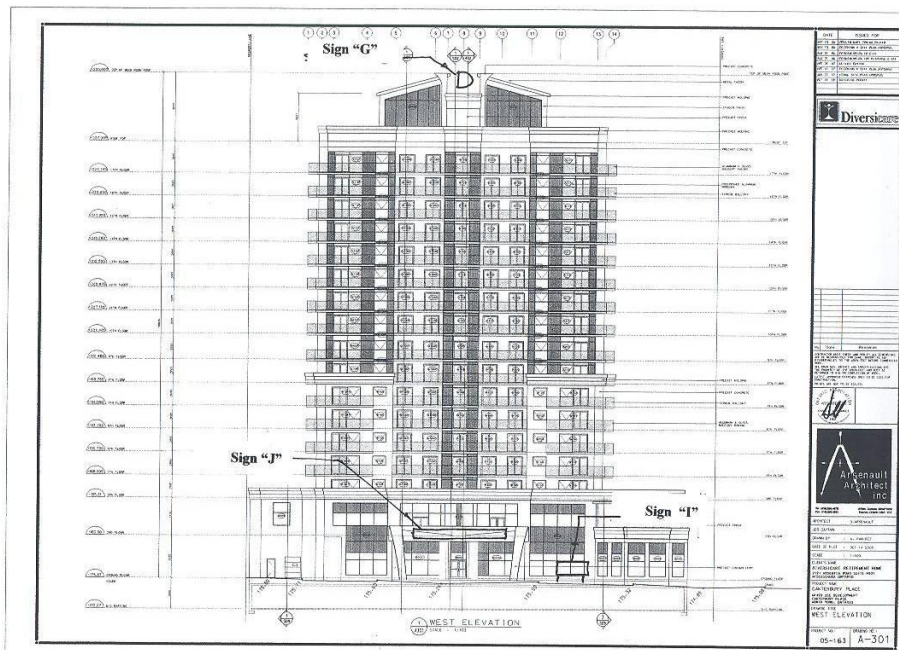
ATTACHMENT No. 15- Photograph during the night showing Sign "A," "B," and "C"

## Attachment #5

North – West Elevation



ATTACHMENT No. 4 – EAST ELEVATION Phase 2 (Future) Sign “H”

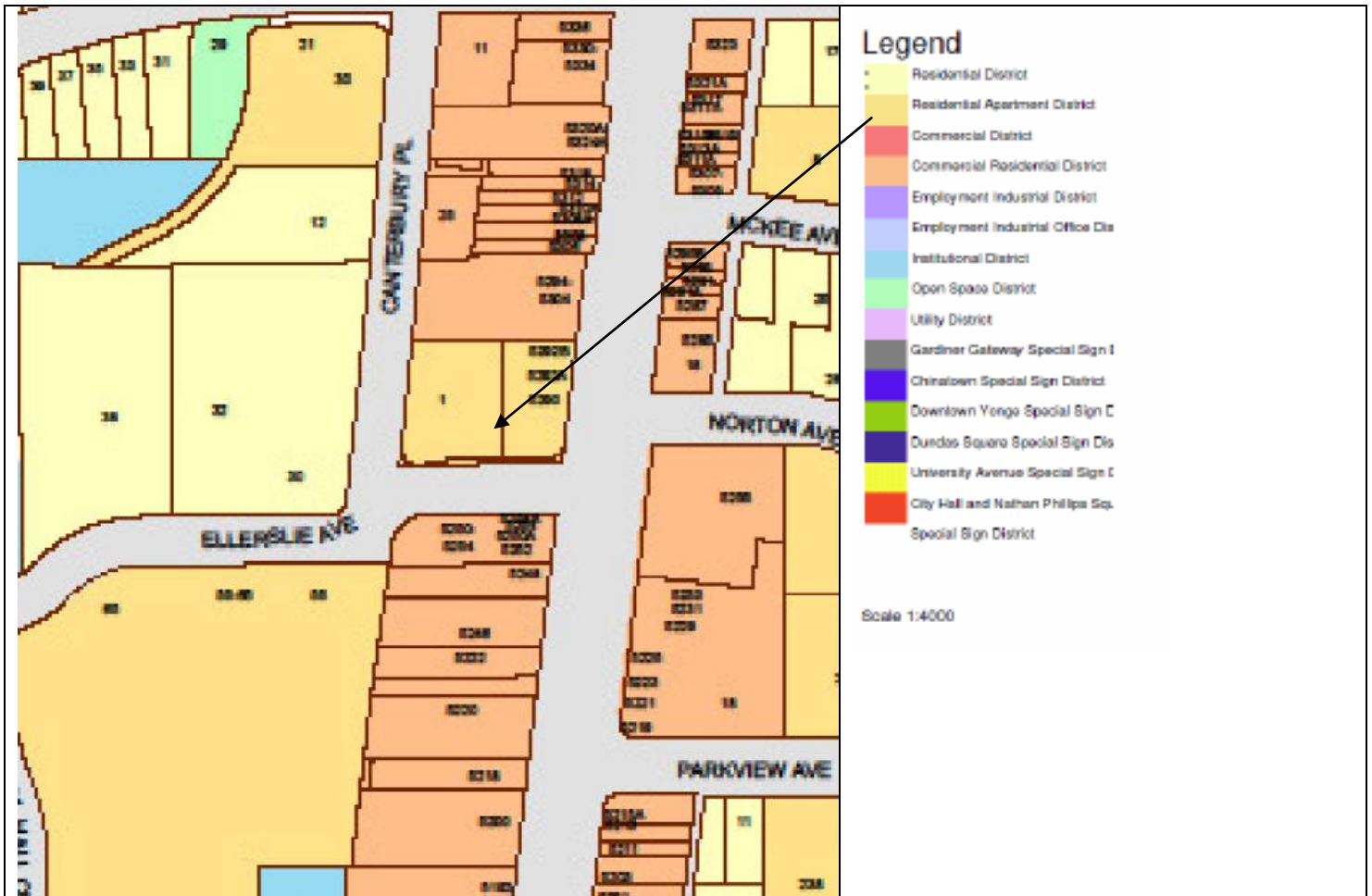


ATTACHMENT No. 2 – WEST ELEVATION Phase 2 (Future) Sign “G,” “I,” and “J”

## Attachment #6

### East and West Elevations of Proposed Retirement Apartment





**Attachment #7**

City of Toronto Sign By-law District Map

## HENDRIK OP'T ROOT ARCHITECT LTD.

Member of the Ontario Association of Architects  
Member of the Royal Architectural Institute of Canada  
International Associate of the American Institute of Architects  
Ingenieur in the Netherlands



### SIGN VARIANCE APPLICATION

**To: The City of Toronto**  
**5100 Yonge Street, Toronto**  
**M2N 5V7**  
**Attention: Diane Damiano - Plan Examination Manager (Ward 23)**  
**Date: February 17, 2010.**

**Hello Diane:**

I hereby submit a Sign Variance Application on behalf of Duca Financial Services Credit Union, and Diversicare Retirement Home. The Sign Variance relates to the existing Sign By-Law 30788

The Application is made, as the Site Specific Zoning By-Law of 5290 Yonge Street (By-Law 1069-2007), zones the site RM6 (174). In an R zone a sign restriction of 15 m<sup>2</sup> total exist for the entire building (Phase 1 and 2). The City Planning Staff and the Owners did not anticipate this sign restriction at the time of drafting the Site Specific Zoning By-Law.

Phase 1 is defined in the Site Specific Zoning By-Law as: "...Phase One (1) shall mean the construction of the 3-storey (17 meters) non-residential portion of the development..." The Phase 1 has been completed and has frontage on Yonge Street and Ellerslie Avenue, and is strictly a commercial development.

Phase 2 is a residential development of a 17 storey Retirement Tower, and construction is anticipated March 1, 2010, and fronts Ellerslie Avenue, and Canterbury Place.

Schedule "A" (attached) lists all existing and future signage of Phase 1 and 2, and does not include Street numbers, directional signage, existing Phase 1 interior signage, and stop signs, which are deemed exempt.

The Phase 1 Yonge Street and Ellerslie Avenue first storey area is 66.5 (L) meters x 5.2 (H) meters = 345.8 m<sup>2</sup>. If one applies a 20% Commercial sign area, then a total of 69.16 m<sup>2</sup> would be permissible (total proposed signage is 60.24 m<sup>2</sup> on 3 streets –refer to Schedule "A"). This calculation does not add any area as a result of a percentage of permissible second storey signage.

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If this letter/report contains any errors or omissions, please advise the consulting architect no later than five days after the issuance of the letter. A rectification will be issued.  
50 Camden Street, PH 802, Toronto, Ontario M5V 3N1  
Tel: 416-361-1915 Cel: 416-995-2281 email: [optroot@sympatico.ca](mailto:optroot@sympatico.ca)

## Attachment #8

### Applicant Letter (Page 1 of 2)

## HENDRIK OP'T ROOT ARCHITECT LTD.

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Notwithstanding the RM6 Zoning, The Variance request seems reasonable in view that the Phase 1 Commercial Podium fronts a major thoroughfare, Yonge Street, with most the Commercial frontage on Yonge Street, and in part on Ellerslie Avenue.

### **Breakdown of Building Permit Sign Application status:**

1. Duca did obtain a Building Permit 08 172253 SGN 00SP for Sign "A," "B," and "C" as per attached information.
2. Duca did not apply yet for 3 existing banners identified as Sign "D."
3. Recently the Tenant of Duca applied for a Building Permit 10 108994 SGN 00SP for Sign "E," and "F," as per attached information.
4. Diversicare Retirement Home did not apply yet for Building Permit for the Phase 2 Signs, as construction is imminent. Signs "G," "H," "I," and "J," are effected.

In view of implementation of the new Sign By-Law early April 2010, the Applicant kindly requests that this Application with Planning Report be placed on the Agenda of the Community Meeting dated March 9, 2010.

Refer to List of Attachments.

If you need further information, do not hesitate to call.

Yours truly,



**ir Hendrik Op 't Root bi, OAA, MRAIC, Int. Associate AIA**

**Enclosed the Sign Variance Application Form, and a cheque in the amount of \$ 718.20.**

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If this letter/report contains any errors or omissions, please advise the consulting architect no later than five days after the issuance of the letter. A rectification will be issued.  
50 Camden Street, PH 802, Toronto, Ontario M5V 3N1  
Tel: 416-361-1915 Cel: 416-995-2281 email: [oproot@sympatico.ca](mailto:oproot@sympatico.ca)

## **Attachment #8**

### **Applicant Letter (Page 2 of 2)**

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**Larry Jewell - Re: RE - Duca/Diversicare Signage - Variance Proposal**

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**From:** "optroot" <optroot@sympatico.ca>  
**To:** "Larry Jewell" <ljewell@toronto.ca>  
**Date:** 02/21/2010 4:16 PM  
**Subject:** Re: RE - Duca/Diversicare Signage - Variance Proposal  
**CC:** "Jack Vanderkooy" <jvanderkooy@duca.com>, <rcook@duca.com>, "Joseph Gesualdi" <jgesualdi@dcmsrealty.com>, <conwil@sympatico.ca>

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**Hello Larry:**

1. I have contacted my Clients regarding a statement then that my Clients will be complying with everything that has not be taken as a variance and will not hold the City liable for other compliance issues that may arise as a result of missing information being provided under this application. I will advise ASAP.
2. All signage attachments\structure will be designed by a Professional Structural Engineer.
3. You stated that the roof signs must be installed 0.905m (3 feet) from the roof. The roof must be accessible. No guide wires may be used.
4. You stated that the Apartment (Retirement Residence and not Retirement Home) if located on two streets (One Canterbury Place, and Ellerslie Avenue) may have two signs on each abutting facade. My Client advised that an additional sign (Sign "K") of 2.4 m<sup>2</sup> to be installed on Ellerslie Avenue. The size does comply with section 5.1.6.
5. The (Illuminated) Ground Signs of Phase 2 (Sign "I" and "K") will have a 250 mm foundation wall, at least 1,220 mm below grade, designed by a Structural Engineer.
6. The (Illuminated) Wall Sign "J" at the west canopy will be installed higher than 2.5 meters. Note the canopy will allow a firetruck to pass.
7. Directional signs are permitted if less than .3 M<sup>2</sup>.
8. You will advise regarding an expiry date, if applicable for Phase 2 signage.
9. A banner is a roof suspended sign.

If you need additional information please advise.

YT

ir Henrik op 't Root bi, OAA, MRAIC, Intl. Associate AIA.

## **Attachment #9**

### **Applicant Submission**