

Application by Streetlife Media Inc. for Five (5) Third Party Sign Variances With Respect to a Third Party Sign Proposal on a Northerly-facing Wall of an Existing Building at 2 Queen Street East

Date:	September 8, 2010
Ward:	Ward 27 – Toronto Centre-Rosedale
File No.:	TP-10-00003
IBMS File No.:	10-222207

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SECRETARIAT SECTION

CITY CLERK'S OFFICE

PURPOSE OF THE APPLICATION

To obtain the five separate variances to Chapter 694, Signs, General, required to allow Streetlife Media Inc. to make an application for a sign permit to allow for the erection and display, along the northerly-facing of the existing building on the premises with the legal description of Lot 1 & Part Lot 2 RP 22-A Lots 179, 181, 183 & 183 ½ RP 384 and Part of Park Lot 8 Concession 1, From The Bay, and known municipally as 2 Queen Street East of one third party wall sign, which:

- Is illuminated;
- Is erected within 100 metres of other lawful third party signs;
- Is erected within 30.0 metres of the intersection of a major street with another street;
- Is not erected within 30.0 metres of any premises located, in whole or in part, in an R, RA, or OS sign district;
- Is the only third party ground sign erected on the premises; and
- Is at a height of 12.2 metres, and contains only one sign face, said sign face being 4.57 metres wide by 6.1 metres high for a sign face area of 27.88 square metres, and displaying electronic static sign copy.

REQUESTED VARIANCES

SECTION	REQUIREMENT	PROPOSAL
§ 694-22. A.	Third party signs are permitted to display only static copy or mechanical copy.	The proposed third party sign will display electronic static copy.
§ 694-22. C.	A third party sign shall not be erected displayed modified or restored on a listed heritage building or a designated heritage building.	The proposed third party wall sign will be erected on a designated heritage building.
§ 694-22. D.	A third party sign shall not be erected within 100.0 metres of any other lawful third party sign whether or not erected.	The proposed third party wall sign is 32.19 metres away from an existing third party wall sign immediately north and 24.74 metres away from an existing third party wall sign on the west side of Yonge Street.
§ 694-26. B. (1)(a)	A third party wall sign is permitted in the Downtown Yonge Street Special Sign District provided the sign face area of the third party sign does not exceed 20.0 square metres.	The proposed third party wall sign has a sign face area of 27.88 square metres.
§ 694-26. B. (1)(d)	A third party wall sign is permitted in the Downtown Yonge Street Special Sign District provided it shall not be erected within 30.0 metres of the intersection of a major street with any other street.	The proposed third party wall sign is approximately 18 metres from the intersection of Queen Street West and Yonge Street.

RECOMMENDATIONS

The Chief Building Official and Executive Director, Toronto Building, recommends that:

1. The variance requested from § 694-22. A. to allow the issuance of a sign permit authorizing the erection and display on the northerly-facing wall of the premises known municipally as 2 Queen Street East of third party wall sign displaying electronic static copy **BE REFUSED**;
2. The variance requested from § 694-22. C. to allow the issuance of a sign permit authorizing the erection and display on the northerly-facing wall of the premises known municipally as 2 Queen Street East of third party wall sign erected on a designated heritage building **BE REFUSED**;
3. The variance requested from § 694-22. D. to allow the issuance of a sign permit authorizing the erection and display on the northerly-facing wall of the premises known municipally as 2 Queen Street East of third party wall sign within 100.0 metres of another third party wall sign **BE REFUSED**;
4. The variance requested from § 694-26. B.(1)(d) to allow the issuance of a sign permit authorizing the erection and display on the northerly-facing wall of the premises known municipally as 2 Queen Street East of third party wall sign exceeding a sign face area of 20.0 square metres **BE REFUSED**; and

5. The variance requested from § 694-26. B.(1)(a) to allow the issuance of a sign permit authorizing the erection and display on the northerly-facing wall of the premises known municipally as 2 Queen Street East of third party wall sign erected within 30.0 metres of the intersection of a major street with any other street **BE REFUSED**.

COMMENTS

Chapter 694, Signs, General, of the City of Toronto Municipal Code came into force and effect on April 6, 2010. Chapter 694, Signs, General, delegates decision-making powers respecting third party sign variance applications to the Sign Variance Committee. As such, this report outlines the position of the Chief Building Official concerning whether the proposed variances meet the criteria established in § 694-30A. to permit the granting of a variance. It is the Chief Building Official's position that none of the proposed variances meet the mandatory criteria and should be refused.

Applicant's Submission

The Applicant's submission package is provided as Attachment 1 to this report. Attachment 1 contains:

- Sign Variance Application Form;
- A photo rendering of the existing northerly-facing building condition and two photo renderings of the proposed northerly-facing building condition;
- A Site Plan titled "No. 2 Queen Street East," prepared by Land Survey Group and dated June 17, 2010;
- An unsigned "Surveyor's Real Property Report," prepared by Speight, Van Nostrand & Gibson Limited and dated August 14, 2000;
- Untitled and un-authored wall sections; and
- An untitled "rationale" to support the proposal.

Site Context

The subject property is located within Ward 27 in the former municipality of Toronto at the north-easterly intersection of Yonge Street and Queen Street East. The property is designated as a Mixed Use Area under the City's Official Plan which allows for a broad array of residential, office, retail and service, institutions, entertainment, recreation and cultural activities, and parks and open space. The intent of the Mixed Use designation is to be able to live, work and shop in the same area, or even in the same building.

The property has been recently improved with a large office tower containing multiple levels of underground parking. The building is connected to the underground PATH system and the Yonge/University/Spadina subway line with immediate access to the Queen Street subway station. The new office tower was constructed in 2003 and stands 19 storeys tall; it is commonly

referred to as the Maritime Life Tower and has incorporated on the ground floor portions of the southerly and westerly façade along with the banking hall of an historic Bank of Montreal building. Immediately north of the property is the historic Elgin and Winter Garden Theatre; south of the property is Queen Street and thereafter is a large multi-storey office tower; west of the property is Yonge Street and the Toronto Eaton Centre; and, to the east is Victoria Street and St. Michael's Hospital.

There is an existing third party wall sign facing south, erected on the south building façade of the neighbouring building immediately north. There are also third party wall signs erected along the east building façade of the Eaton Centre immediately west. Further up Yonge Street is Yonge-Dundas Square with a robust compliment of large-format first party and third party signs, all with various methods of copy display. The area immediately in and around Yonge-Dundas Square also contains three "media towers" displaying third party signs.

An aerial view of the subject property is provided as Attachment 2 to this report.

Heritage Preservation Services

In consideration of the heritage designation of the property, the Chief Building Official deemed it appropriate to circulate to and request comments from Heritage Preservation Services of the City's Planning Division. The Manager of Heritage Preservation Services will be providing comments in a report through a supplementary agenda or alternatively will be addressing the Sign Variance Committee at the scheduled hearing.

Established Criteria

In order to review, consider and make recommendations on sign variance applications, criteria to evaluate an application for a variance is provided in Chapter 694. § 694-30A. states that an application for a variance from the provisions of Chapter 694 may only be granted where it is established that the proposed sign:

- (1) Is warranted based on physical circumstances applicable to the property or premises;
- (2) Is consistent with the architecture of the building or development of the property;
- (3) Is consistent with buildings and other features of properties or premises within 120 metres of the location of the proposed sign;
- (4) Will not alter the essential character of the area;
- (5) Will not adversely affect adjacent properties;
- (6) Will not adversely affect public safety;
- (7) Is, in the opinion of the decision maker, not contrary to the public interest;
- (8) Is of a sign class or a sign type that is permitted in the sign district where the premises is located; and
- (9) Is not expressly prohibited by § 694-15B.

The Chief Building Official provides the following comments with respect to each of the criteria, all of which must be established for a variance to be granted:

(1) *Physical circumstances applicable to the property or premises*

The proposal describes the erection and display of one third party wall sign containing electronic static copy and located on a northerly-facing building wall on the premises. Attachment 3 provides a copy of the Applicant's rendering of the proposed third party wall sign.

The area of the sign face on the proposed third party wall sign is 27.88 square metres in lieu of the maximum permitted sign face area of 20 square metres. The applicant states that the area is surrounded by third party signs that are up to three times the size of the proposed sign and that the proposed sign is smaller than other permitted third party signs in the area. There are also other existing third party signs in the area not exceeding a sign face area of 20 square metres. Third party signs east of the proposed sign, along Church Street, south of the proposed sign, along Richmond Street, and north of the proposed sign along Yonge Street do not exceed a sign face area of 20 square metres. It should be further noted that the maximum sign face area of 20 square metres was established in the sign by-law at the request of the outdoor billboard advertising industry.

The proposal describes the use of electronic static copy to display third party messages and advertisements. Electronic static copy can be basically described as a "slide-show" or "powerpoint" representation of the sign copy where multiple images can be projected electronically and remotely, over time, on the same sign face. The definition of Electronic Static Copy, as provided for in Chapter 694 is:

Sign copy displayed utilizing electronic screens, televisions, computer video monitors, liquid crystal displays, light emitting diode displays, or any other similar electronic technology where the sign copy is fixed for a set period of time.

Chapter 694 only permits static copy or mechanical copy for a third party sign at this location and provides opportunity to use electronic static copy in other limited areas of the City such as Dundas Square and the Gardiner Gateway.

In 2009 the Board of Management for the Downtown Yonge Business Improvement Area (DYBIA) completed the report "A Signage Vision for the Downtown Yonge Strip, March 2009" (Signage Vision), prepared by the Planning Partnership. The report recommended permission for certain large format first and third party signs within specific portions of the larger DYBIA. The Signage Vision was approved in principle by Council in 2009 and is reflected in the regulations provided for two special sign districts identified in Chapter 694; the Yonge-Dundas and the Downtown Yonge Special Sign District which together make up the Signage Vision Area.

The proposed third party wall sign conflicts with the Signage Vision in that it fails to ensure significant improvements to the host building. That is, "...the installation of any large format signage must correspond directly to an overall improvement to the [building] façade and in particular to the grade-level conditions of the building where it interfaces with the street." (p. 19,

Signage Vision). As well, as provided for in identifying signage character areas, signage along Yonge Street from Dundas Square to Queen Street should be "...complementary of the heritage character...and of less vibrancy and animation than that of Yonge-Dundas Square or the strip between Dundas Square and Gerrard Street" (p. 25, Signage Vision). Furthermore, the Signage Vision states that to reinforce the appropriate enclosure of public space, "...new buildings should be designed to architecturally integrate signage within the street wall in a manner consistent with the objectives of the Signage Vision." (p. 26, Signage Vision). Finally, where the Signage Vision speaks to "Gateway Signage" at key visual sites to accentuate entry and egress points of the precinct, design principles for these sites include "constraining signs to the corners of the property." (p. 28, Signage Vision).

Conclusion: It is the Chief Building Official's opinion that it has NOT been established that the proposed sign is warranted based on the physical circumstances applicable to the premises.

(2) *Consistency with the architecture of the building or the development of the property*

The building located on the property, as described above in the site context, is a 19 storey office tower. The tower redevelopment occurred in part through the preservation and rehabilitation of the existing historical bank building on the corner.

Conclusion: It is the Chief Building Official's opinion that it has NOT been established that the proposed sign is consistent with the architecture of the building or development of the property.

(3) *Consistency with buildings and other features of properties or premises within 120 metres of the location of the proposed signage*

The property is located within the Downtown Yonge Special Sign District which has been afforded special status in Chapter 694 in part because of its proximity to Yonge-Dundas Square (another Special Sign District) and in part due to the regard required for the Signage Vision. Applied wholly, the proposed third party wall sign is generally consistent with the Signage Vision in that large format signage is contemplated for the immediate area along Yonge Street between Queen Street and Gerrard Street.

Conclusion: It is the Chief Building Official's opinion that it has been established that the proposed sign is consistent with buildings and other features of properties or premises within 120 metres of the location of the proposed sign.

(4) *Alteration of the essential character of the area*

Essentially, Yonge Street is Toronto's primary "Main Street" and is a busy commercial shopping area. As with the Mixed Use Area designation provided for in the City's Official plan, there is an expectation that the area will support a variety of uses, generally complimentary. Respecting sensitive land uses, the proposed third party wall sign is located approximately 140 metres to the

nearest Open Space sign district located between Richmond Street East and Temperance Street; approximately 100 metres from St. Michael's Hospital; and, approximately 200 metres from the Metropolitan United Church. Given the vibrant and synergistic nature of the uses in and around Queen Street West, the proposed third party wall sign would not alter the essential character of the area.

Conclusion: It is the Chief Building Official's opinion that it has been established that the proposed sign will not alter the essential character of the area.

(5) *Adverse affect on adjacent properties*

The proposed third party ground sign will adversely affect adjacent properties. The historic Elgin and Winter Garden Theatre, immediately north of the subject site will be visually impacted by the realization of the proposal. Theatre-goers and tourists to Toronto, as well as the usual passers-by may, due to the size, method of copy display and northerly-orientation of the proposed wall sign, feel the commercial affect from it thereby resulting in a potentially detracted experience - put plainly, the effect of a large LED video sign on and near an historic building may depreciate the value of the historic building. Furthermore, the proposed third party wall sign is in relatively close proximity to two other third party wall signs. The signage located across Yonge Street at the Eaton Centre and the signage located on the south-facing building elevation of the property immediately north of the subject property creates an appearance and manner of "clutter", which may be interpreted as an adverse impact on adjacent properties.

Conclusion: It is the Chief Building Official's opinion that it has NOT been established that the proposed sign will not adversely affect adjacent properties.

(6) *Adverse affect on public safety*

There is a concern for public safety with respect to the potential for driver and pedestrian distraction. A third party wall sign containing electronic static copy such as the one proposed may contribute to such distraction. To mitigate the potential impacts from these potential distractions, regulations contained in Chapter 694 have been developed to restrict third party signs to 30 metres from the intersection of a major street with any other street. The proposed sign is located approximately 18 metres from the intersection of Yonge Street and Queen Street and the relationship between a third party sign with changing mesaages, a busy intersection and heavy pedestrian and vehicle should be considered.

Conclusion: It is the Chief Building Official's opinion that it has NOT been established that the proposed sign will not adversely affect public safety.

(7) *Public interest*

The third party sign variance application process prescribed in Chapter 694 is a public process. The proponent is required to post a notice on the property for no less than 30 days prior to the hearing of the application by the Sign Variance Committee and a written notice of the proposal is

mailed out to the local Ward Councillor and all the property owners of all properties and to the mailing addresses of residential and business tenancies within a 120 metre radius of the property. Sign By-law Unit staff have confirmed that a notice has been posted on the property and, to the date of this report, no comments have been received from the public.

Chapter 694 also expresses, through the provisions contained therein, many of the City's goals and objectives including, but not limited to:

- Support for the City's environmental goals including the promotion of energy efficiency; and
- Support for the establishment of a city with beautiful, comfortable, safe and attractive streets (the Beautiful City principle).

The proponent intends to comply with the prescribed regulations related to the purchase and use of renewable energy to operate the proposed third party ground sign. As well, the proposal is in compliance with the City's Private Tree Protection By-law. The proponent also intends to comply with the illumination requirements including:

- Only illuminating the sign between the hours of 7 a.m. and 11 p.m.;
- Avoiding "up-lighting" the sign to mitigate impacts on birds and the night sky; and
- Reducing the luminosity and brilliance of the sign, in relation to ambient light levels, at dusk and dawn.

That said, the proposed third party wall sign is generally out of scale with the host building – a building designated under the *Ontario Heritage Act*. It is not in compliance with the maximum sign face area, method of copy display, proximity to an intersection and proximity to other third party signs – all requirements prescribed in the new City-wide Sign By-law. The proposed sign is both visually and physically dominant because of its location, size and method of copy display.

Conclusion: It is the Chief Building Official's opinion that it has NOT been established that the proposed sign is not contrary to the public interest.

(8) *Sign class, sign type and sign district permissions*

Sign By-law Unit staff have reviewed the proposal and confirmed that the property is located in a CR-Commercial Residential sign district where third party wall signs are permitted.

Conclusion: It is the Chief Building Official's opinion that it has been established that the proposed sign is of a sign class or a sign type that is permitted in the sign district where the premises is located.

(9) *Express prohibitions as per subsection 694-15B*

Through a review of the proposal, Sign By-law Unit staff have confirmed that the proposed signage is not expressly prohibited by §694-15B of Chapter 694, Signs, General, of the City of Toronto Municipal Code.

Conclusion: It is the Chief Building Official's opinion that it has been established that the proposed sign is not expressly prohibited by § 694-15B.

CONCLUSION

In consideration of the comments received from Heritage Preservation Services of the City's Planning Division and in consideration of the proposed size, method of copy display, proximity to the intersection and proximity to other third party signs, the sign as proposed has not established compliance with all of the required criteria. Therefore, the Chief Building Official recommends that the Sign Variance Committee refuse to grant all of the requested variances.

CONTACT

Robert Bader, Supervisor, Variance, Tax & Permits
Sign By-law Unit, Toronto Building
Tel: 416-392-4113; E-mail: rbader@toronto.ca

SIGNATURE

~~Fred Van Vliet~~, Manager
Sign By-law Unit, Toronto Building

ATTACHMENTS

1. Applicant's Submission Package
2. Aerial View of Subject Property
3. Applicant's Rendering of Proposed Third Party Ground Sign
4. Excerpt – Sign District Map

APPLICANT'S SUBMISSION PACKAGE

For Enquiries Dial 311
From Outside the City of Toronto (416) 392-CITY (2489)

Request Date: 16 / 07 / 10 Month Year
File No: TO 222 207

Sign Location

Street No. 2 Street Name QUEEN STREET EAST Lot No. _____ Plan No. _____

Describe the variance being applied for: TO ALLOW A 2858 M² AREA 46' WIDE PARTY SIGN ERRECTED WITHIN 30 METERS OF AN INTERSECTION.

If it is an application for a variance for the issuance of a permit required for the modification or restoration of an existing sign, please provide the following: NO

Existing sign dimension _____ Location _____

Please provide the reasons/justification for the request (Attach any supporting documentation or additional pages as required):

Property Owner information

Last Name CASHFIELD First Name COVERIS

Company Name (if applicable) MIL (NORFOLK) - BROOKFIELD (CAN) LTD. CENTROY INC. Area Code and Telephone No. 416-342-1864

Street No. and Name 2 QUEEN STREET EAST Apt./Unit No. 120 Area Code and Mobile / Pager No. _____

City Toronto Province ONTARIO Postal Code M5C 3B7 Area Code and Fax No. 416-304-1852

E-mail address CASHFIELD@BROOKFIELDPROPERTIES.COM

Attachments Required

- Sign Variance Data Sheet
- Copies of any supporting documents
- All necessary plans and specifications required to verify the nature of the Sign By-law Variance(s) requested

Applicant's Declaration and Information

I, Last Name STARVINO First Name DANNY

Company Name (if applicable) STREETLIFE MEDIA INC. Area Code and Telephone No. 416-425-6002 x229

Street No. and Name 1400 SHEPPARD AVE. EAST Apt./Unit No. 110 Area Code and Mobile / Pager No. 416-420-6304

City Toronto Province ONTARIO Postal Code M4M 1B9 Area Code and Fax No. 416-425-5675

E-mail address DANNYS@IHAOUTDOOR.COM

do hereby declare the following:

- That I am the Property Owner as stated above
 an officer/employee of _____ which is an authorized agent of the owner.
 the owner's authorized agent
 an officer/employee of _____ which is the Property Owner's authorized agent

- That statements contained in this application are true and made with full knowledge of all relevant matters and of the circumstances connected with this application.
- That the plans and specifications submitted are prepared for the sign variance(s) described and are submitted in compliance with copyright law.
- That the information included in this application and in the documents filed with this application is correct.
- That statements contained in this application are true and made with full knowledge of all relevant matters and of the circumstances connected with this application.

DANNY STARVINO July 16/10
Print Name Date

The personal information on this form is collected under the authority of ss. 8 and 119 of the City of Toronto Act, 2006, and Chapter 694, Signs, General, of the City of Toronto Municipal Code, and will be used specifically for the purpose of creating and maintaining a record available to the general public concerning signs and permit information, evaluation of applications made under Chapter 694, Signs, General, issuance, denial or revocation of permits under Chapter 694, Signs, General, processing applications for variances from and amendments to Chapter 694, Signs, General, creating aggregate statistical reports, enforcement of City of Toronto Municipal Code Chapter 694, Signs, General, Chapter 771, Taxation, Third Party Sign Tax, and any other applicable sign-by-law of the City of Toronto, and contacting permit holders or authorized agents. Questions about this collection may be referred to the Manager, Sign By-law Unit, of Toronto, Building, City Hall, 100 Queen St. W., 12th Floor, East Tower, Toronto, ON, M5H 2N2, Telephone: 416-392-8000



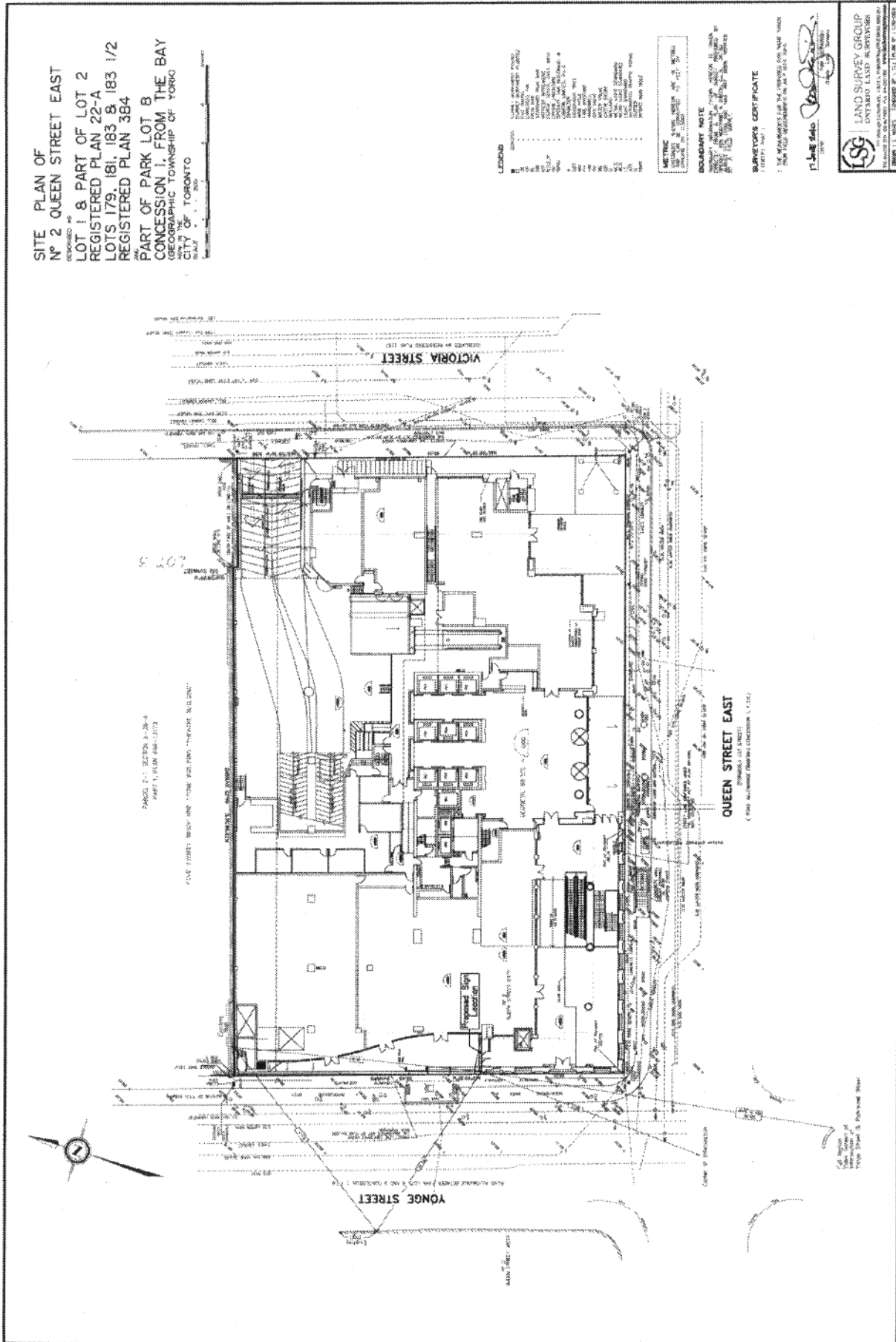
Streetlife Media Inc. – 5 Third Party Sign Variances – Northerly-facing Wall at 2 Queen Street East



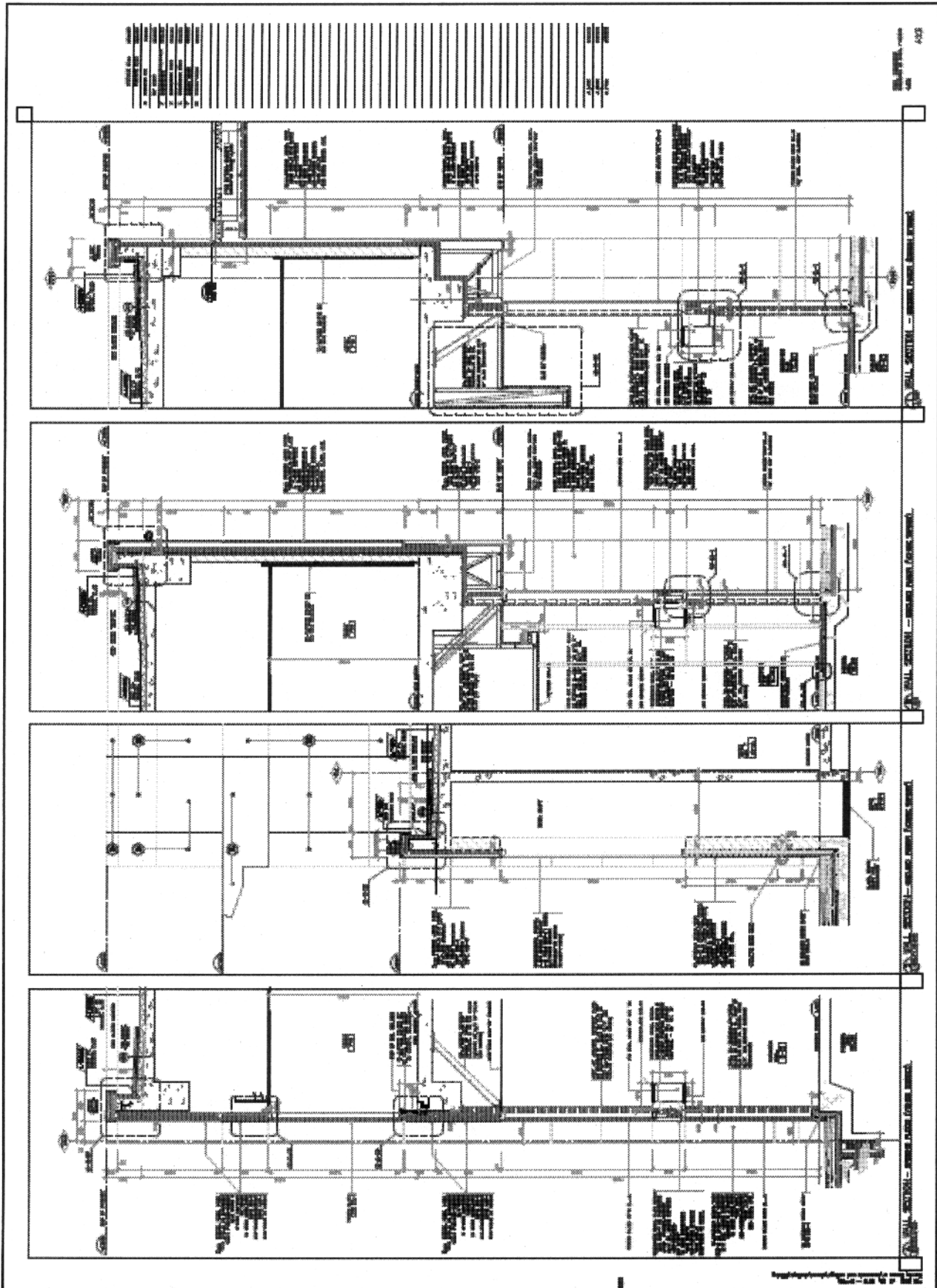
Streetlife Media Inc. – 5 Third Party Sign Variances – Northerly-facing Wall at 2 Queen Street East



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Streetlife Media Inc. – 5 Third Party Sign Variances – Northerly-facing Wall at 2 Queen Street East

- 1) The proposed sign frame will match the metal cladding on the building to create a uniform look.
- 2) Although the corner of the property abutting Yonge Street and Queen Street showcases the existing heritage facade, the entire development is of a contemporary design. The position of the proposed sign does not interfere with the heritage aspect of the building.
- 3) The signage proposed is consistent with the design of the signage across the street on the Eaton's Centre.
- 4) The immediate area is surrounded by third party signage up to three times the size of the proposed signage.
- 5) Properties to the south, west and to the north have third party signage erected on them.
- 6) Although the proposed signage is within 30 metres of the intersection, the proposed location of the sign cannot be viewed from the intersection.
- 7) The proposed sign is in the special sign district and is smaller than the existing third party signage in the area.
- 8) The proposed sign type is permitted in the in the special sign district.
- 9) Although the proposed signage is larger than 20 square metres it is smaller than the other permitted third party signage in the area.

AERIAL VIEW OF SUBJECT PROPERTY

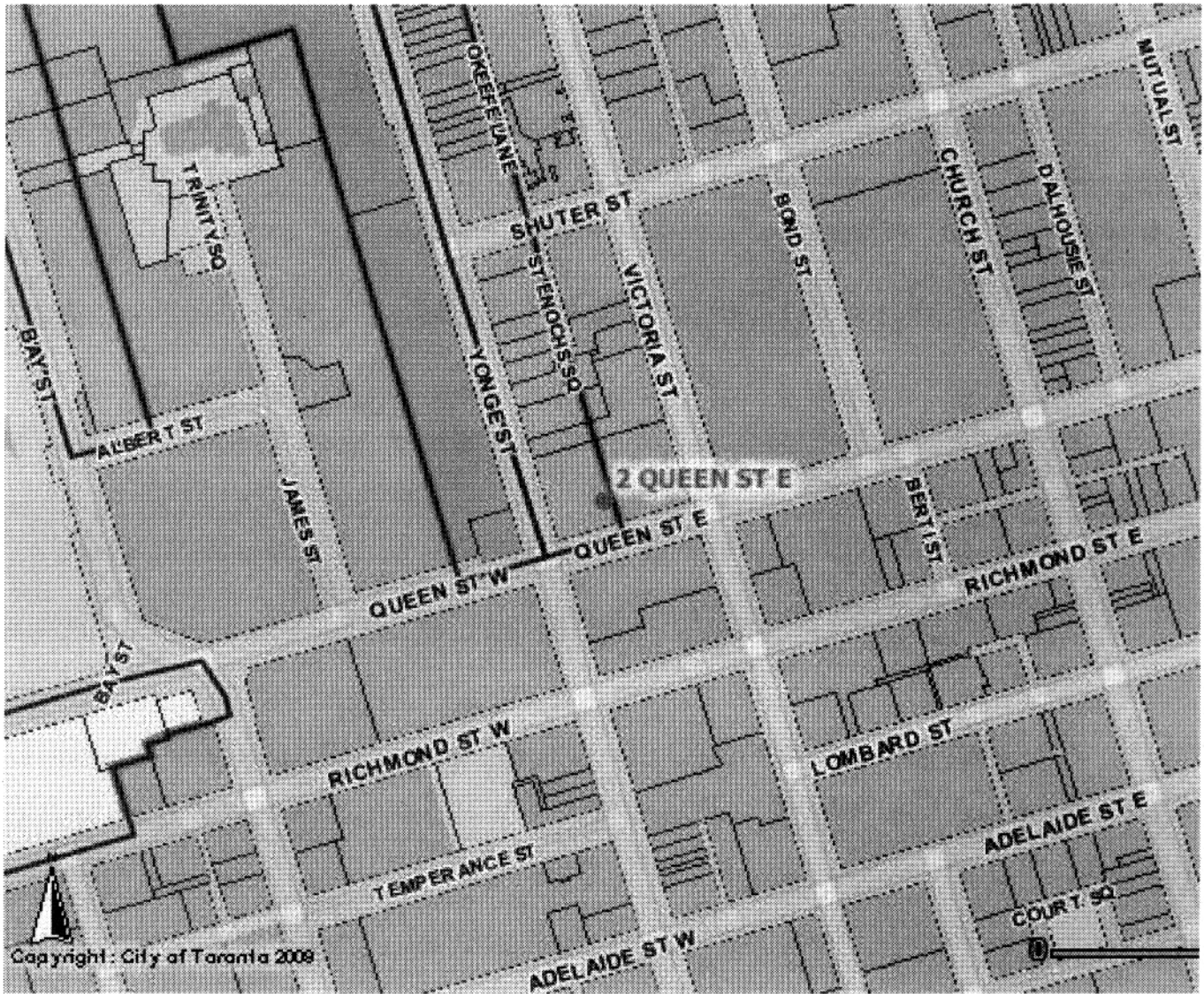


Streetlife Media Inc. – 5 Third Party Sign Variances – Northerly-facing Wall at 2 Queen Street East

APPLICANT'S RENDERING OF PROPOSED THIRD PARTY WALL SIGN



EXCERPT – SIGN DISTRICT MAP



Streetlife Media Inc. – 5 Third Party Sign Variances – Northerly-facing Wall at 2 Queen Street East