

STAFF REPORT THIRD PARTY SIGN VARIANCE

Application by ID Inc. for Four (4) Third Party Sign Variances With Respect to a Third Party Sign Proposal on the Westerly-facing Wall of an Existing Building at 1 St. Clair Avenue West

Date:	October 4, 2010		
Ward:	Ward 22 – St. Paul's		
File No.:	TP-10-00005		
IBMS File No.:	10-258803		

PURPOSE OF THE APPLICATION

To obtain four separate variances to Chapter 694, Signs, General, required to allow ID Inc. to make an application for a sign permit to allow for the erection and display, along the westerly face of the existing building on the premises with the legal description of Concession 2 From the Bay, Part Lot 21 RP63R2379 PART 1, and known municipally as 1 St. Clair Avenue West, of one third party wall sign, which:

- Is not illuminated:
- Is erected within 100.0 metres of other lawful third party signs;
- Is not 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 wall sign erected on the premises; and
- Is at a height of 30.0 metres, and contains only one sign face, said sign face being 4.57 metres wide by 9.14 metres high for a sign face area of 41.77 square metres, and displaying static sign copy.

REQUESTED VARIANCES

SECTION	REQUIREMENT	PROPOSAL
694-24. (25) & (26)	A third party sign shall not be erected or displayed 100.0 metres of any limit of Yonge Street, from the southerly limit of Birch Avenue to northerly limit of Merton Street; and 100.0 metres of any limit of St. Clair Avenue, from the westerly limit of Bathurst Street to the easterly limit of Inglewood Drive.	The proposed third party wall sign would be located within the specified restricted area for the third party signage.
694-26.B.(1)(a)	A third party wall sign is permitted in the CR- Commercial Residential 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 41.77 square metres.
694-26.B.(1)(b)	A third party sign is permitted in the CR- Commercial Residential sign district provided the height shall not exceed 15.0 metres.	The proposed third party wall sign is erected at a height of 30.0 metres.
694-26.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 approximately 90.0 metres away from an existing third party roof sign located to north across St. Clair Avenue West.

RECOMMENDATIONS

The Manager, Sign By-law Unit, Toronto Building, recommends that:

- 1. The Sign Variance Committee **refuse** the variance requested from §694-24. (25) & (26) to allow the issuance of a sign permit authorizing the erection and display on the westerly wall of the building municipally known as 1 St. Clair Avenue West of a third party wall sign in a specified restricted area;
- 2. The Sign Variance Committee **refuse** the variance requested from §694-26.B.(1)(a) to allow the issuance of a sign permit authorizing the erection and display on the westerly wall of the building municipally known as 1 St. Clair Avenue West of a third party wall sign exceeding a sign face area of 20.0 square metres;
- 3. The Sign Variance Committee **refuse** the variance requested from §694-26.B.(1)(b) to allow the issuance of a sign permit authorizing the erection and display on the westerly wall of the building municipally known as 1 St. Clair Avenue West of a third party wall sign exceeding a height of 15.0 metres; and
- 4. The Sign Variance Committee **refuse** the variance requested from §694-26.D. to allow the issuance of a sign permit authorizing the erection and display on the westerly wall of the building municipally known as 1 St. Clair Avenue West of a third party wall sign within 100.0 metres of another third party wall sign.

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:

- A completed Sign Variance Application Form;
- A "Surveyor's Real Property Report," prepared by Speight, Van Nostrand & Gibson Limited and dated October 26, 1999;
- A "West Elevation" of the existing building; and
- A photographic rendering with affixing details of the proposed third party wall sign.

Site Context

The existing office building at 1 St. Clair Avenue West is located at the south-westerly corner of St. Clair Avenue West and Yonge Street in the CR-Commercial Residential sign district. The proposal is to erect and display one (1) third party non-illuminated wall sign, on the westerly elevation of said building. The proposed sign is 4.57 metres wide and 9.14 metres high with a sign face area of 41.77 square metres. The sign would be erected at a height of approximately 30.0 metres above grade. The entire area in and around this major intersection is located in the CR-Commercial Residential sign district consisting primarily of office towers, high-density residential condominiums and apartment buildings and grade level retail and service uses. Beyond the intersection, the land use is predominately low-density residential and parkland.

The property is bounded to the immediate north by St. Clair Avenue West and an office building beyond, to the immediate east by Yonge Street and an office building beyond, to the west are a series of restaurant and retail operations housed inside of one and two storey buildings, finally, to the immediate south are three storey buildings containing at-grade retail and residential apartments above.

An aerial view of the property and associated street images are provided as Attachment 2 to this report.

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 area surrounding the intersection of Yonge Street and St. Clair Avenue from Bathurst Street to the west to Inglewood Drive to the east and from Merton Street to the north to Birch Avenue to the south is an area which restricts third party signs. This current provision was carried over from the legacy sign by-law of the former City of Toronto (Chapter 297 of the former City of Toronto Municipal Code). Presently there is only one third party sign in this restricted site-specific area and it is believed that that particular sign dates back to the 1950's or 1960's. The third party sign area restriction has been established, in part, to protect and promote the high quality design of the existing streetscape and the existing neighbourhoods in the area and to further promote the urban design principles respecting pedestrianism, landscaping and the distinctive built form which characterizes the area.

The area of the sign face on the proposed third party wall sign is 41.77 square metres – more than twice the size of the required sign face area of a third party sign as provided for in Chapter 694. The applicant has not provided a rationale nor a commentary to explain the discrepancy between what is proposed and what is otherwise permitted. The standard size of a third party sign (advertising billboard) is 10' x 20' if the sign is displayed horizontally and 12' x 18' if the sign is displayed vertically. This standardized sign size makes advertising billboards among the largest signs permitted through the new sign regulations provided for in Chapter 694 and also among the largest signs existing in the community.

The properties to the west of the location of the proposed third party wall sign contain buildings which are generally one and two storeys in height or approximately three to seven metres. The maximum height of a third party wall sign is limited to 15.0 metres or approximately five storeys. Nothing would preclude the proposed third party wall sign from being erected within the required height as prescribed for in Chapter 694 rather than erected at a height of 30.0 metres. Further, the applicant has not provided a rationale nor a commentary to explain the discrepancy between what is proposed and what is otherwise permitted.

The proposed third party wall sign is intended to be erected approximately 90.0 metres away from an existing third party roof sign located north of St. Clair Avenue West on the west side of Yonge Street (see Attachment 3). §694-26.D. of Chapter 694 requires that third party signs be separated by a distance of 100.0 metres from each other. The intent of the separation distance is to avoid sign clutter. Along with the legacy restrictions on third party advertising in the St. Clair Avenue West area (as described above) and the proximity of the proposed third party wall sign to the existing third party roof sign, the applicant has not provided a rationale nor a commentary providing the physical circumstances pertaining to the site whereby compliance with this provision of Chapter 694 cannot be obtained.

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 premises has been improved with a 12 storey office building constructed of pre-cast and poured-in-place concrete. The building dates back to the 1960's. The building is prominently located at the south-westerly intersection of Yonge Street and St. Clair Avenue West with a branch of a major financial institution occupying the whole of the ground floor. Along three elevations (northerly, easterly and southerly) the pre-cast concrete panels form a vibrant architectural appeal enhancing the prominent intersection and complimenting the neighbouring office buildings at the other corners of the intersection. The westerly elevation, constructed of poured-in-place concrete would receive the proposed third party wall sign and it is anticipated that the third party wall sign will partially cover a "blank wall" condition of the building. The applicant has not provided a rationale nor a commentary to explain how the proposed third party wall sign is consistent with the architecture of the building and the development of the property.

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 premises is located within the Yonge-St. Clair Secondary Plan area. The purpose of the plan is to:

- Protect, promote and enhance the existing type, and quality of *Neighbourhoods* and *Apartment Neighbourhoods* and maintain their stability;
- Require that redevelopment in the *Mixed Use Areas* on Yonge Street and St. Clair Avenue is compatible with the maintenance of adjacent *Neighbourhoods* and *Apartment Neighbourhoods* and improves Yonge Street and St. Clair Avenue as public spaces;
- Retain, protect and enhance the special physical character and public spaces of the Yonge-St. Clair Secondary Plan area; and
- Ensure that new development meets high urban design standards which contribute to achieving public areas which are attractive, inviting, comfortable and safe.

As previously mentioned, through the adoption of a Secondary Plan for the area, site-specific restrictions were established to promote and maintain the area's unique character which included restrictions on third party signs.

Conclusion: It is the Chief Building Official's opinion that it has NOT 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

Any third party sign, in addition to the pre-existing roof sign located on the west side of Yonge Street north of St. Clair Avenue, in an area that is otherwise absent of third party signs would have a substantial impact on the area. The site-specific restriction found in Chapter 694 was included to ensure the maintenance and promotion of distinct areas throughout the City (i.e. the area in and around historic Fort York, the Secondary Plan area for downtown North York and the area along Queen Street East in the Beaches neighbourhood of Toronto). This distinction is manifested by the absence of third party signs.

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

(5) Adverse affect on adjacent properties

As mentioned immediately above, the adverse impact on adjacent properties appears to be quite obvious. Providing third party signage in an area that generally does not contain third party signage would upset a spirit which has been vigorously established for some time.

<u>Conclusion:</u> 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

The proposed non-illuminated third party wall sign will require both a building permit and a sign permit to be erected. This requirement and approval ensures that the erection methodology is consistent with the Ontario Building Code, which ultimately ensures public safety. Further, the sign is intended to display static copy, be non-illuminated and is substantially removed from the busy intersection of Yonge Street and St. Clair Avenue.

<u>Conclusion:</u> It is the Chief Building Official's opinion that it has 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 proposal is in compliance with the City's Private Tree Protection By-law and the proponent also intends to not illuminate the sign.

Conclusion: It is the Chief Building Official's opinion that it has 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.

CONCLUSIONS

In consideration of the four separate variances requested to Chapter 694, Signs, General, to erect and display one (1) non-illuminated third party wall sign on the west elevation of the existing office building at 1 St. Clair Avenue West as described, it has not been established that the sign is in compliance with all of the criteria. Further, previous attempts, through the legacy approval processes, have been made to erect and display third party signs in the area and these attempts were neither supported by staff nor approved by City Council. 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

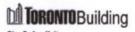
SIGNATURE

Ted Van Vliet
Manager, Sign By-law Unit

ATTACHMENTS

- 1. Applicant's Submission Package
- 2. Aerial View of Subject Property and Associated Street Images
- 3. Street Image of Existing Third Party Roof Sign (North of Proposed Sign)
- 4. Excerpt Sign District Map





Sign Variance Application

	quiries Dial 311 utside the City of Toro	into (416) 392-CITY (2489)		Request Date Politic Folder No. 7588				
Sign	Location							
Street No.		ENUE WEST	Let No. 21	Plan No. 63R-2379				
Describe	the variance being applied i		12					
TOINST	ALL A NON-ILLUMINATED	SIGN 41.8 SQUARE METRES ON	THE WEST ELEVATION FACING AW	VAY FROM YONGE STREET.				
fit is an a	application for a variance for	r the issuance of a permit required	for the modification or restoration of an	existing sign, please provide the following:				
xisting s	sign dimension		Location:					
Yease pr	rovide the reasons/justification	on for the request (Attach any supp	orting documentation or additional page	es as required):				
THE BY-	LAW DOES NOT PERMIT	SIGNS WITHIN 100 METRES OF	YONGE STREET BETWEEN BIRCH A	ND MERTON BUT THIS SIGN FACES AWAY FROM YONGE STREET.				
	out. Ourse Infor	mation						
ast Nam	erty Owner Infor	mation	First Name	First Name				
ABER			MARK	Area Code and Telephone No.				
ST CL	Name (f applicable) AIR INVESTMENTS I	NC		(416) 513-0360				
ST C	& Name LAIR AVENUE WEST		Apt./Jmit No. 300	Area Code and Mobile / Pager No.				
TORON	NTO	Province ON	Postal Code M4V 1K6	Area Code and Fax No. (416) 513-0358				
-mail ad	ldress.							
Attac	hments Require	d						
	Sign Variance Data S	Sheet						
	Copies of any suppo							
	All necessary plans	and specifications required t	o verify the nature of the Sign B	By-law Variance(s) requested				
Appli	cant's Declaration	on and Information						
	ast Name KENNY			First Name PAUL				
ō	Company Name (if applicable) ID INC		PAGE	Area Code and Telephone No. (415) 954-7561				
	- Street No. and Name		Apt./Unit No. 501	Area Code and Mobile / Pager No. (416) 618-6609				
C	TORONTO	Province ON	Postal Code M4V 2Y3	Area Code and Fax No.				
e-mail ax	ddress lentadvert.com		1					
	reby declare the	following						

which is an authorized agent of the owner.

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

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

Applicant's Signature

PAUL KENNY Sept 15/10

The personal information on this form is collected under the authority of ss. 8 and 110 of the City of Toronto Act, 2006, and Chapter 694, Signs, General, of the City of Toronto Musicipal 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 and 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, Taxatian, Third Party Sign Tax, and any other applicable sign by-law of the City of Toronto, and contacting permit holder(s) or authorized agent(s). Questions about this collection may be referred to the Manager, Sign By-law Unit, at Toronto, Building, City Hall, 100 Queen St W, 12* Floor, East Tower, Toronto, ON, MSH 2N2, Telephone: 416-392-8000 \$1500000

June 24, 2010



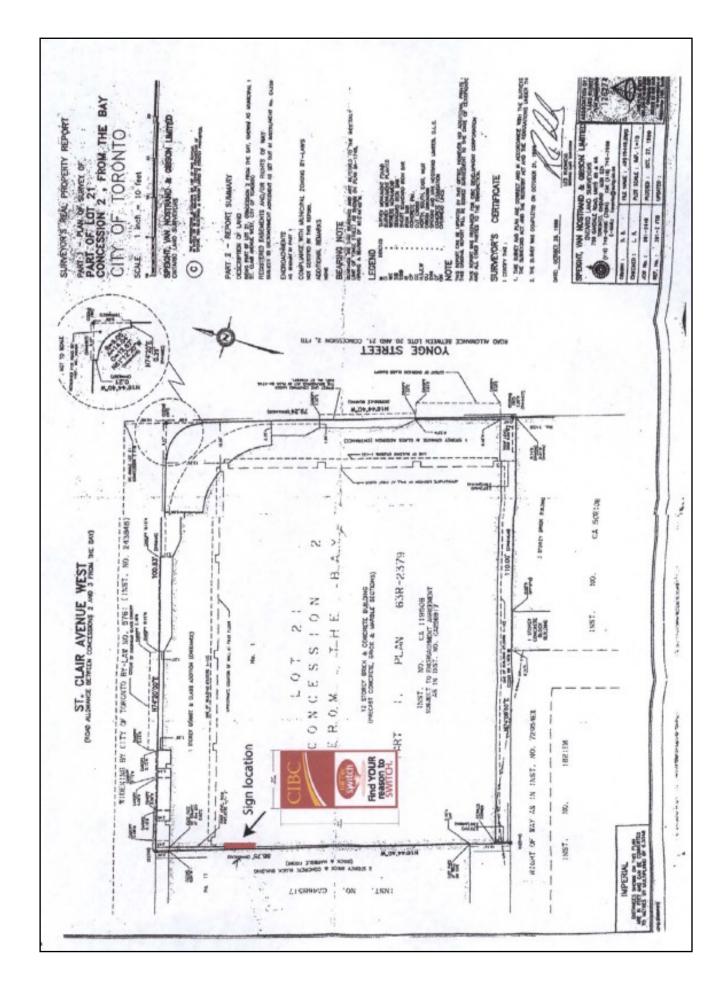
Sign Variance Data Sheet

For Enquiries Dial 311

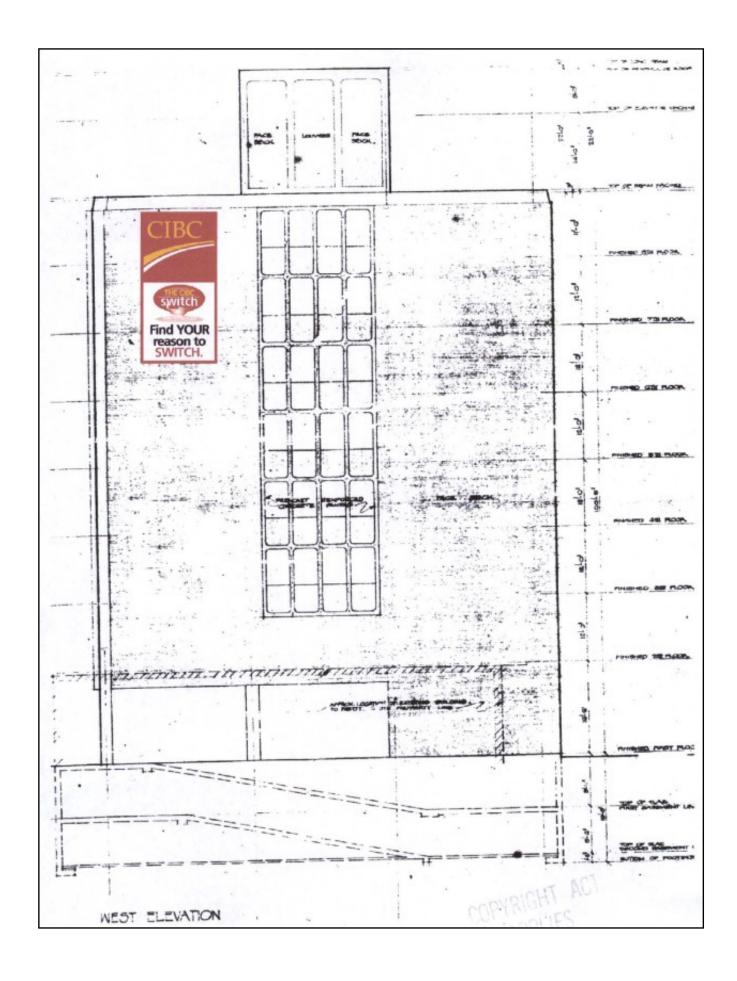
From Outside the City of Toronto (416) 392-CITY (2489)

Request Date	9	10	Folder No.
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This data sheet forms part of an application for a Variance From Chapter 694 of the Toronto Municipal Code, Signs Sign Location Street Name ST CLAIR AVENUE WEST Lot No. 63R-2379 Site and Building Data Lot Area: 742.00 Lot Depth: 24.15 Lot Frontage: 30.73 Date of Construction of Building(s) if known: 01/01/1980 Number of Buildings on the lot. 1 Building Height(s): 38.00 Number of Storeys: 12 Building(s) Gross Floor Area Building Use(s): COMMERCIAL Site Context Please describe the land uses, buildings and sign districts surrounding the proposal (use additional pages if necessary): South East Proposal Please describe in detail what is being proposed (use additional pages if necessary): INSTALL A NON-ILLUMINATED SIGN 41.8 SQUARE METRES ON WEST WALL FACING AWAY FROM YONGE STREET Rationale Decisions for all Sign Variance Applications are evaluated against criteria listed in Toronto Municipal Code Chapter 694-30 A, The criteria are that the variance: Is warranted based on physical circumstances applicable to the property or premises;
 Is consistent with the architecture of the building or development of the property, Is consistent with buildings and other features of proporties or premises within 120 metres of the location of the proposed sign; Will not after the essential character of the area;
 Will not adversely affect adjacent properties; · Will not adversely affect public safety; Is, in the opinion of the decision maker, not contrary to the public interest; Is of a sign class or a sign type that is permitted in the sign district where the premises is located; and,
 Is not expressly prohibited by Subsection 694-158. Please describe in detail how the proposal satisfies each of the criteria listed above (use additional pages if necessary): SIGN IS IN SCARE WITH ITS 17-11= 12 B ILLUMINATED THAT IS INTENDED



ID Inc. – 4 Third Party Sign Variances – Westerly-facing Building Wall at 1 St. Clair Avenue West



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AERIAL VIEW OF SUBJECT PROPERTY AND ASSOCIATED STREET IMAGES	



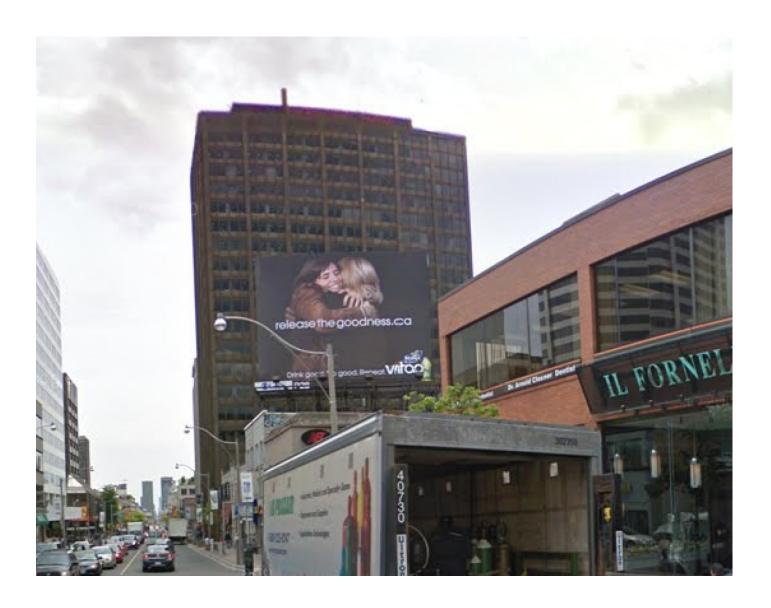


STREET VIEW LOOKING WEST (†) AND LOOKING EAST (\downarrow)



ID Inc. – 4 Third Party Sign Variances – Westerly-facing Building Wall at 1 St. Clair Avenue West

STREET IMAGE OF EXISTING THIRD PARTY ROOF SIGN (NORTH OF PROPOSED SIGN)



EXCERPT - SIGN DISTRICT MAP

