



## STAFF REPORT THIRD PARTY SIGN VARIANCE

### Application by Juxta Inc. for Three (3) Third Party Sign Variances With Respect to a Third Party Sign Proposal on the Westerly-facing Wall of an Existing Building at 146 Bloor Street West

<b>Date:</b>	October 4, 2010
<b>Ward:</b>	Ward 27 – Toronto Centre-Rosedale
<b>File No.:</b>	TP-10-00004
<b>IBMS File No.:</b>	10-252586

#### **PURPOSE OF THE APPLICATION**

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To obtain three separate variances to Chapter 694, Signs, General, required to allow Juxta 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 Plan 289 Part Lot 1 RP 66R12923 Parts 1 to 8, and known municipally as 146 Bloor Street 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 23.32 metres, and contains only one sign face, said sign face being 3.5 metres wide by 13.86 metres high for a sign face area of 48.51 square metres, and displaying static sign copy.

## REQUESTED VARIANCES

SECTION	REQUIREMENT	PROPOSAL
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 48.51 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 23.32 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 30.0 metres away from an existing third party wall sign located immediately across Bloor Street West, on the south side.

## RECOMMENDATIONS

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

1. 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 146 Bloor Street West of a third party wall sign exceeding a sign face area of 20.0 square metres;
2. 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 146 Bloor Street West of a third party wall sign exceeding a height of 15.0 metres; and
3. 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 146 Bloor Street 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 March 6, 2009;
- A computer rendered sketch of the west-facing building wall;
- A promotional movie poster;
- A building permit placard (Permit #: 03-115145)
- A photographic rendering of the proposed third party wall sign;
- A photograph of the ground floor retail store at 146 Bloor Street West; and
- A promotional movie poster.

## Site Context

The existing eight storey building (29.8 metres tall) at 146 Bloor Street West is located on the north side of Bloor Street West between Avenue Road and Bay 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 3.5 metres wide and 13.86 metres high with a sign face area of 48.51 square metres. The sign would be erected at a height of 23.32 metres. The area in and around the subject premises is located in the CR-Commercial Residential sign district consisting of mixed uses including office, residential, retail and service uses. Beyond Bloor Street to the south is the University of Toronto, located in the I-Institutional sign district.

The property is bounded to the immediate north by Cumberland Street and the former Village of Yorkville, to the immediate west by a large office building, the former Four Seasons Hotel, the Church of the Redeemer and Avenue Road, to the immediate east sits the former University Theatre and to the immediate south is Bloor Street West, The Lillian Massey Building, a large office building and the Collonade.

An aerial view of the property is 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 of the sign face on the proposed third party wall sign is 48.51 square metres – approximately two-and-a-half times the size of the maximum permitted 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 building immediately west of the location of the proposed third party wall sign contains a two-storey podium which, due to the nature of the built form, could accommodate views of the proposed sign if it were erected at a height commensurate with the regulations. 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 23.32 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 30.0 metres away from an existing third party wall sign located on the south side of Bloor 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. 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 an eight storey office and retail building. The building dates back to the 1950's. The building is located on the portion of Bloor Street West that is often categorized as a tony shopping district. The ground floor of the building is occupied by a "Burberry" store. 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*

In nearby proximity to the subject premises and along this portion of Bloor Street West there are other third party signs. Immediately across from the proposed location is a large vinyl appliqué erected along the front façade of the second and third storeys of an existing office and retail building (see Attachment 3). Further east on Bloor Street, at Yonge Street, there are a series of roof signs erected on the top of the "Stollerys" building. Just west on Bay Street, on the south side, there is an easterly-facing rooftop billboard and further west along Bloor Street, between Avenue Road and Spadina Avenue, there are additional third party signs.

The University of Toronto's St. George's Campus occupies the vast majority of the lands south of the subject premises. The campus contains many buildings of both architectural and historical significance. As well, the area around the intersection of Avenue Road and Bloor Street is an area of cultural significance. The Royal Ontario Museum, the Bata Shoe Museum, the Royal Conservatory of Music and the Gardiner Museum of Ceramic Art are all located within close proximity of the subject premises where the proposed third party sign is to be located.

Bloor Street, through the joint efforts of the City of Toronto and the Bloor Yorkville Business Improvement Area, is in the midst of a transformation exercise intended to "...re-invigorate the corridor of Bloor Street between Church Street and Avenue Road." The construction project "...seeks to beautify and completely revamp Bloor-Yorkville's beloved fashion mile through:

- Extensive tree plantings in innovative and sustainable soil cell systems;
- Widened granite sidewalks;
- Seasonal flowerbeds; and
- Attractive up-lighting for each tree."

“The new Bloor Street design, created by Peter Clewes of Architects Alliance, intends to make the already popular shopping district a world-class and welcoming place to see and be seen.”<sup>1</sup>

The applicant has not provided a rationale nor a commentary to explain how the proposed third party wall sign is consistent with buildings and other features of properties or premises within 120 metres.

**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*

Although there are third party signs located in and around the subject premises, the area is intensively academic, culturally significant and pedestrian in nature. Additional third party signs in the area would increase sign clutter and potentially alter the efforts made to realize the whole of the area as a significant and important public space.

**Conclusion: 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*

In line with the previous established criteria, the adjacent properties would be affected adversely. Furthermore, the Applicant has not provided a rationale nor a commentary to explain how the proposed third party wall would not adversely affect 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*

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 Bloor Street West and Avenue Road.

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

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<sup>1</sup> Bloor Street Project website: <http://www.bloor-yorkville.com/Bloor-Street-Project.aspx>; accessed October 4, 2010

(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 establishment of a city with beautiful, comfortable, safe and attractive streets (the Beautiful City principle). Additional third party signage in an area passionately focused on improving the public realm (through the efforts of the BIA and the City of Toronto)

**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 three 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 146 Bloor Street West as described, it has not been established that the sign is in compliance with all of the 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](mailto:rbader@toronto.ca)

## **SIGNATURE**

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Ted Van Vliet  
Manager, Sign By-law Unit

## **ATTACHMENTS**

1. Applicant's Submission Package
2. Aerial View of Subject Property
3. Street Image of Existing Third Party Wall Sign (South of Proposed Sign)
4. Excerpt – Sign District Map

**APPLICANT'S SUBMISSION PACKAGE**

Sign By-law Unit

For Enquiries Dial 311  
From Outside the City of Toronto (416) 363-CITY (3489)

Request Date	Folder No.
3 City	10 252586 354
9 Month	
2010 Year	

**Sign Location**

Street No. 146	Street Name BLOOR STREET WEST	Lot No. PT. OF LOT 1 ON PLAN 289 YORK	Plan No. PTS. 1-6 ON RF PLAN 668 - 12823
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Describe the variance being applied for:

MODIFY EXISTING PERMIT 02 110146 SIGN 02 SF FROM 15F TO 2ND PARTY

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:

Existing sign dimension 3.5 M WIDTH X 13.85 M HEIGHT	Location BLOOR STREET WEST - SIDE WALL
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Please provide the reasons/justification for the request (Attach any supporting documentation or additional pages as required):

OR SIGN DISTRICT - APPROPRIATE TO HERITAGE CONTEXT AND SECONDARY PLAN - SIGN COMPANY IN GOOD STANDING - COMMUNITY SUPPORTED - BA SUPPORTED

**Property Owner Information**

Last Name ALI	First Name SHAZAN
Company Name (if applicable) EMTWO PROPERTIES INC. - PROPERTY MANAGER PER 1640156 ONTARIO INC.	Area Code and Telephone No. (416) 609-9900
Street No. and Name 8 ADELAIDE ST. EAST	Appl./Unit No. SUITE 700
City TORONTO	Province ON
Postal Code M5C 1H6	Area Code and Fax No. (416) 364-6613
Email address:	

**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**

Last Name LITTLE	First Name JOHN
Company Name (if applicable) JUXTA INC.	Area Code and Telephone No. (416) 815-0555
Street No. and Name 409 FRONT ST. EAST	Appl./Unit No.
City TORONTO	Province ON
Postal Code M5A 1G9	Area Code and Fax No. (416) 815-8100
Email address: JUXTASYPHATIC@CA	

**do hereby declare the following:**

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 JUXTA INC., 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.



**JUXTA PRODUCTIONS**  
 A Division of Juxta Inc.  
 409 FRONT STREET EAST  
 TORONTO ONTARIO  
 M5A 1G9

**03 SEPT. 2010**  
 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 604, Signs, General, of the City of Toronto Municipal Code, and will be used specifically for the purposes of maintaining a record as stated in the general public concerning signs and permit information, evaluation of applications made under Chapter 604, Signs, General, issuance, denial and revocation of permits under Chapter 604, Signs, General, processing applications for variances from and amendments to Chapter 604, Signs, General, creating aggregate statistical reports, enforcement of City of Toronto Municipal Code Chapter 604, Signs, General, Chapter 771, Taxation, 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<sup>th</sup> Floor, East Tower, Toronto, ON, M5H 2K2, telephone 416-392-8000.

For Enquiries Dial 311  
 From Outside the City of Toronto (416) 392-CITY (2469)

Request Date			Folder No.
3 Dec	6 Month	2010 Year	10 252 586 250

This data sheet forms part of an application for a Variance From Chapter 694 of the Toronto Municipal Code, Signs

### Sign Location

Street No. 146	Street Name BLOOR STREET WEST	Lot No. PT. OF LOT 1 ON PLAN 289 YORK	Plan No. PTS. 1-3 ON RF PLAN 66R - 12923
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### Site and Building Data

Lot Area: 1,530.50	Lot Frontage: 18.50	Lot Depth: 82.73
Number of Buildings on the lot: 1	Date of Construction of Building(s) if known: 01/01/1954	
Building Height: 32.50	Number of Storeys: 7	Building(s) Gross Floor Area: 6,860.50
Building Use(s): SEVEN STOREY OFFICE BUILDING RETAIL USES AT GRADE		

### Site Context

Please describe the land uses, buildings and sign districts surrounding the proposal (use additional pages if necessary):

**North:** CLIMBERLAND THEATRE, FOUR SEASONS, HAZLETON HOTEL, SASSAPRAZ, DIESEL, HARRY ROSEN, ROOTS

**South:** BURBERRY, PRADA, CARTIER, LACOSTE, CHANEL, ELIZABETH BADER THEATRE, ONTARIO ARTS COUNCIL, THEATRE BOOKS, WINDSOR ARMS HOTEL

**East:** SAICO, BANG & OLUFSEN, POTTERY BARN (FORMER UNIVERSITY THEATRE), MANULIFE THEATRE, 20TH CENTURY FOX, MAPLE PICTURES, ALLIANCE ATLANTIS

**West:** HSBC, CHURCH OF THE REDDEMER, PARK HYATT, ROYAL ONTARIO MUSEUM, INSTITUTE FOR CONTEMPORARY CULTURE, ROYAL CONSERVATORY OF MUSIC

### Proposal

Please describe in detail what is being proposed (use additional pages if necessary):

OPERATE BEST IN CLASS WALL SIGN SUPPORTING FILM, THEATRE, COMMUNITY, 3RD PARTY & ETC.

### Rationale

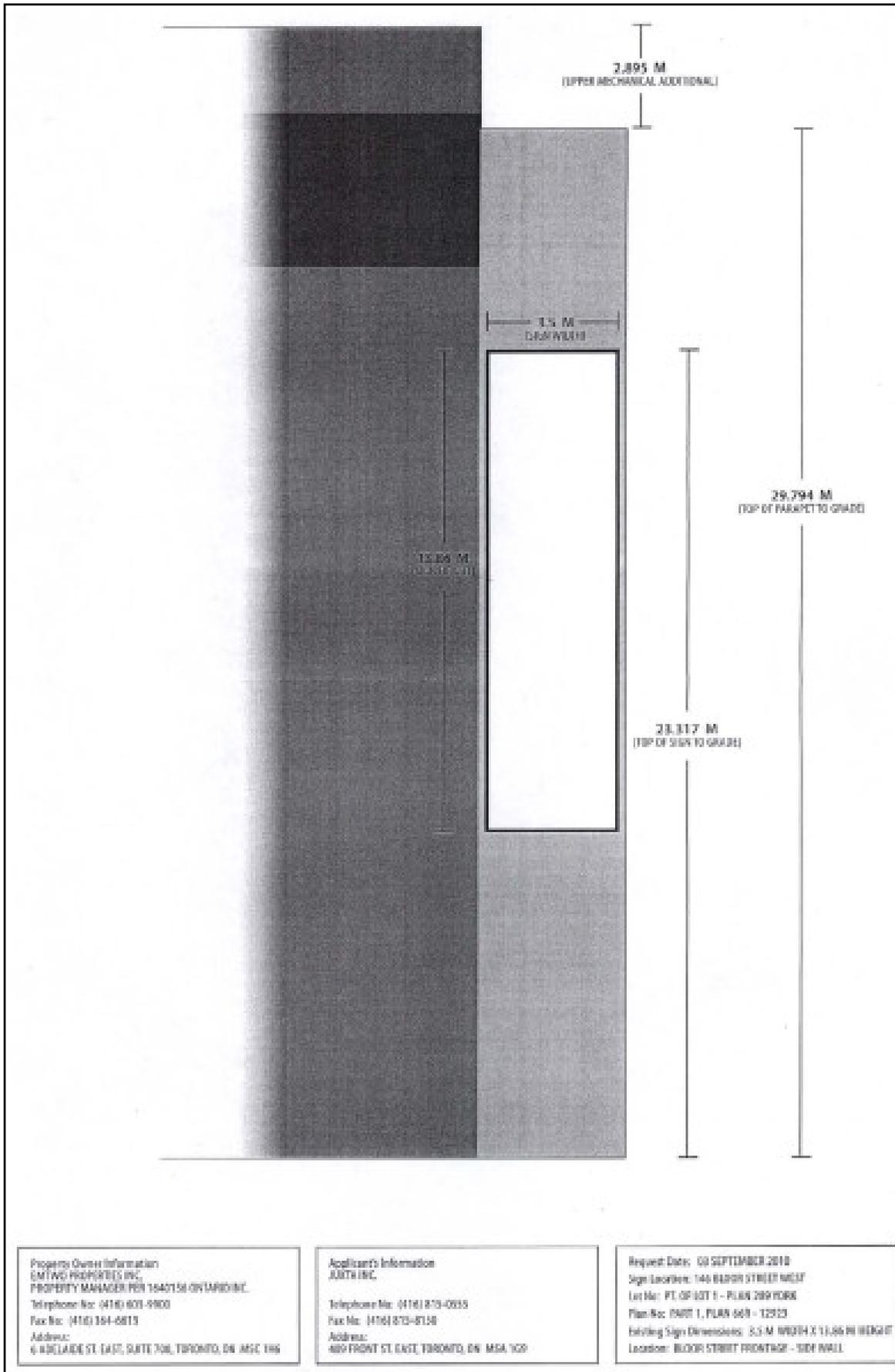
Decisions for all Sign Variance Applications are evaluated against criteria listed in Toronto Municipal Code Chapter 694-30 A. The criteria are that the variance:

- 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 properties or premises within 100 metres of the location of the proposed sign;
- will not alter 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):

PLEASE SEE ATTACHED RATIONALE





Juxta Inc. – 3 Third Party Sign Variances – Westerly-facing Building Wall at 146 Bloor Street West



Juxta Inc. – 3 Third Party Sign Variances – Westerly-facing Building Wall at 146 Bloor Street West



South District

Urban Development Services

South District  
100 Queen Street West  
Toronto, Ont. M5H 2N2  
Tel: (416) 392-1000  
Fax: (416) 392-1000

# BUILDING PERMIT

This card must be kept posted in a conspicuous place on the site of construction.

03 115145 SGN 00 SP

Site address 146 BLOOR ST W

Project description Sign Permit, 3

Date issued Friday March 21, 2003

**Anna Borooah**  
Chief Building Official

**James Laughlin**  
Deputy Chief Building Official

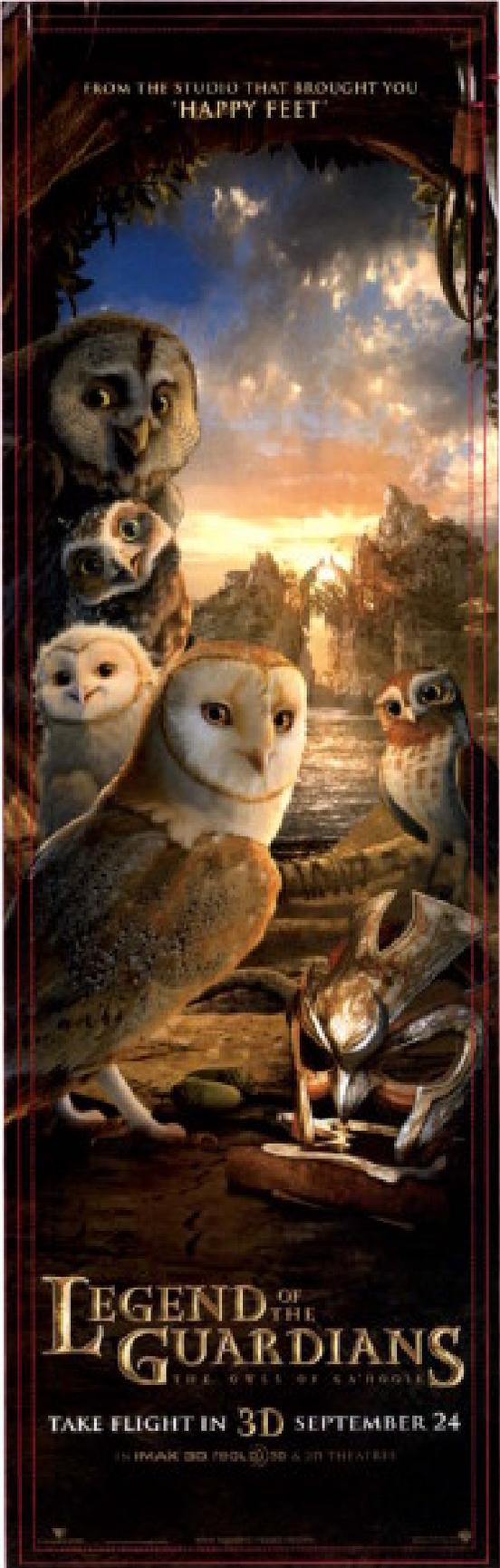


Juxta Inc. – 3 Third Party Sign Variances – Westerly-facing Building Wall at 146 Bloor Street West



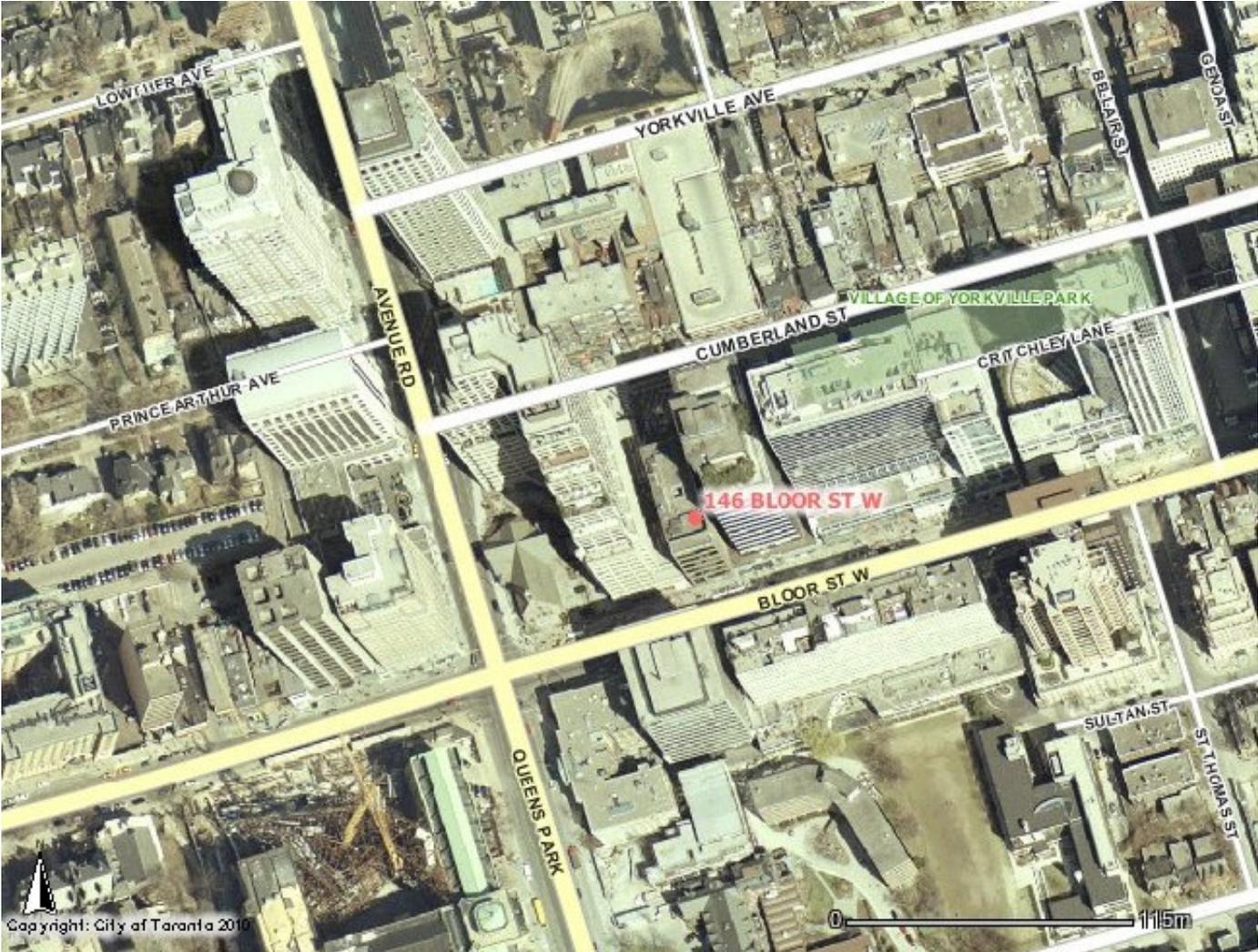
Juxta Inc. – 3 Third Party Sign Variances – Westerly-facing Building Wall at 146 Bloor Street West

# JUXTA BOARD



Juxta Inc. – 3 Third Party Sign Variances – Westerly-facing Building Wall at 146 Bloor Street West

**AERIAL VIEW OF SUBJECT PROPERTY**



Juxta Inc. – 3 Third Party Sign Variances – Westerly-facing Building Wall at 146 Bloor Street West

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



# EXCERPT – SIGN DISTRICT MAP

