



**STAFF REPORT
FIRST PARTY SIGN VARIANCE**

Appeal by Pattison Sign Group of the Decision of the Chief Building Official for One First Party Sign Variance With Respect to a First Party Sign Proposal on the Easterly-facing Wall of an Existing Building at 108 Chestnut Street

Date:	October 12, 2010
Ward:	Ward 27 – Toronto Centre-Rosedale
File No.:	FP-10-00025
IBMS File No.:	10-221982

PURPOSE OF THE APPEAL

To appeal the decision of the Chief Building Official refusing the variance requested in the first party sign variance application to obtain a variance to Chapter 694, Signs, General, required to allow Pattison Sign Group to make an application for a sign permit to, in conjunction with the existing hotel use, allow for the erection and display of one illuminated wall (fascia) sign, 11.2 square metres in sign face area, approximately 12.9 metres in height from grade, on the second storey easterly-facing building wall in association with an ancillary restaurant use, and displaying “Lai Wah Heen”.

REQUESTED VARIANCES

SECTION	REQUIREMENT	PROPOSAL
694-26. F. (1) & 297-10. D. (5)(e)	A wall (fascia) sign is permitted provided it is not located above the second floor or ten (10) metres above grade.	The proposed wall (fascia) sign is located approximately 12.9 metres above grade.

RECOMMENDATIONS

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

1. The Sign Variance Committee **refuse** the variance requested from §694-26. F. (1) & 297-10. D. (5)(e) to allow the issuance of a sign permit authorizing the erection and display on the easterly wall of the building municipally known as 108 Chestnut Street a first party wall sign exceeding a height of 10.0 metres.

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 first party sign variance applications to the Chief Building Official and in the event of an appeal of the decision of the Chief Building Official, to the Sign Variance Committee. As such, this report outlines the position of the Chief Building Official concerning whether the proposed variance meet the criteria established in § 694-30A. to permit the granting of a variance. It is the Chief Building Official's position, as previously provided in the decision rendered on August 31, 2010, that the proposed variance does not 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 rudimentary Site Plan prepared by Neon Products and dated January 3, 1995;
- A photographic elevation and a photographic rendering of the restaurant portion of the easterly-facing building wall; and
- Building Elevations describing the north and east elevation of the Metropolitan Hotel Renovation Second Floor Expansion, dated April 11, 1995.

Site Context

The existing hotel building at 108 Chestnut Street is located on the west side of Chestnut Street south of Dundas Street West and north of City Hall, Osgoode Hall and the Provincial Courthouses. The premises is located in the City Hall Nathan Phillips Square Special Sign District (CHNPS-SSD) (see Attachment 2). To the immediate east, across Chestnut Street is a new mixed-use residential condominium building occupying the majority of the block. Immediately south of the premises is a commercial parking lot. To the north are two and

three-storey retail and restaurant buildings, fronting both Chestnut Street and Dundas Street West. West of the premises is a mixed-use residential apartment building, similar in scale and architectural style to the subject building.

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.*

In support of the decision respecting the first party sign variance application, 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 first party wall sign is proposed to be erected and displayed on the uppermost portion at the second storey clerestory glazing of the restaurant addition on the existing 25 storey hotel building. The sign is proposed to be erected at a height of 12.9 metres where the maximum permissible height is 10.0 metres. The applicant states that the proposed sign can not be erected below 10.0 metres "...because of the building construction and glass windows." The rationale provided by the applicant is not compelling to support the proposed wall sign. The second storey restaurant addition was built in and around 1995 and the operation of the restaurant use for these past fifteen years has continued despite any signage displayed on the entire hotel building above a height of 5.0 metres.

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*

As mentioned above, there is no signage on the building erected above a height of 5.0 metres. The existing signage is generally restrained and consists of illuminated channel letters displayed on a weather canopy (or marquee) identifying the name of the hotel along with a series of non-illuminated signs displayed on fabric awnings identifying the ground floor hotel restaurant. The applicant states that the proposed wall sign is consistent with the architecture of the building because it is "...low key with opaque background and only copy illuminated." The rationale provided by the applicant is not compelling to support the proposed wall sign.

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*

Areas of Toronto where signs are a factor in setting the area's fundamental visual character in a manner that differentiates it from the other general sign districts with similar uses or development have been classified as Special Sign Districts. These areas contain exceptions from the general sign standards and are warranted based on a district-wide character related to the signs. In one type of Special Sign District the character of the area is created by the types, volumes and sizes of signs in the area. Examples of such areas include the vicinity of Yonge-Dundas Square or Chinatown. In other Special Sign Districts, the absence of signs is a key factor defining the area's visual character. To maintain this character and avoid any detrimental visual impact on these areas from signage, greater restriction on signs are required than apply in the general sign districts.

The subject premises falls within the CHNPS-SSD and as such explicit provisions pertaining to the height of signs have been established to maintain a subtle and consistent signage atmosphere in the public and official area around City Hall and Nathan Phillips Square. The intent is to not detract from the architectural merit and civic significance of City Hall and to mitigate visual impacts around the building and the square.

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*

As previously mentioned, the Sign By-law attempts to provide a consistent approach to signage in the district in and around City Hall and Nathan Phillip Square. The applicant states that the proposed sign "...will not alter the essential character of the area." The rationale provided by the applicant is not compelling to support the proposed wall sign.

The provisions established to maintain signs in the area to under 10.0 metres are established to provide a constant and regular "wall band" of signage and the provisions have been in place for decades. Furthermore, the consistent approach attempts to cultivate and improve the

pedestrian environment and humanize those signs that are displayed in this Special Sign District.

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*

The applicant states that the "...adjacent buildings will not be affected." The rationale provided by the applicant is not compelling to support the proposed wall sign. Immediately across the street is a residential condominium building with residential suites facing westerly, towards the sign. The expectation of these residents and suite owners is that there be no signage erected above a height of 10.0 metres.

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 first 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 only static copy.

Conclusion: 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 first 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 Chief Building Official making a decision 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 60 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 illumination requirements of Chapter 694 including:

- Terminating the sign’s illumination when a smog alert is in effect;
- Only illuminating the sign between the hours of 7 a.m. and 11 p.m, unless the restaurant is open beyond 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.

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 the CHNPS-SSD where first 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 variance requested to Chapter 694, Signs, General, to erect and display one (1) first party wall sign on the easterly elevation of the existing hotel building at 108 Chestnut Street 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 the requested variance.

CONTACT

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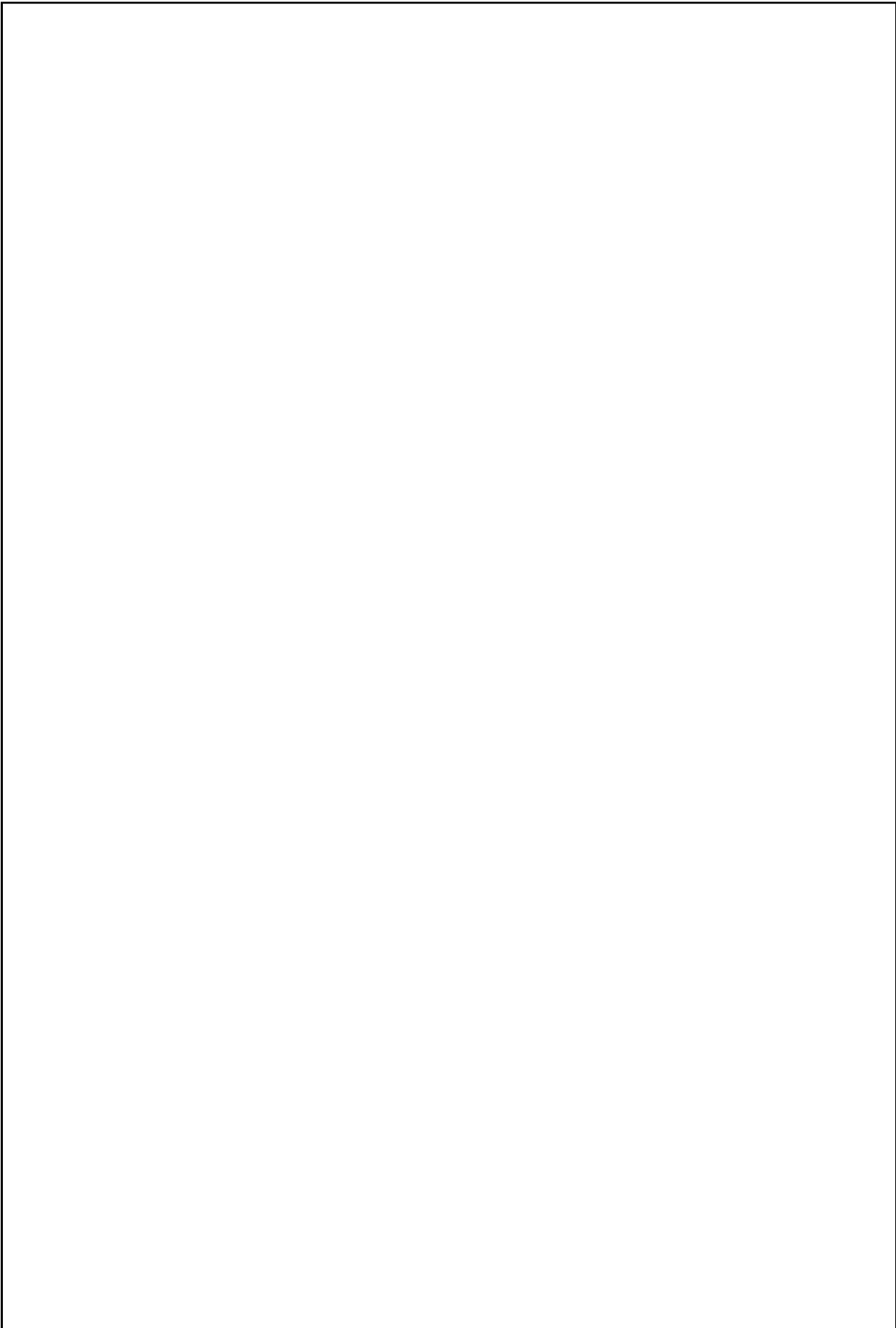
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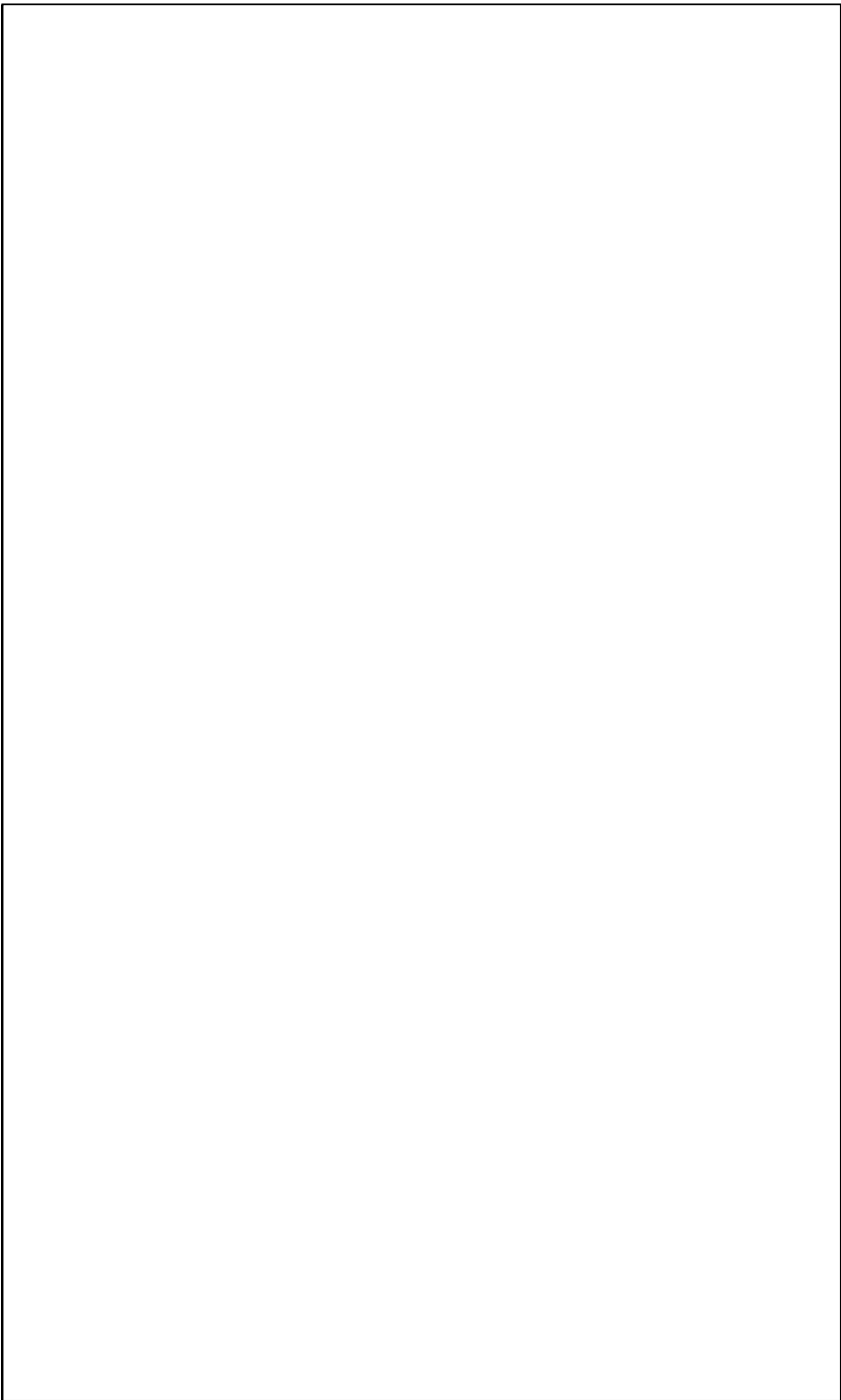
Ted Van Vliet
Manager, Sign By-law Unit

ATTACHMENTS

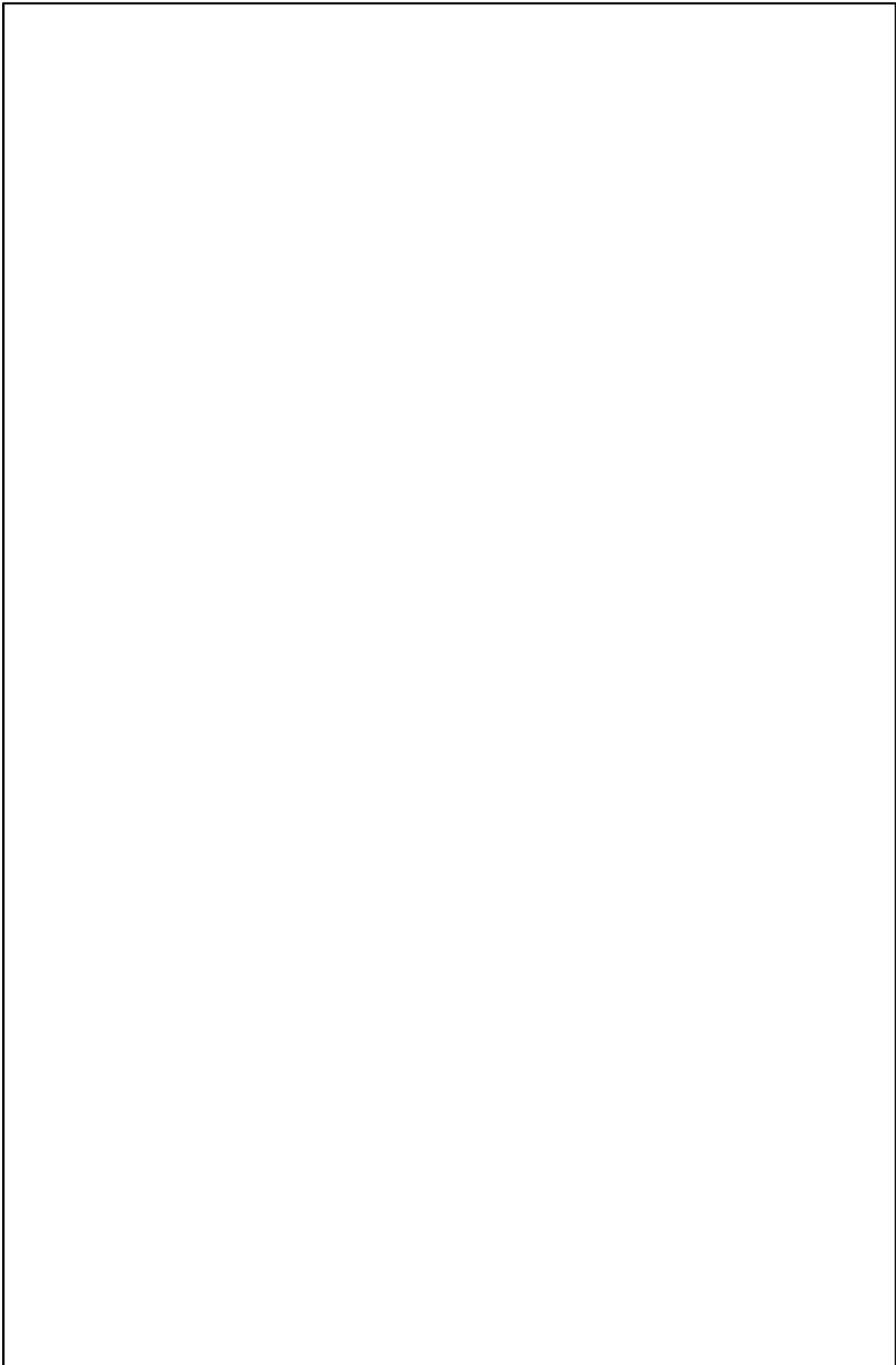
1. Applicant's Submission Package
2. Excerpt – Sign District Map

APPLICANT'S SUBMISSION PACKAGE





Appeal by Pattison Sign Group – 1 First Party Sign Variance – Easterly-facing Building Wall at 108 Chestnut Street



Appeal by Pattison Sign Group – 1 First Party Sign Variance – Easterly-facing Building Wall at 108 Chestnut Street

EXCERPT – SIGN DISTRICT MAP

