



STAFF REPORT FIRST PARTY SIGN VARIANCE

Appeal by Marie-Josée Therrien of the Decision of the Chief Building Official for Two Variances with Respect to Two First Party Wall Signs and One First Party Ground Sign on the premises at 222 Bay Street

Date:	November 29, 2011
To:	Chief Building Official and Executive Director, Toronto Building
From:	Manager, Sign By-law Unit
Ward:	Ward 28 – Toronto Centre-Rosedale
File No.:	FP-11-00148
IBMS File No.:	11-249787

PURPOSE OF THE APPLICATION

To appeal the decision of the Chief Building Official approving the variances requested to permit Ernst and Young to erect and display two illuminated wall signs (expressed as a logo or corporate symbol), each with static copy and each 19.43 metres wide by 2.6 metres long, at the northerly and southerly facing uppermost mechanical penthouse storey of the existing 32 storey office building commonly known as "Tower 5" of the Toronto Dominion Centre; and, one illuminated ground sign with static copy, containing five sign faces, each face 2.13 metres wide by 2.13 metres long, within an existing landscape planter-box, beside the banking pavilion fronting Bay Street.

REQUESTED VARIANCES

SECTION	REQUIREMENT	PROPOSAL
694-21.D (4)(e)	A wall sign displaying the logo or corporate symbol of a business located on the premises is permitted provided the sign face area shall not exceed 25 square metres.	Each of the two proposed wall signs are to be 50.52 square metres in sign face area.
694-21D (3) (e)	A ground sign is permitted provided it shall have no more than two sign faces.	The proposed ground sign contains five sign faces.

RECOMMENDATIONS

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

1. The Sign Variance Committee **approve** the variance requested from 694-21D(4)(e) to allow for each of the proposed wall signs to have a sign face area that exceeds 25 square metres.
2. The Sign Variance Committee **approve** the variance requested from 694-21D(3)(e) to allow for the proposed ground sign to have more than two sign faces.

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 September 21, 2011, that the proposed variances meet the mandatory criteria and should be approved.

Site Context

The 32-storey office building is located in Toronto's Financial District, on the west side of Bay Street, north of Wellington Street West and south of King Street West. The subject office building is surrounded by other high-rise office towers to the north, east, south, and west.

Established Criteria

In order to review, consider and make recommendations on sign variance applications, criteria to evaluate an application for a variance are 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) *The proposed signage is warranted based on the physical circumstances applicable to the property or premises*

The proposed wall signs are located on the north and south facing walls of the uppermost mechanical penthouse storey. Due to the height and overall dimensions of the building, the walls at this storey can easily accommodate a sign face area of 50.52 square metres. The building itself is 32 storeys high and having a wall sign that does not exceed 25 square metres on the uppermost mechanical penthouse storey would make any signage at the upper storeys seem out of scale and not clearly visible.

Conclusion: It is the Chief Building Official's opinion that it has been established that the proposed sign is warranted based on the physical circumstances applicable to the premises.

- (2) *The proposed signage is consistent with the architecture of the building or development of the property*

Despite being large, the two proposed wall signs are subtle in nature and do not overpower the look of the subject building due to the size of the building itself and the wall on which the signs are located. The proposed wall signs are consistent with the architecture of the building.

Each face of the proposed ground sign will consist of a black background with the company name written in white letters, making the proposed sign blend in well with other features of the subject property. The proposed ground sign does not stand out but is a subtle addition to the subject property.

Chapter 2 of Toronto's Official Plan refers to how a dynamic downtown is critical to the health of a city and the region that surrounds it. The Official Plan states that the "Downtown, with its dramatic skyline, is Toronto's image to the world and to itself: comfortable, cosmopolitan, urbane, and diverse. It is the oldest, densest and most complex part of the urban landscape, with a rich variety of building forms and activities."

The proposed wall signs will contribute to Toronto's skyline and enhance the image of a prosperous city.

Conclusion: It is the Chief Building Official's opinion that it has been established that the proposed sign is consistent with the architecture of the building or development of the property.

(3) The proposed signage is consistent with buildings and other features of properties or premises within 120 metres of the location of the proposed signage

Looking at adjacent properties, it is evident that there are many other office towers with signage placed at a similar location on the building and of a similar size as the two proposed wall signs. The proposed wall signs are consistent with buildings and other features of properties located in the immediate area.

The proposed ground sign seems to be the only ground sign with five sign faces in the immediate neighbourhood. However, the design and colours used for the proposed ground sign make it blend in with the architecture of adjacent properties.

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) The proposed signage will not alter the essential character of the area

The proposed wall signs are of a similar design to other signs located on the uppermost storey of other office towers in the area and therefore are in keeping with the essential character of the area.

The colours and design of the proposed ground sign allow it to blend in extremely well with other features of the subject property and with features and buildings located on adjacent properties. The proposed ground sign will 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) The proposed signage will not adversely affect adjacent properties

The subject property is located on Bay Street and is surrounded by office towers; there are no residential properties located to the north, south, east, or west of the subject property. As well, signs similar to those proposed here are commonplace in the downtown area and have never been reported as having an impact on any adjacent buildings or properties.

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

(6) The proposed signage will not adversely affect public safety

The two proposed wall signs are located on the mechanical penthouse of a 32 storey office tower; these signs will not be visible from street level and as a result are not expected to pose a hazard to public safety in any way.

The proposed ground sign is subtle and will consist of static copy, a black background, white letters, and blends in with the building located behind it. Therefore, is not expected that this sign will have an impact on driver or pedestrian safety.

Furthermore, the proposed wall signs and ground sign will require both a building permit and a sign permit to be erected. This approval ensures that the erection methodology is compliant with the requirements of the Ontario Building Code, which ultimately ensures public safety.

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

(7) The proposed signage is not contrary to the public interest

The sign variance application process in the 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 decision of the Chief Building Official and a written notice of the proposal is mailed out to 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.

As of the date of this report, there have been no comments or submissions made by the public.

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) The proposed signage is of a sign class or a sign type that is permitted in the sign district where the premises is located

The property is located in the CR – Commercial Residential sign district and a first party wall sign and first party ground sign identifying a business located on the premises is 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) The proposed signage is not expressly prohibited by subsection 694-15B

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 variances required to allow Ernst and Young to erect and display two first party wall signs at the northerly and southerly walls of the mechanical penthouse of an existing 32 storey office tower located on the premises and one illuminated ground sign fronting Bay Street, as described, it has been established that the proposal is in compliance with all of the criteria. Therefore, the Chief Building Official recommends that the Sign Variance Committee approve the requested variances.

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SIGNATURE



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