

ATTACHMENT 2:
STAFF REPORT



STAFF REPORT ACTION REQUIRED

Application by Strategic Outdoor for Three Variances with Respect to a Third Party Wall Sign Proposal on the Easterly Facing Wall of the Premises at 940 Queen Street West

Date:	October 31, 2011
Ward:	Ward 19 – Trinity-Spadina
File No.:	TP-11-00021
IBMS File No.:	11-241015

PURPOSE OF THE APPLICATION

This is an application by Strategic Media Outdoor for three variances to Chapter 694, Signs, General, in connection with a proposal to erect and display one illuminated third party wall sign with static copy on the easterly facing wall of an existing three storey mixed-use house-form building located at the property municipally known as 940 Queen Street West. The proposed third party wall sign is to be 4.57 metres wide by 4.57 metres long and at a height of approximately 9.11 metres. The proposed third party wall sign is intended to replace a previously approved non-illuminated mural sign for the purposes of advertising, having a sign face area of 21.16 square metres and located at an overall height of approximately 9.11 metres. The proposed third party wall sign will be:

- Illuminated;
- Not erected within 100.0 metres of other lawful third party signs;
- Erected within 30 metres of the intersection of a major street with another street;
- Erected within 30 metres of a R-Residential sign district and an OS-Open Space sign district;
- Not erected on a premise located within an area with site-specific area restrictions;
- The only third party sign located on the premise;
- At a height of approximately 9.11 metres, will contain only one sign face, said sign face measuring approximately 4.57 metres long by 4.57 metres wide, for a total sign face area of 20.88 square metres, and will display static copy.

REQUESTED VARIANCES

SECTION	REQUIREMENT	PROPOSAL
694-25A(1)(a)	A third party wall sign is permitted provided the sign face area shall not exceed 20.0 square metres.	The sign face area of the proposed third party wall sign will be 20.88 square metres.
694-25A(1)(d)	A third party wall sign is permitted provided the sign 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 will be located approximately 6.0 metres from the intersection of Shaw Street and Queen Street West.
694-25A(1)(e)	A third party wall sign is permitted provided the sign shall not be erected within 30.0 metres of any premise located within an R, RA, or OS sign district.	The proposed third party wall sign will be located approximately 20.0 metres from an R-Residential sign district, to the north and approximately 23.0 metres from an OS Open Space sign district, to the south.

RECOMMENDATIONS

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

1. The Sign Variance Committee **approve** the variance requested from §694-25A(1)(a) to allow the third party wall sign to exceed 20 square metres in sign face area;
2. The Sign Variance Committee **approve** the variance requested from §694-25A(1)(d) to allow the third party wall sign to be erected and displayed within 30 metres of the intersection of a major street with any other street;
3. The Sign Variance Committee **approve** the variance requested from §694-25A(1)(e) to allow the third party wall sign to be erected and displayed within 30 metres of a premise located within a R-Residential sign district and an OS-Open Space sign district.

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 set out in §694-30A to permit the granting of a variance. It is the Chief Building Official's position that all of the proposed three variances meet the criteria and should be approved.

Applicant's Submission

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

- A Sign Variance Application form, completed by the Applicant, signed and dated June 27, 2011;
- A "Rationale for Application" prepared by the Applicant;
- Elevation drawings of the easterly facing building wall of the subject premise showing the existing wall and the wall with the proposed third party sign, prepared by A. Karanxha; and
- A rendered photograph of the easterly facing building wall of the building on the subject premises showing the proposed third party wall sign.

Site Context

The subject property (refer to Attachment 2) is located in Ward 19 near the intersection of Queen Street West and Shaw Street. The subject property is located on Queen Street West between the major streets of Ossington Avenue to the west and Bathurst Street to the east within a CR-Commercial Residential sign district. This portion of Queen Street West is characterized by many two and three storey commercial-residential buildings with first storey commercial/retail uses and residential uses on the second and third storeys. There is also a very large institutional property on the south side of Queen Street West, commonly known as the Provincial Mental Health Facility or the Centre for Addiction and Mental Health (CAMH). Queen Street West is predominately commercial-residential, while there are residential properties on the minor streets near the proposed sign location and two parks in the vicinity.

The easterly facing elevation of 940 Queen Street West, on which the sign is proposed to be erected and displayed, faces the adjacent commercial property which contains a one storey building and Shaw Street beyond. To the east and west of the subject property are commercial-residential properties, while all the properties to the north of the subject property contain residential uses. To the south of the subject property there is a property containing a park and a very large property containing the aforementioned institutional use.

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.*

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 subject property is located within a CR-Commercial Residential sign district and third party wall signs are permitted in this sign district. Typically third party wall signs are common in these districts because they reflect the commercial retail and business nature of the area. Retail window displays, signs for the purposes of identification, signs for the purposes of advertising and signs for the purposes of promotion are all very prevalent since the majority of buildings in these areas have commercial/retail uses at the first storey.

This proposed third party wall sign will be erected and displayed on the easterly facing building wall which is currently bare and lacking aesthetic appeal. The Applicant claims that the proposed third party wall sign will contribute to the promotion and animation of this immediate area of the surrounding neighbourhood. One of the City's objectives to avoid the over-saturation and/or the proliferation of outdoor advertising, commonly known as "sign clutter" and since there are no other third party signs within 100 metres of the proposed location, the objective is achieved through this proposal.

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

As previously mentioned, the proposed third party wall sign will be erected and displayed on the easterly facing building wall which is currently constructed of aluminum cladding which is bare and lacking any aesthetic appeal. There are no significant architectural elements of any relevance that would be negatively affected by the proposed sign. Again, the Applicant claims that the wall sign will contribute to animating and enlivening the plain building wall and surrounding area.

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

The majority of properties within 120 metres of the subject location are within the CR-Commercial Residential sign district and R-Residential sign district. Although there are many residential properties, they are all located on the minor streets internal to and off the main Queen Street West thoroughfare. These residential properties will have either limited or no view of the proposed third party wall sign. Queen Street West is predominately commercial-residential and contains many commercial uses. Wall signs are common in this district and reflective of the retail and business nature of the area. There is also an OS-Open Space sign district within 120 metres of the subject premise; however, due to the location and position of the proposed sign, the third party wall sign will have minimal visibility from this property.

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*

This section of Queen Street West is largely commercial in nature and is expected to absorb a substantial amount of an anticipated increase in retail, office and service employment in Toronto. Third party wall signs are permitted in this sign district, subject to regulatory provisions provided for in Chapter 694. As such, permitting the erection and display of a third party wall 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) *Adverse affect on adjacent properties*

The proposed third party wall sign will directly face the roof of the neighbouring one storey commercial building and will thus result in no negative impact to the property. There is only one residential property within 30 metres of the proposed sign which will not be impacted given the views to the sign is obstructed based on the proposed location of the sign. As well, there is one park within 30 metres of the proposed sign and again due to the location and the placement of the proposed third party sign, there will be minimal visibility of the sign to and from this property.

Additionally, the proposed third party wall sign will comply with the illumination requirements outlined in Chapter 694 including illumination only between the hours of 7 a.m. and 11 p.m. and reducing the luminosity and brilliance of the sign, in relation to ambient light levels, at dusk and dawn. As such, there are no adverse impacts on adjacent 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) *Adverse affect on public safety*

The proposed third party wall sign will require both a building permit and a sign permit to be erected. A building permit is only issued once the City is satisfied that the sign complies with the applicable provisions 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) *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, the 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:

- The promotion of energy efficiency; and
- The establishment of a city with beautiful, comfortable, safe and attractive streets (the Beautiful City principle).

The proponent also intends to comply with the prescribed regulations related to the purchase and use of renewable energy to operate the proposed third party wall sign and 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.

This specific proposal appears to be acceptable to the City's defined goals and objectives in terms of the environment and City beautification.

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 confirm that the subject property is located within 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 sign 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 three variances requested to Chapter 694, Signs, General, to allow the issuance of a sign permit authorizing the erection and display of one third party wall sign with one sign face containing static copy, on the easterly facing wall of the property municipally known as 940 Queen Street West, as described, it has been established that the proposal is in compliance with all of the applicable criteria. Therefore, the Chief Building Official recommends that the Sign Variance Committee approve the requested variances.

CONTACT

Robert Bader, Supervisor,
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. Excerpt – Sign District Map

APPLICANT'S SUBMISSION PACKAGE



Sign Variance Application

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

Request Date: 23 Day, 6 Month, 2011 Year
Folio No: 11-241015

Sign Location

Street No. 940 Street Name QUEEN STREET WEST Lot No. Plan No.

Describe the variance being applied for:

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 Location:

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

Property Owner Information

Last Name First Name
Company Name (if applicable) 120 ADELAIDE STREET EAST CORPORATION Area Code and Telephone No.
Street No. and Name 1200 BAY STREET Apt./Unit No. 504 Area Code and Mobile / Pager No.
City TORONTO Province ON Postal Code M5R 2A5 Area Code and Fax No.
E-mail 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

I, Last Name First Name
Company Name (if applicable) STRATEGIC OUTDOOR Area Code and Telephone No. (416) 253-9988
Street No. and Name 555 RICHMOND ST W Apt./Unit No. 600 Area Code and Mobile / Pager No.
City TORONTO Province ON Postal Code M5V3B1 Area Code and Fax No. (416) 253-6206
E-mail address DANIEL@STRATEGICOUTDOOR.CA

do hereby declare the following:

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

Applicant's Signature Daniel Pitocia Date 27, 11

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 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, its variance, 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, 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, 12th Floor, East Tower, Toronto, ON, M5H 2N2, Telephone: 416-392-0000

Sign Variance Data Sheet

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

Request Date	Folder No.
23 Day	11-241015
8 Month	
2011 Year	

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

Sign Location

Street No. 940	Street Name QUEEN STREET WEST	Lot No.	Plan No.
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Site and Building Data

Lot Area:	Lot Frontage:	Lot Depth:
Number of Buildings on the lot:	Date of Construction of Building(s) if known:	
Building Height(s):	Number of Storeys:	Building(s) Gross Floor Area:
Building Use(s):		

Site Context

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

North:

South

East:

West:

Proposal

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

To replace a permitted mural sign (permit no. 09 118196 SGN 00 SP) with an illuminated vinyl fascia sign measuring 15 feet by 15 feet on the east elevation wall.

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 120 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 604-168.

Please describe in detail how the proposal satisfies each of the criteria listed above (use additional pages if necessary):

Sign Variance Application – 940 Queen Street West

Rationale for Application

1. Approval of this application is appropriate. A sign permit is currently in place, permit number 09 119196 SGN 00 SP, allowing a mural on the east elevation wall. The proposed sign will be a vinyl fascia sign which will be built on the same elevation wall and will replace the mural sign. We have advised City staff that we will forfeit our mural sign permit if this application is permitted and a fascia sign permit is issued. We also note that the City's sign tax by-law does not apply to signs permitted before the passage of the current sign by-law. As a result, there are no sign taxes payable based on the current permit, but sign taxes would apply to the proposed new sign, should this variance be allowed.
2. The current sign permit allows a mural sign that must be painted directly onto the building wall. There are aspects of this form of "installation" that are problematic, and are resolved by the use of vinyl signs, as proposed in this application, as follows:
 - a. Painting directly onto the wall requires an extensive number of hours of work by one or two individuals who are exposed to the fumes and spray of the paint while working from temporary scaffolds up to four stories high, and usually over adjacent concrete surfaces, near sidewalks and vehicle traffic. This process presents many opportunities for safety hazards including the exposure of workers to fumes and spray, and the potential for injury to workers or passers-by as a result of human error; falls, equipment or materials dropped, etc. I also note that this process must be repeated each time the advertising copy is changed, presenting the same risks over and over again.

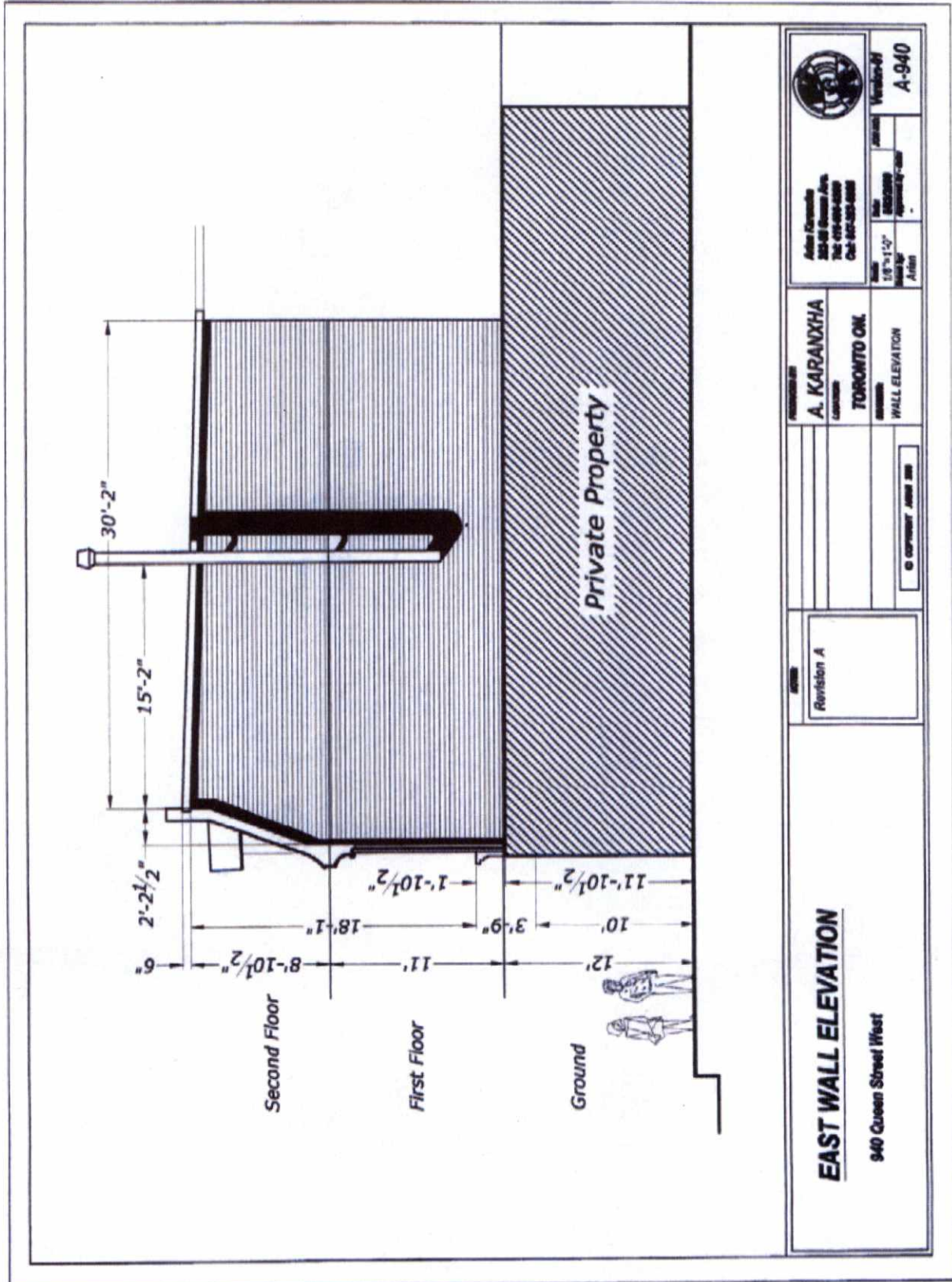
Vinyl signs are produced on strong, fire retardant material and the necessary artwork and printing is done in a safe manufacturing environment. The signs are then constructed in a way that allows them to be strung, by way of a simple cabling system attached to the wall (noting that the system is designed by a professional engineer and each installation is overseen by a professional engineer on-site). The cabling system can be installed within a short number of hours using a "cherry picker" vehicle to access the building wall. It then takes a short time to suspend the sign material to the cabling system and the installation is complete. Signs may then be removed and re-installed on the same cabling system.
 - b. As noted above, advertising copy may be changed frequently. In the case of a mural sign, this means repeatedly painting over the building walls, resulting in thick layers of paint that eventually must be removed with chemical applications. The application of the paint directly onto the wall, and the occasional removal of layers of paint also creates a potentially harmful situation since the materials used to remove the paint can be hazardous and must be collected at the base of the building wall and removed for proper

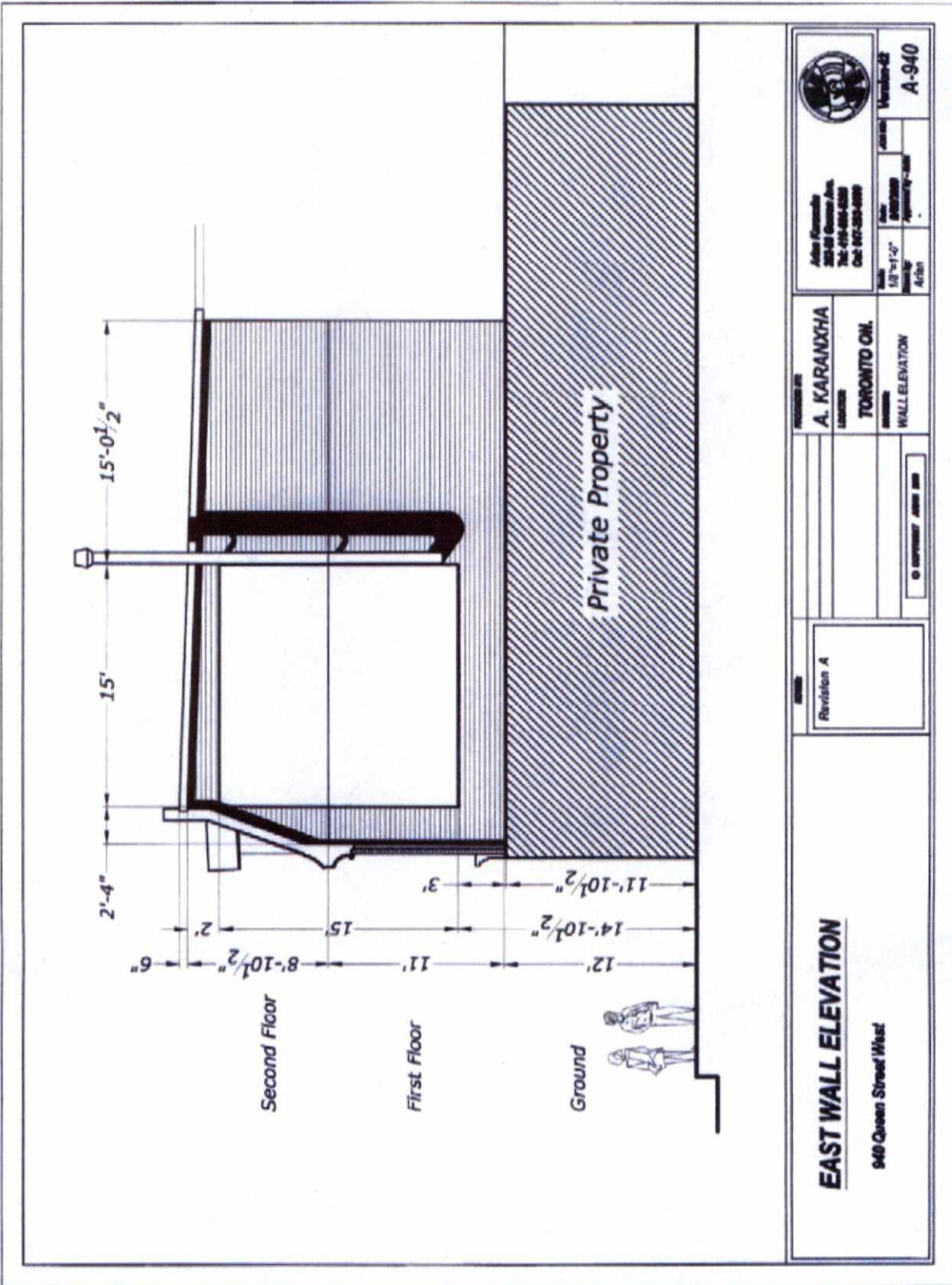
disposal. While this method minimizes potential harm to the passing public, it does involve exposing the workers to the chemicals needed for the process. In addition, there is a long-term potential for erosion of the building wall or cladding on the wall in question.

- c. The installation of individually painted mural signs is extremely expensive and be cost-prohibitive to the smaller and start-up companies who wish to purchase advertising space in their communities.
- d. The removal and/or replacement of vinyl advertising signs can be done very quickly, in a number of hours rather than days.

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- 3. I note that we are a new Toronto-based company that began our business here, and our head office remains here, notwithstanding the incredible presence of other large outdoor advertising companies in Toronto. In order to remain competitive and viable as a business, we need to take advantage of new production processes and offer our customers a quality product at a competitive price.
- 4. The sign is proposed to be installed on the east elevation wall of a commercial building. This building is located opposite the CAMH site and between Shaw Street and Ossington Avenue. It is a commercial area comprised of unique and avant-garde design shops.
- 5. Well-designed and presented advertising copy can, and we believe will, in this case, present a visual interest in an otherwise blank building wall. Studies have shown that murals or other media are less likely to be defaced by graffiti than blank building walls.
- 6. Queen Street is extremely busy and well lit. Current technology allows the illumination of the proposed sign to be directed specifically at the sign and set on timers which will turn the lights off daily at 11 p.m.
- 7. There are no other third party signs within 100 meters of the proposed location for this sign. The City's objective to avoid the saturation of advertising is satisfied in this case.
- 8. Given all of the above, we believe that the proposed sign will in no way alter the essential character of the area, nor will it adversely affect adjacent properties or public safety. In fact, as stated, we believe it may have the beneficial effect of deterring graffiti at this site.
- 9. The proposed sign location is not prohibited by the City's sign regulation.







EXCERPT – SIGN DISTRICT MAP

