

**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 Northerly Facing Wall of the Building on the Premises at 101 Spadina Avenue

Date:	October 31, 2011
Ward:	Ward 20 – Trinity-Spadina
File No.:	TP-11-00020
IBMS File No.:	11-241458

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 northerly facing wall of an existing two storey mixed-use building located at the property municipally known as 101 Spadina Avenue. The proposed third party wall sign is to be 9.80 metres wide by 4.60 metres long and at a height of approximately 7.50 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 50.0 square metres and located at an overall height of 6.89 metres.

The proposed third party wall sign will be:

- Illuminated;
- 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;
- Not erected within 30 metres of an R, RA or OS sign district;
- Not erected on a premise located within an area with site-specific area restrictions;
- The second third party sign located on the premise; and
- At a height of approximately 7.50 metres, will contain only one sign face, said sign face measuring 4.60 metres long by 9.80 metres wide, for a total sign face area of 45.08 square metres, and will display static copy.

REQUESTED VARIANCES

SECTION	REQUIREMENT	PROPOSAL
694-22D	A third party sign shall not be erected within 100 metres of any other third party sign.	There is a third party roof sign at the subject premises. There is a third party ground sign at 105 Spadina Avenue, approximately 10 metres to the northeast. There are two third party ground sign at 78 Spadina Avenue, approximately 70 metres to the southwest. There is a third party ground sign at 355 Adelaide Street West, approximately 55 metres to the northeast.
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 45.08 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 approximately 15.0 metres from the intersection of Spadina Avenue and Adelaide Street West. The proposed third party wall sign will be approximately 25.0 metres from the intersection of Spadina Avenue and Oxley Street.

RECOMMENDATIONS

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

1. The Sign Variance Committee **approve** the variance requested from §694-22D to allow the proposed third party sign to be erected and displayed within 100 metres of another third party sign;
2. The Sign Variance Committee **approve** the variance requested from 694-25A(1)(a) to allow the proposed third party wall sign to have a sign face area exceeding 20 square metres; and
3. 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.

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 the proposal meets 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 northerly 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 northerly facing building wall of the building on the subject premises showing the subject wall and the proposed third party wall sign on the subject wall.

Site Context

The subject property (refer to Attachment 2) is located in Ward 20 on Spadina Avenue south of Adelaide Street West and north of King Street West. Immediately to the north, on the adjacent property is a commercial surface parking lot operated by the Toronto Parking Authority with one existing third party ground sign. Immediately south of the subject property is a series of two-storey office/professional buildings. To the east is a large six-storey re-purposed warehouse building and a residential condominium building. To the west, on the other side of Spadina Avenue, are a series of large, re-purposed multi-storey warehouse buildings.

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 area of the subject wall which is intended to display the proposed sign is 88.19 square metres and can easily accommodate a third party sign with a sign face area of 45.08 square metres. There currently is a legally existing painted mural for the purpose of advertising, with a permit issued under the jurisdiction of Chapter 297 of the former City of Toronto Municipal Code (the former City of Toronto Sign By-law). It is the intent of the Applicant to replace the existing painted mural with a third party wall sign, similar in attributes, and under the jurisdiction of Chapter 694; in essence, replace what already exists.

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 mentioned, a painted mural for the purpose of advertising is already displayed on the northerly facing building wall. The existing advertising sign is of a similar size to the sign currently proposed. As such, the proposed sign will not alter the overall look and character of the subject building.

Toronto's Official Plan designates this property and the surrounding neighbourhood as a *Regeneration Area*. The Official Plan indicates that one of the goals for these areas is to make them more animated and attractive. The proposal brought forth by Strategic Media Outdoor in this third party sign variance application is consistent with the Official Plan's vision for the development and growth of *Regeneration Areas*.

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 premises is located at the south-east corner of Spadina Avenue and Adelaide Street West. There are other third party signs in the immediate vicinity of the one that is currently proposed. The proposed sign is consistent with other features of properties in the area.

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*

If approved, the proposed third party wall sign is intended to replace an existing painted mural sign on the northerly facing wall of the subject building. Therefore the current proposal will not alter the character of either the subject building or general 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 sign will be erected and displayed on the northerly facing wall of the subject premises and will not be visible from any residential buildings as the properties surrounding the subject property to the north predominately contain non-residential uses.

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 sign does not face the street but, rather, is perpendicular to Spadina Avenue. Drivers of motor vehicles can view the proposed sign without having to avert their attention from the road ahead and therefore potentially avoid and/or mitigate any distraction.

In regards to the proposed third party sign being located less than 30 metres from the intersection of two street lines, there is already one existing ground sign located on the adjacent premises. To consider one more third party sign, with the intent to replace the existing painted mural on the wall of the subject premises, would not appear to have any adverse affects on public safety.

Furthermore, 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 Sign Variance Committee 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 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.

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*

The property is located in the CR-Commercial Residential sign district and a third party wall sign 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) *Express prohibitions as per subsection 694-15B*

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 variances requested in the application to obtain variances to Chapter 694, Signs, General, required to allow Strategic Media Outdoor to erect and display one third party wall sign at the northerly wall of an existing two storey mixed-use building located on the premises, 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

ATTACHMENT 1: APPLICANT'S SUBMISSION PACKAGE

		<h2>Sign Variance Application</h2>							
Sign By-law Unit									
For Inquiries Dial 311 From Outside the City of Toronto (416) 392-CITY (2486)		Request Date: <table border="1"> <tr> <td>23</td> <td>6</td> <td>2011</td> </tr> <tr> <td>Day</td> <td>Month</td> <td>Year</td> </tr> </table>		23	6	2011	Day	Month	Year
23	6	2011							
Day	Month	Year							
Sign Location		Folder No.: _____							
Street No.	Street Name	Lot No.	Plan No.						
101	SPADINA AVENUE								
Describe the variance being applied for: _____									
Fill in an application for a variance for the issuance of a permit required for the installation or restoration of an existing sign, please provide the following:									
Existing sign dimensions		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)		Area Code and Telephone No.							
TOWER WOOLLEN AND TEXTILE COMPANY LTD.									
Street No. & Name		Appl. Unit No.							
101 SPADINA AVE		215							
City		Postal Code							
TORONTO		M5V 2K2							
Province		Area Code and Fax No.							
ON									
Email address _____									
Attachments Required									
<ul style="list-style-type: none"> • 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		First Name							
Company Name (if applicable)		Area Code and Telephone No.							
STRATEGIC OUTDOOR		(416) 253-8938							
Street No. and Name		Appl. Unit No.							
855 RICHMOND ST W		600							
City		Postal Code							
TORONTO		M5V 3B1							
Province		Area Code and Fax No.							
ON		(416) 253-8206							
Email address DANIEL@STRATEGICOUTDOOR.CA									
do hereby declare the following:									
That I am <input type="checkbox"/> the Property Owner as stated above									
<input type="checkbox"/> an officer/employee of _____ which is an authorized agent of the owner.									
<input checked="" type="checkbox"/> the owner's authorized agent									
<input type="checkbox"/> 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 application.									
• That the plans and specifications submitted are proposed 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.									
		Daniel Ritoch							
Applicant's Signature		Print Name							
		Date: June 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 primarily 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, as well as, denial or a 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 171, 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 th Floor, East Tower, Toronto, ON, M5H 2N2, Telephone: 416-392-0200									

Signs By Law Unit

For Enquiries Dial 311
From Outside the City of Toronto (416) 392-CITY (2483)

Request Date			Folder No.
23 Day	6 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. 101	Street Name SPADINA AVENUE	Lot No.	Plan No.
-------------------	-------------------------------	---------	----------

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 an existing permitted mural sign (sign permit no. 08 101413 00N 00 SF) with an illuminated vinyl letter sign measuring 32 feet by 10 feet located on the north elevation wall.

Rationale

Decisions for all Sign Variance Applications are evaluated against criteria listed in Toronto Municipal Code Chapter 694-26 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 125 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 694-156.

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

Sign Variance Application – 101 Spadina Avenue

Rationale for Application

1. Approval of this application is appropriate. A sign permit is currently in place, permit number 09 191413 SGN 00 SP, allowing a mural on the north 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.

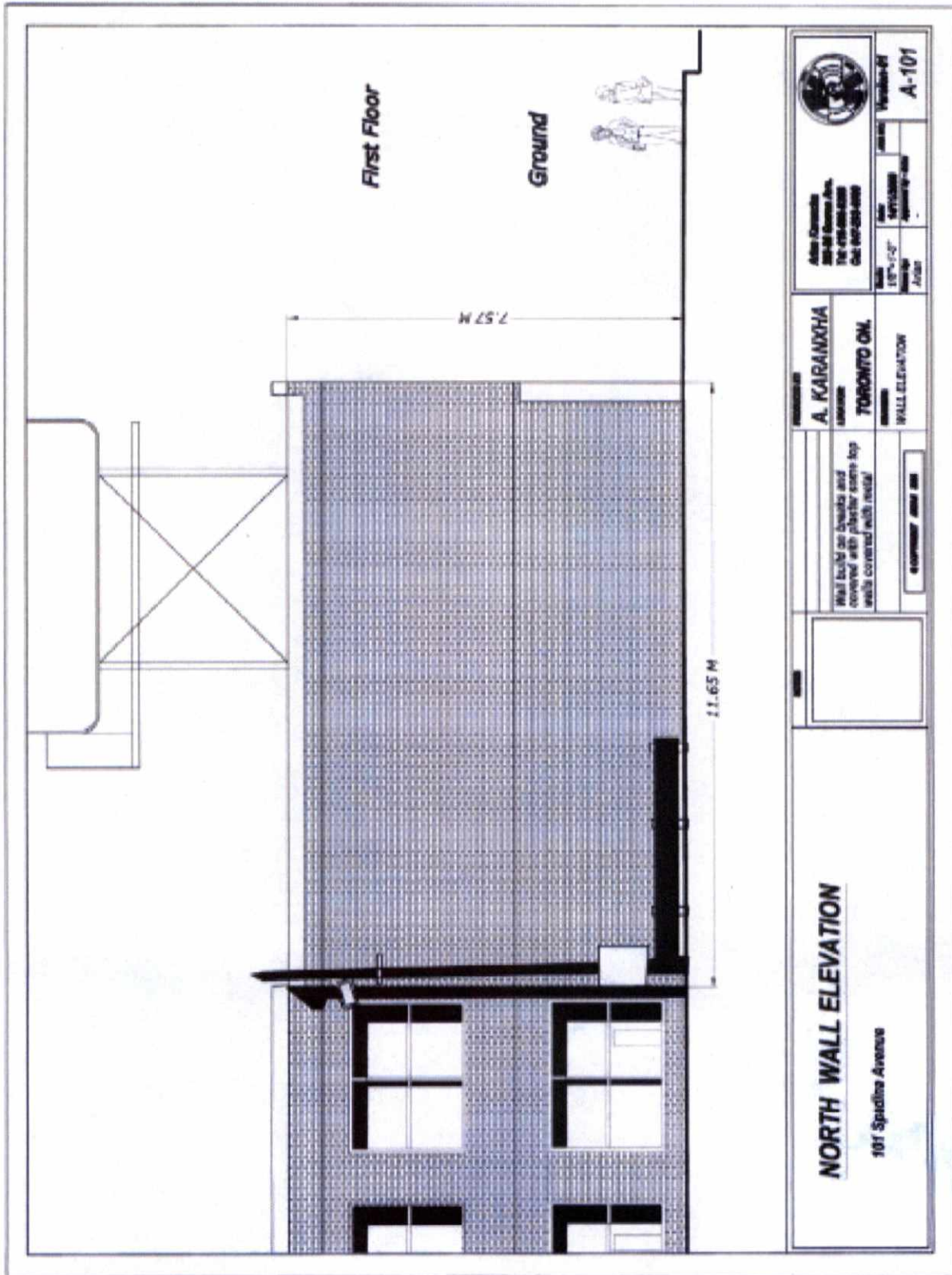
Vinyl signs are produced on strong, fire retardant material and the necessary artwork and printing is done in a safe manufacturing environment. The signs are then constructed in a way that allows them to be strung, by way of a simple cabling system attached to the wall (noting that the system is designed 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,

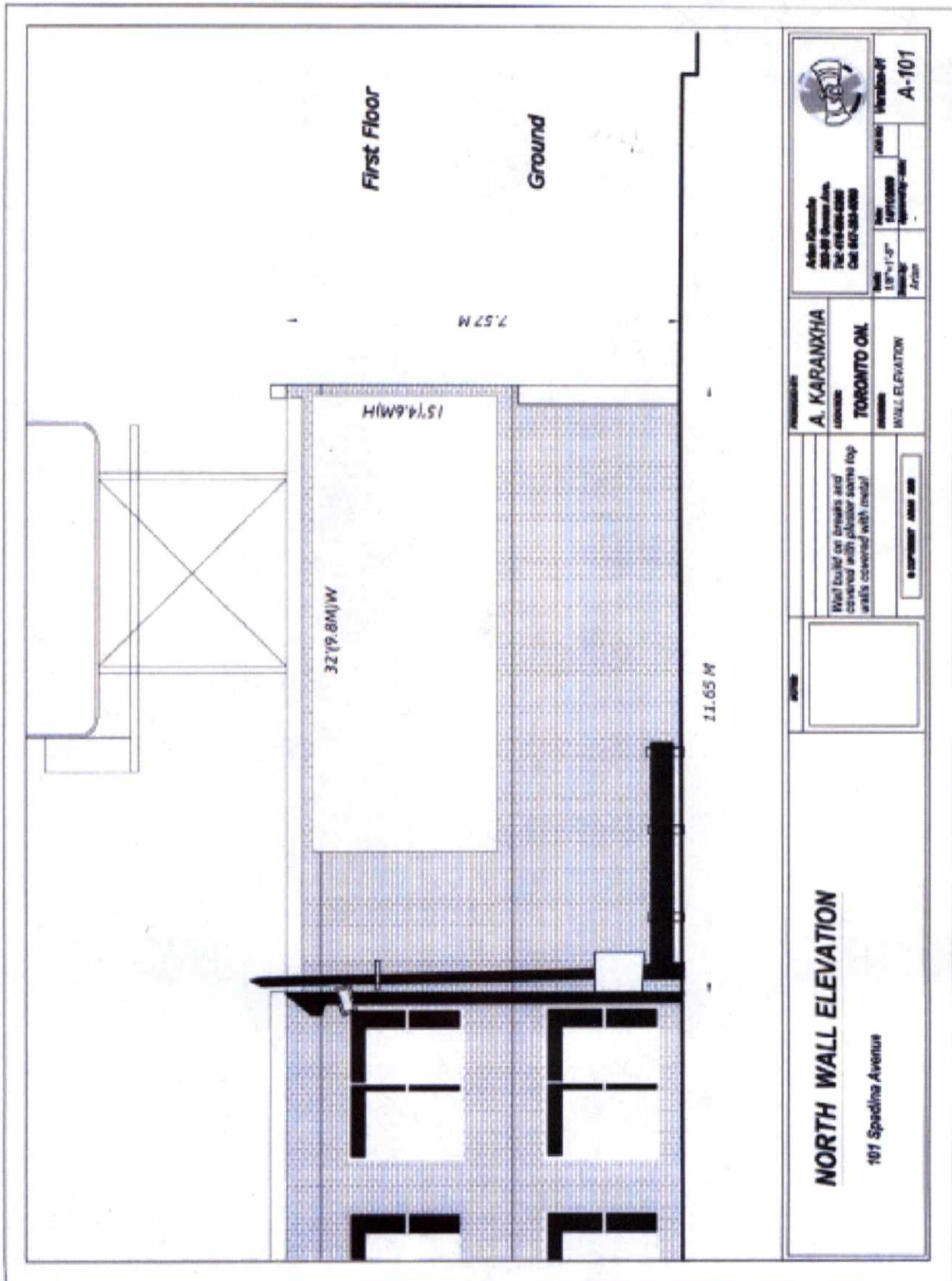
it does involve exposing the workers to the chemicals needed for the process. In addition, there is a long-term potential for erosion of the building wall or cladding on the wall in question.

- 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.

**

- 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 north elevation wall of a commercial building. This section of Spadina Avenue is a very high-density commercial professional and light manufacturing area located in the garment district.
- 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. This section of Spadina Avenue 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 in more sensitive areas, where residential uses are nearby, 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 if only at this particular site.
- 9. The proposed sign location is not prohibited by the City's sign regulation.







ATTACHMENT 2: EXERPT – SIGN DISTRICT MAP

