

**ATTACHMENT 2:
STAFF REPORT**



**STAFF REPORT
ACTION REQUIRED**

**Application by Strategic Media Outdoor for Three
Variances with Respect to a Third Party Sign Proposal
on the Southerly Facing Wall of the Building on the
Premises at 174 Spadina Avenue**

Date:	November 4, 2011
Ward:	Ward 20 – Trinity-Spadina
File No.:	TP-11-00016
IBMS File No.:	11-241442

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 at the southerly facing wall of an existing six-storey mixed-use warehouse building located at the property municipally known as 174 Spadina Avenue. The proposed third party wall sign is to be 12.1 metres wide by 9.1 metres long and at a height of approximately 22.0 metres.

The proposed third party wall sign will be:

- Illuminated;
- Erected within 100 metres of other lawful third party signs;
- Not 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;
- One of two third party signs located on the premises;
- Not erected and displayed on the premises located within an area with site-specific area restriction; and
- At an overall height of approximately 22.0 metres, will contain only one sign face, said sign face measuring 12.1 metres wide by 9.1 metres long for a total sign face area of 110.11 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 another third party wall sign on the northerly facing wall of the existing building on the subject premises. There is a third party roof sign at 170 Spadina Avenue, approximately 10.0 metres to the south. There is a third party wall sign at 388 Queen Street West, approximately 40.0 metres to the south. There are two third party wall sign at 195 Spadina Avenue, approximately 70.0 metres and 75.0 metres, respectively, to the northeast. There is a third party roof sign at 198 Spadina Avenue, approximately 95.0 metres to the north.
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 110.11 square metres.
694-25A(1)(b)	A third party wall sign is permitted provided the height shall not exceed 15.0 metres.	The proposed third party wall sign will be approximately 22.0 metres high.

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 wall sign to be erected within 100 metres of any other 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 20.0 square metres; and
3. The Sign Variance Committee **approve** the variance requested from §694-25A(1)(b) to allow the proposed third party wall sign have a height exceeding 15.0 square 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 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 southerly facing building wall of the subject premise showing the wall and the wall with the proposed third party sign, prepared by A. Karanxha; and
- A rendered photograph of the southerly 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 20 on Spadina Avenue, east of Cameron Street and north of Queen Street West. This section of Spadina Avenue is a mix of high-density office, professional and commercial uses within an area commonly known as Chinatown. The area historically developed as the City's "Garment District" and the legacy of the built-form remains in place. Large, multi-storey warehouse buildings re-purposed for commercial and professional office uses dot the landscape and prevail as a typical built-form. The southerly wall of 174 Spadina Avenue, on which the third party wall sign is proposed to be erected and displayed, faces a row of two storey commercial buildings, stretching down to Queen Street West. Behind the subject premises, to the west, is a large multi-unit residential housing development commonly known as Alexandra Park.

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 retail and business nature of the area. Signs, window displays, and advertising are all prevalent since the majority of buildings in these areas contain commercial and retail uses.

This proposed third party wall sign will be erected and displayed on the southerly facing building wall which is currently bare and lacking aesthetic appeal. Also, the proposed sign faces towards and is intended to direct attention from the busy intersection of Queen Street West and Spadina Avenue. The proposed sign does not face a street and there is a sufficient set back provided from any intersection. The Applicant states that the proposed third party wall sign will contribute to the promotion and animation of this immediate area of the neighbourhood and Sign By-law Unit staff agree.

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*

The proposed third party wall sign, containing a sign face area of 110.11 square metres, will be erected and displayed on a portion of the southerly facing wall which has an area of 288.6 square metres. This portion of the wall is bare and lacks aesthetic appeal. There are no architecturally significant features on this portion of the wall. As stated above, 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*

Spadina is a broad Avenue; one of the widest in the downtown core. Northbound and southbound traffic along Spadina is bisected by dedicated streetcar lines. The development of the buildings along Spadina provides for a tall and consistent building wall which frames the street on either side. This nature of development provides for an ideal opportunity to display third party advertising signs. The signs are viewed by many passers-by travelling along the street where they are erected and displayed in the "cracks" in the building wall. This characteristic of development makes third party advertising signs a common feature. The sign, as proposed is consistent with the building and features 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*

The area is a vibrant and eclectic mixture of buildings and uses. Signage, both for the purposes of identification and for the purposes of advertising, contributes visually to the character of the area. Chinatown, an area proliferating with signage and categorized as a special sign district in Chapter 694, is located just north of the subject premises. As previously mentioned, the area already contains a significant amount of third party signs and the proposed 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 not directly face into any sensitive land uses, including residential, residential apartment and open space. The sign is intended to be erected well above the stretch of two storey commercial buildings located to the immediate south. There are no perceived impacts to the adjacent properties through the erection and display of the proposed sign.

Also, the proposed third party wall sign will comply with the illumination requirements outlined in Chapter 694 which includes illumination only between the hours of 7 a.m. and 11 p.m. thereby mitigating any potential visual impacts at night.

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 directly face the street and is perpendicular to Spadina Avenue. This proposed orientation allows for drivers to view the proposed sign without having to avert their attention from the road ahead and thereby mitigating any potential distraction the sign may cause.

As well, the proposed third party wall sign requires 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 subject property is located in the 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*

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.

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 illuminated third party wall sign with static copy on the southerly facing wall of an existing six storey mixed-use warehouse building located on the premises, as described, it has been established that the proposal is in compliance with all of the established 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

ATTACHEMENT 1: APPLICANT'S SUBMISSION PACKAGE



Toronto Building
Sign By-law Unit

For Enquiries Dial 311
From Outside the City of Toronto (416) 392-CITY (2499)

Sign Variance Application

Request Date	Folder No.
23 Oct 2011	

Street No.	Street Name	Lot No.	Plan No.
174	SPADINA AVENUE		

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	Area Code and Telephone No.
Company Name (if applicable)		Area Code and Mobile / Pager No.
174 SPADINA REALTY		
Street No. and Name	App/Lot No.	Area Code and Fax No.
174 SPADINA AVENUE	508	
City	Province	Postal Code
TORONTO	ON	M5T 2C2
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

Last Name	First Name	Area Code and Telephone No.
		(416) 253-0588
Company Name (if applicable)		Area Code and Mobile / Pager No.
STRATEGIC OUTDOOR		
Street No. and Name	App/Lot No.	Area Code and Fax No.
505 RICHMOND ST W	600	
City	Province	Postal Code
TORONTO	ON	M5V 3B1
E-mail address		
DANIEL@STRATEGICOUTDOOR.CA		

do hereby declare the following:

That I am:



- the Property Owner as stated above
- an official/employee of _____ which is an authorized agent of the owner.
- the owner's authorized agent
- an official/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 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 Phoenix First Name	 Date
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The personal information on this form is collected under the authority of s. 8 and 110 of the City of Toronto Act, 2006, and Chapter 224, Signs, General, of the City of Toronto Municipal Code, and will be used a) to provide for the purpose of issuing and maintaining a record or status to the general public concerning signs and permit information, b) to evaluate or applications made under Chapter 224, Signs, General, (as well as a record of all permits under Ch. 224, Signs, General, processed by the City of Toronto Municipal Code applications for variances from and amendments to Chapter 224, Signs, General, creating aggregate statistical reports, enforcement of City of Toronto Municipal Code Chapter 224, Signs, General, Chapter 271, Taxation, Third Party Sign Tax, and any other applicable sign by-law of the City of Toronto, and conveying 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, 500 Queen St W, 12th Floor, 4th York, Toronto, ON, M5Y 2R2. Telephone: 416-392-8200

Sign Variance Application – 174 Spadina Avenue (south elevation)

Rationale for Application

1. Approval of this application is appropriate. A sign permit is currently in place, permit number 95 370257, allowing a mural on the south 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.

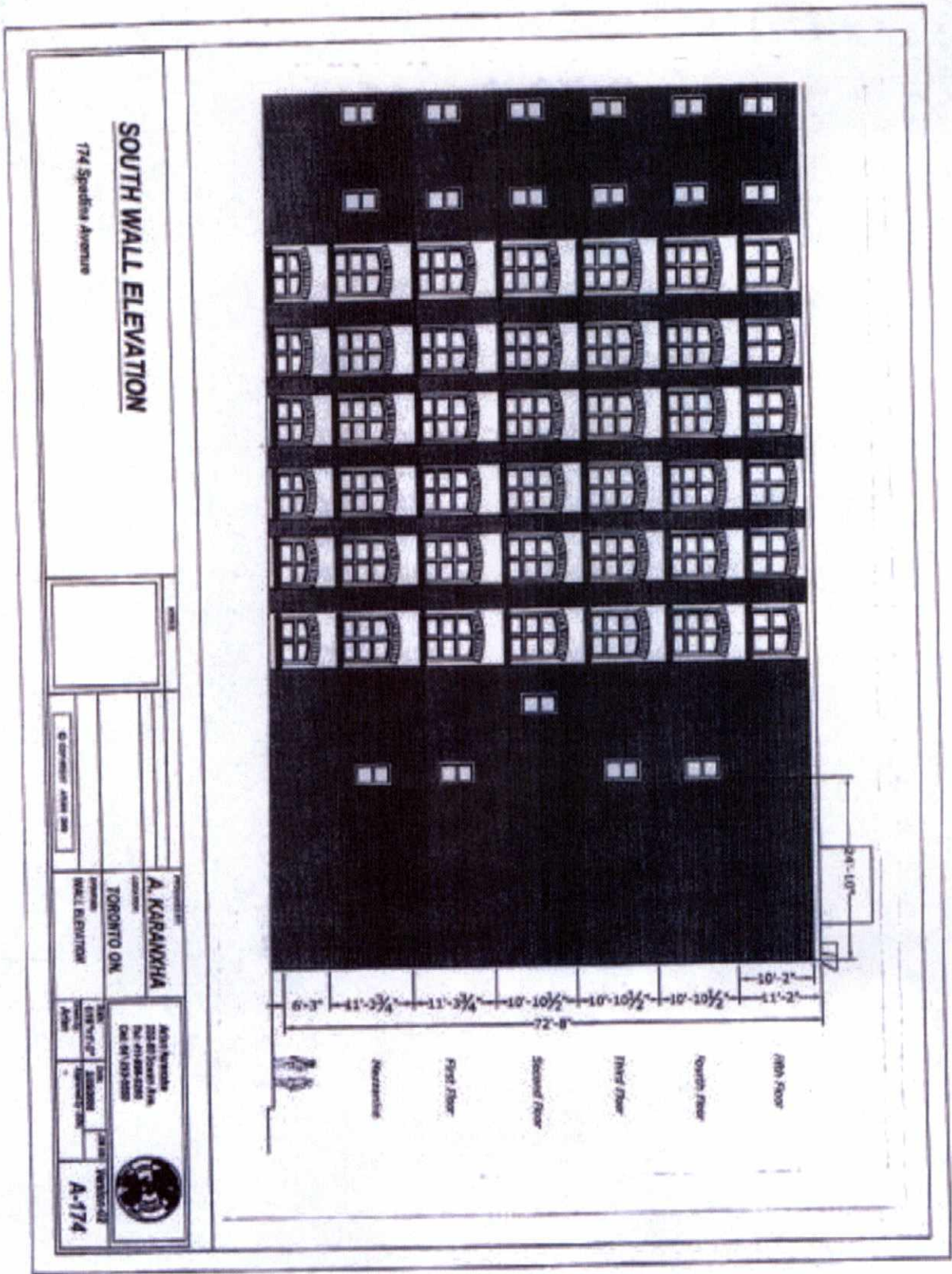
Vinyl signs are produced on strong, fire retardant material and the necessary artwork and printing is done in a safe manufacturing environment. The signs are then constructed in a way that allows them to be strung, by way of a simple cabling system attached to the wall (noting that the system is designed 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 can 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 south elevation wall of a mixed-use commercial, manufacturing and professional building. This section of Spadina Avenue is a very high-density office, professional and commercial area and is located immediately south of Chinatown.
- 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. 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 metres 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: EXCERPT – SIGN DISTRICT MAP

