

**ATTACHMENT 2:
STAFF REPORT**



STAFF REPORT THIRD PARTY SIGN VARIANCE

Application by Strategic Media Outdoor for Three Variances with Respect to a Third Party Wall Sign Proposal on the Easterly Facing Wall of the Building on the Premises at 1577 Danforth Avenue

Date:	November 3, 2011
Ward:	Ward 32 – Beaches-East York
File No.:	TP-11-00023
IBMS File No.:	11-241103

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 six storey mixed-use apartment building located at the property municipally known as 1577 Danforth Avenue (conveniently known as 695 Coxwell Avenue). In this application the proposed third party wall sign is to be 10.7 metres wide by 10.4 metres long and at a height of approximately 19.33 metres. The proposed third party wall sign is intended to replace a previously approved non-illuminated mural sign for the purposes of third-party advertising having a sign face area of 69.87 square metres and at an overall height of 11.47 metres.

As presented by the Applicant, 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;
- The only third party sign 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 19.33 metres, will contain only one sign face, said sign face measuring 10.7 metres wide by 10.4 metres long for a total sign face area of 111.28 square metres, and will display static copy.

REQUESTED VARIANCES

SECTION	REQUIREMENT	PROPOSAL
694-22D	A third party sign shall not be erected within 100.0 metres of any other third party sign.	There is a third party roof sign at 1564 Danforth Avenue approximately 85 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 111.28 square metres in sign face area.
694-25A(1)(b)	A third party wall sign is permitted provided the height shall not exceed 15.0 metres.	The height of the proposed third party wall sign will be 19.33 metres.

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 and displayed within 100 metres of another third party sign;
2. The Sign Variance Committee **refuse** the variance requested from §694-25A(1)(a) to allow the proposed third party wall sign to have a sign face area of 111.28 square metres and **approve** a variance from §694-25A(1)(a) to allow the proposed third party wall sign to have a sign face area not exceeding 70.0 square metres; and
3. The Sign Variance Committee **refuse** the variance requested from §694-25A(1)(b) to allow the third party wall sign at a height of 19.33 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 proposed variances 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:

1. A Sign Variance Application form completed by the Applicant, signed and dated July 4, 2011;
2. A "Rationale for Application" prepared by the Applicant;

3. Elevation drawings of the easterly facing building wall of the subject premise showing the wall and the wall with the proposed third party sign, prepared by A. Karanxha; and
4. A rendered photograph of the easterly facing building wall of the building on the subject premises showing the proposed third party wall sign on the subject wall.

Site Context

A Sign District Map excerpt is provided as Attachment 2 to this report. The premises, municipally known as 1577 Danforth Avenue, is located in Ward 32 and is in a CR-Commercial Residential sign district. The premises, improved with a six-storey mixed-use apartment building, is located at the south-easterly corner of Coxwell Avenue and Danforth Avenue, west of Woodbine Avenue. East of the subject premises is Coxwell Avenue with a series of low-rise commercial and office buildings on the east side of Coxwell. To the immediate west is a large single-storey works building and yard operated by the Toronto Transit Commission (TTC). North of the subject premises across Danforth Avenue is a local branch of a financial institution, several restaurants and the Coxwell Avenue subway station. To the south is a large surface parking lot, provided in conjunction with the TTC works facility and a row of single detached homes comprising the northern boundary of an established residential neighbourhood.

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 proposal describes the erection and display of one illuminated third party wall sign on the easterly wall of the building. The proposed wall sign does not face a street and overlooks the single-storey works facility operated by the TTC. The Applicant contends that the size and height of the proposed sign is required to provide visibility to persons who would be viewing the sign. The Applicant further claims that a sign that would be lower in height and smaller in sign face area might be difficult to view and would be encumbered by the single storey building to the east, and as such, may cause a driver distraction along Danforth Avenue.

Sign By-law Unit staff have reviewed the proposal and have visited the subject premises. If the sign were reduced in size and height, the immediately adjacent existing buildings to the east would not contribute in encumbering views of the sign. As well, a sign with a smaller sign face area may contribute to mitigating any views of the sign from the established residential neighbourhood to the south.

Furthermore, the easterly facing wall of the building contains no substantial architectural qualities or features. The proposed third party wall sign appears to be proportionally and aesthetically suitable to this bare wall.

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 property has been improved with a six-storey mixed use residential building. There is a surface parking lot at the rear of the property which belongs to the TTC and which is used by TTC staff at the works facility. As stated above, that portion of the easterly facing wall of the building, which is proposed to accommodate the third party wall sign, is bare and contains no windows, doors or egress facilities. A third party sign with a sign face area not exceeding 70 square metres and at a height on the wall not exceeding 15 metres can be easily accommodated on the wall. As the Applicant claims, through the erection and display of the proposed sign, the wall can achieve a visual interest from an otherwise blank wall. Furthermore, the location of the proposed third party wall sign is not within a 30 metre proximity to any major intersection and it does not face a street.

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 existing buildings and uses along Danforth Avenue are typical of a major commercial street in the City. Signage plays an integral part in identifying and promoting these typical buildings and uses. As such, the proposed third party wall sign is consistent with the features of properties or premises within 120 metres. As recommended, the sign should be reduced in sign face area and height so that it becomes more consistent with the features of the existing signs in the area rather than the largest, most visible sign on display. At the recommended height and sign face area, the sign would still be visible to passers-by and would be brought closer to compliance with the regulations contained in Chapter 694.

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*

As the premises is located in a CR-Commercial Residential sign district where third party wall signs are permitted subject to regulatory provisions contained in Chapter 694, the proposed third party wall sign will not alter the essential character of the area. The area is a high-traffic arterial road with a substantial amount of commercial/service/retail uses in operation. Existing third party signs do occupy space along this portion of Danforth Avenue but they do not dominate or clutter the street and the public realm.

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*

This new proposal will require that the third party wall sign comply in all respects with the regulations provided in Chapter 694, Signs, General, aside from the regulations for which variances are being sought. These regulations include, but are not limited to:

- Time-of-day restrictions, limiting the sign to only be illuminated between the hours of 7:00 a.m. to 11:00 p.m.;
- Five years expiration of the sign permit and removal of the sign where it is no longer consistent with the surrounding area and signage regulation pertaining thereto;
- The requirement to affix a unique identifier on the sign to enable an effective enforcement strategy; and
- The use of renewable energy to power the sign.

In consideration of these new regulations, the impact of these typically large and prominent signs is mitigated. As such, there is deemed to be 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 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 it has been established 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 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 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 proposal appears to be consistent with 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 premises is located within a CR-Commercial Residential sign district and third party wall signs are permitted in the CR-Commercial Residential sign district.

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.

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 requested to Chapter 694, Signs, General, to allow the issuance of a sign permit authorizing the erection and display of one illuminated third party wall sign containing static copy on the easterly wall of the premises, the Chief Building Official recommends that the Sign Variance Committee adopt the recommendations of staff.

CONTACT

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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

 Toronto Building Sign By-law Unit		<h2>Sign Variance Application</h2>	
For Enquiries Dial 311 From Outside the City of Toronto (416) 392-CITY (2489)		Request Date 23 Oct 2011	Folio No.
Sign Location Street No. 1517 Street Name DANFORTH AVENUE (855-COSWELL AVENUE) 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 reason(s) justifier for the request (Attach any supporting documentation or additional pages as required)			
Property Owner Information			
Last Name AYKLER		First Name BOB	
Company Name (if applicable)		Area Code and Telephone No.	
Street No. & Name 80 CARLTON STREET		Apt./Unit No.	
City TORONTO		Province ON	Postal Code M5R 1L5
E-mail address		Area Code and Mobile / Pager No.	
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 I		First Name	
Company Name (if applicable) STRATEGIC OUTDOOR		Area Code and Telephone No. 416-253-9888	
Street No. and Name 555 RICHMOND ST W		Apt./Unit No. 600	
City TORONTO		Province ON	Postal Code M5V 3B1
E-mail address DANIEL@STRATEGICOUTDOOR.CA		Area Code and Fax No. 416-253-8206	
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.			
<ul style="list-style-type: none"> • 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 Print Name	
		Date Feb 4, 11	
<small>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 or archive in the general public concerning signs and permit information, evaluation of applications made under Chapter 694, Signs, General, Issuance, 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 171, Trawlers, Third Party Sign Tax, and any other applicable sign bylaw of the City of Toronto, and containing permit holding or authorized agent(s). Questions about this collection may be referred to the Manager, Sign By-law Unit, of Toronto, Building, City Hall, 100 Queen St W, 12th Floor, East Tower, Toronto, ON, M5H 2M2, Telephone: 416-392-8000</small>			

Sign Variance Application – 695 Coxwell Avenue/1577 Danforth Avenue

Rationale for Application

1. Approval of this application is appropriate. A sign permit is currently in place, permit number 09 142461 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.

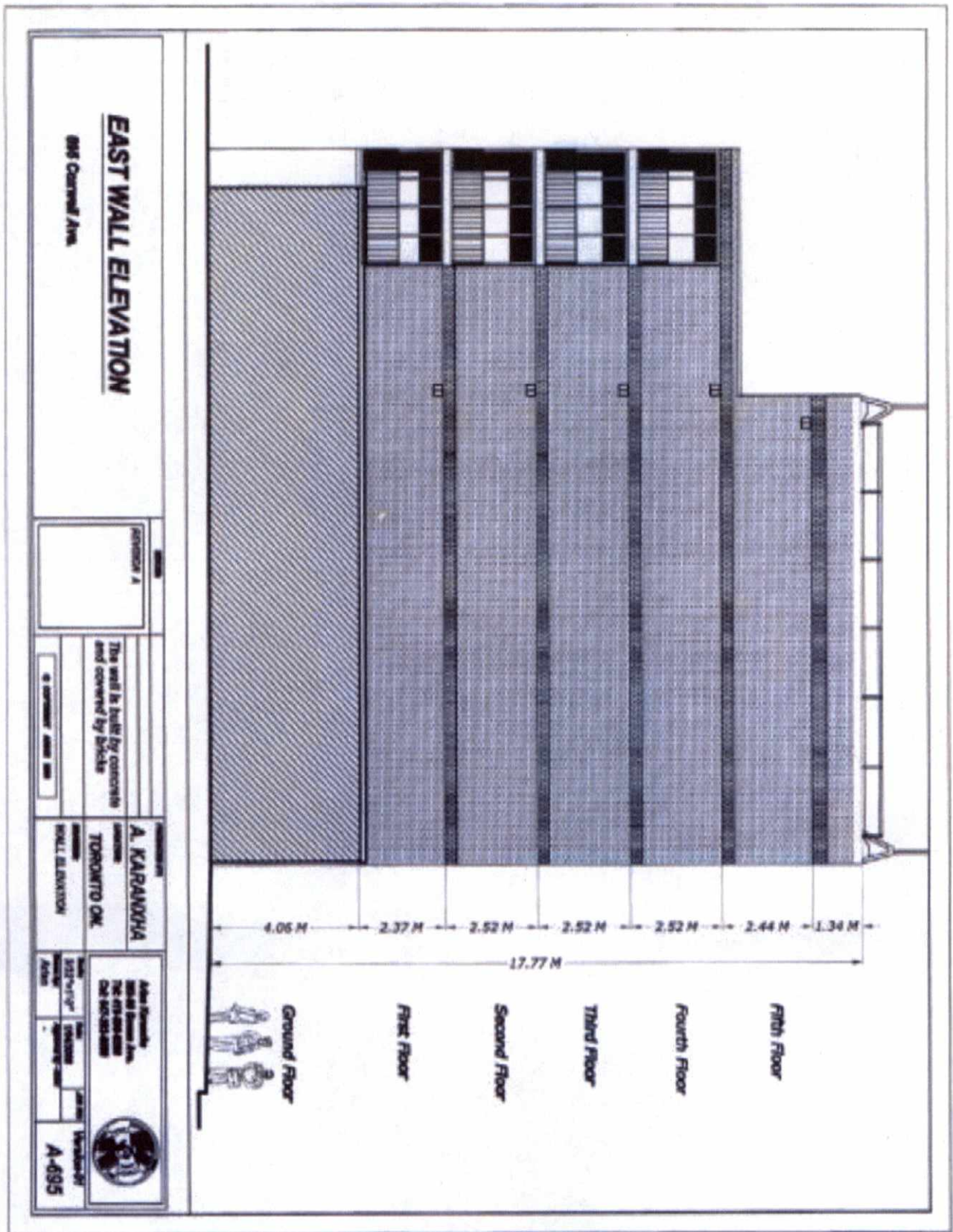
- b. As noted above, advertising copy may be changed frequently. In the case of a mural sign, this means repeatedly painting over the building walls, resulting in thick layers of paint that eventually must be removed with chemical applications. The application of the paint directly onto the wall, and 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 mixed-use building. This section of Danforth Avenue is a high-density commercial area and the building is located at the south/east corner of Danforth and Coxwell Avenues. The adjacent premises is a Toronto Transit Commission Office and Maintenance yard and there is a Bloor/Danforth Subway station immediately north of this building.
- 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. You can see from our application photographs that the westerly blank building wall of the building immediately west of 235 Danforth Avenue has been defaced with graffiti.
- 6. Although the area immediately off the Danforth Avenue corridor is residential in nature, the proposed sign will be located on the northernmost 25% of a building wall which is over 100 feet in length and is further separated from the residential area by a public lane.
- 7. Danforth 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.
- 8. 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.
- 9. 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.





Strategic Outdoor – 4 Third Party Sign Variances – Wall Sign at 1678 Bloor Street West

ATTACHMENT 2: EXCERPT – SIGN DISTRICT MAP

