

**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 at 71-73 King Street East**

<b>Date:</b>	October 31, 2011
<b>Ward:</b>	Ward 28 - Toronto Centre-Rosedale
<b>File No.:</b>	TP-11-00022
<b>IBMS File No.:</b>	11-241451

**PURPOSE OF THE APPLICATION**

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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 westerly facing wall of an existing three storey mixed-use building located at the property municipally known as 71-73 King Street East. The proposed third party wall sign is to be 6.10 metres wide by 7.32 metres long and at a height of approximately 13.0 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 83.02 square metres and located at an overall height of approximately 12.2 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 only third party sign located on the premise; and
- At a height of approximately 13.0 metres, will contain only one sign face, said sign face measuring 7.32 metres long by 6.10 metres wide, for a total sign face area of 44.65 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 are two third party ground sign at the immediate adjacent premises to the west. There is a third party ground sign at 101 King Street East, approximately 65 metres to the east.
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 is 44.65 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 15.0 metres from the intersection of King Street East and Leader Lane.

## 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 westerly 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 photograph and a rendered photograph of the westerly 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 28 on King Street East west of Church Street and east of Yonge Street. Immediately to the west, on the adjacent property is a surface parking lot with two existing third party ground signs. Immediately north of the subject property is a high-rise mixed-use office/professional building. To the east are two and three storey commercial properties; and to the west is the King Edward Hotel.

### 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 wall has an area of 409.75 square metres and can easily accommodate a third party sign with a sign face area of 44.65 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 westerly 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 *Mixed Use Area*. Section 4.5 of 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 *Mixed Use 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-west corner of King Street East and Church Street. 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 westerly 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 westerly facing wall of the subject premises and will not be visible from any residential buildings as the properties surrounding the subject property to the west 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 King Street East. 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 are already two existing ground signs 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 third party sign variance 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 westerly wall of an existing three storey commercial 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**

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Sign By-law Unit, Toronto Building  
Tel: (416) 392-4113; E-mail: [rbader@toronto.ca](mailto:rbader@toronto.ca)

## **SIGNATURE**

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Ted Van Vliet  
Manager, Sign By-law Unit

## **ATTACHMENTS**

1. Applicant's Submission Package
2. Excerpt – Sign District Map









Sign Variance Application – 71/73 King Street East

Rationale for Application

1. Approval of this application is appropriate. A sign permit is currently in place, permit number 08 122344 SGN 00 SP, allowing a mural on the west 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 –

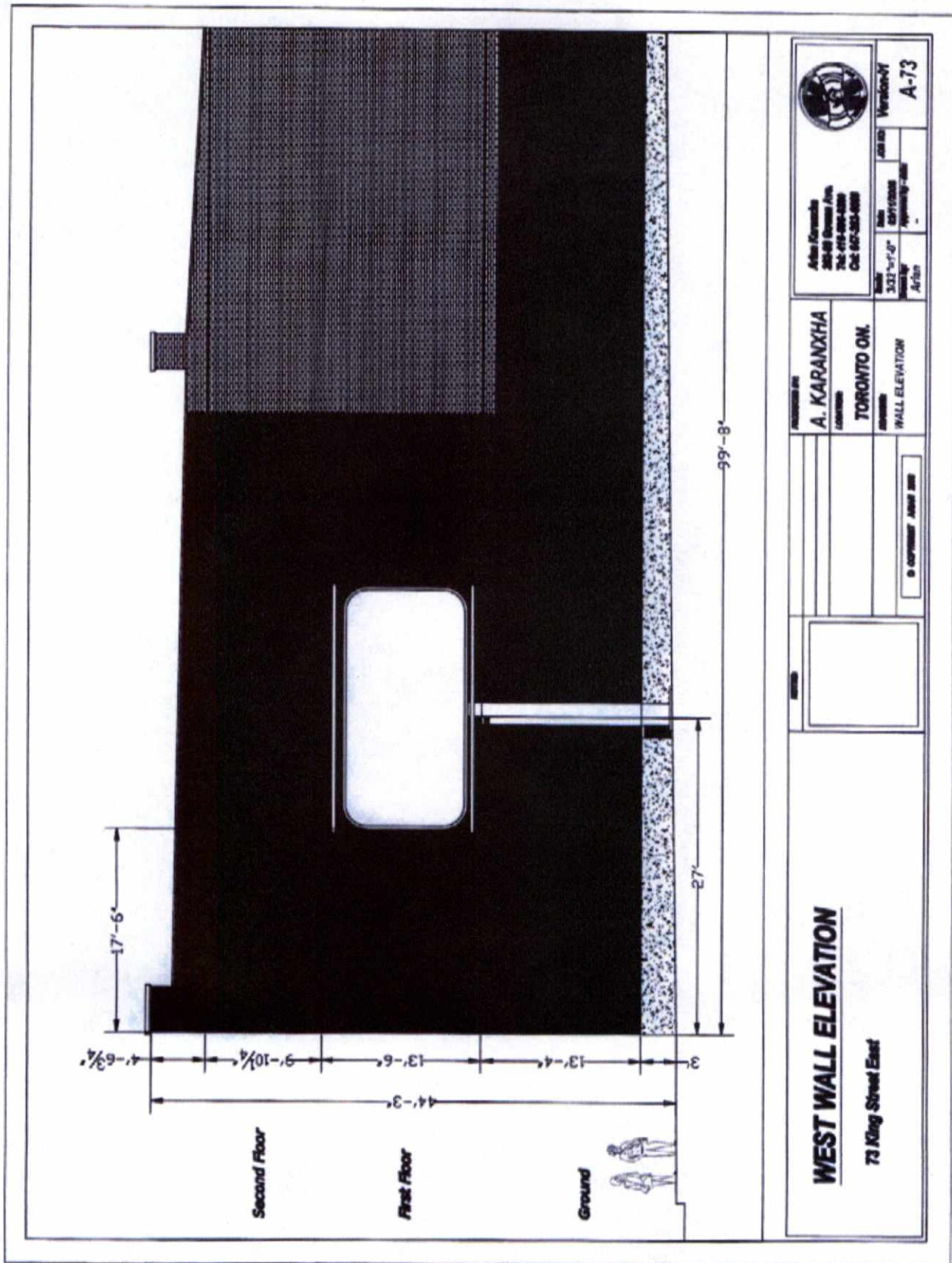


term potential for erosion of the building wall or cladding on the wall in question.

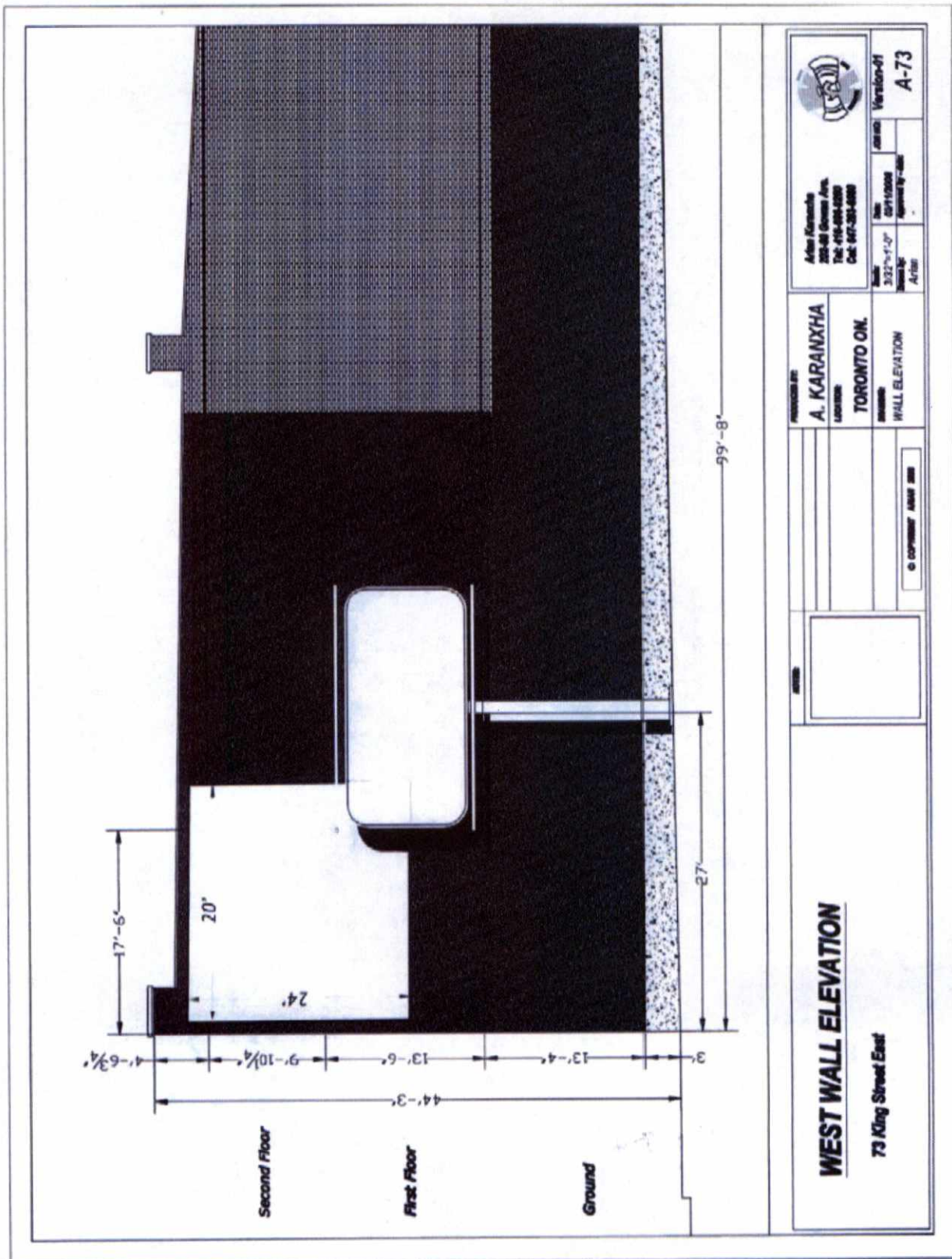
- c. The installation of individually painted mural signs is extremely expensive and be cost-prohibitive to the smaller and start-up companies who wish to purchase advertising space in their communities.
- d. The removal and/or replacement of vinyl advertising signs can be done very quickly, in a number 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 west elevation wall of a commercial building. This section of King Street West is a very high-density office, professional and commercial area.
- 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. King Street West 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.







		Version-01 <b>A-73</b>
A. Karanxha 255-88 Simco Ave. Tel: 416-494-8200 Cell: 947-351-8888		Date: 07/10/08 Approved by: [Signature] Artist:
PROJECT NO: <b>A. KARANXHA</b>		TITLE: <b>TORONTO OIL</b>
LOCATION: <b>TORONTO OIL</b>		SUBJECT: <b>WALL ELEVATION</b>
© COPYRIGHT 2008		
<b>WEST WALL ELEVATION</b> 73 King Street East		







## ATTACHMENT 2: EXERPT – SIGN DISTRICT MAP

