



**STAFF REPORT
ACTION
REQUIRED**

**Proposed Amendments to Agreements between
Ryerson University and the City of Toronto –
Sam the Record Man Signage**

Date:	June 10, 2014
To:	Planning and Growth Management Committee
From:	Deputy City Manager, Cluster B
Wards:	Ward 27 – Toronto Centre-Rosedale
Reference Number:	P:2014\ClusterB\DCM\PG14003

SUMMARY

This report recommends that the City offer to enter into a license agreement with Ryerson University ("Ryerson") to permit Ryerson to display the restored Sam the Record Man signage, referred to in this report (the "Sam Signage"), on the roof of the City-owned building at 277 Victoria Street, adjacent to Dundas Square. Any determination by Ryerson to enter into such a licensing agreement is subject to the physical and financial feasibility of doing so and the approval of Ryerson's Board of Governors, if required.

The City's existing agreement with Ryerson securing the restoration and reinstallation of the signage would be released from title to Ryerson's Student Learning Centre and the Ryerson Library once the license agreement with respect to 277 Victoria Street is entered into and the restored signage has been installed on the roof of 277 Victoria Street.

This report also recommends approval of a site-specific amendment to Chapter 694, Signs, General ("Chapter 694") to permit the Sam Signage to be located on the roof of the building at 277 Victoria Street, as well as to permit the display of a large projecting sign which will integrate the Sam Signage into this building. This property is located within the Downtown Yonge Street Special Sign District and is specifically contemplated in the Signage Vision for the Downtown Yonge Street Strip (adopted by Council in 2009) as a location for 'Landmark Signage', such as the Sam Signage.

The City has been working in close collaboration with Ryerson University and other important stakeholders, including the Sniderman Family and representatives of the Music Industry to find a culturally appropriate and relevant location for the Sam Signage as per Councils direction.

Under the current agreement, Ryerson may install the Sign on either the Student Learning Centre or Gould Street Library frontage, however based on public feedback and extensive consultation with stakeholders and taking into consideration the present context, City Staff believe the rooftop of 277 Victoria Street is the most appropriate location.

Ryerson has gone through considerable lengths and expense to assist city staff with this effort.

RECOMMENDATIONS

The Deputy City Manager, Cluster B recommends that City Council:

1. Authorize the Chief Corporate Officer to enter into of a License Agreement between the City and Ryerson University permitting Ryerson to display the restored Sam the Record Man signage, referred to in this report, on the roof of the City-owned building at 277 Victoria Street, such Licensing Agreement to be on the terms and conditions contained in Schedule "1" to this report and satisfactory to the Chief Corporate Officer in consultation with the City Solicitor;
2. Approve an amendment to Chapter 694 of the Municipal Code, Signs, General to permit the display of a roof sign and a projecting sign as described in Attachment 3 to this report at the premises municipally known as 277 Victoria Street;
3. Authorize the City Solicitor to release the Easement Agreement registered as Instrument Numbers AT1868230, AT1868231 and AT1868232 from title to Ryerson's new Student Learning Centre and its Gould Street Library once Ryerson has:
 - a. Executed the Licensing Agreement for 277 Victoria Street to the satisfaction of the City Solicitor;
 - b. Installed the restored Sam Signage on the roof of 277 Victoria Street to the satisfaction of the Chief Corporate Officer and the Chief Building Official; and
 - c. Entered into an Amending Site Plan Agreement, which is registered on title to Ryerson's new Student Learning Centre at 341, 347 and 349 Yonge Street, such Agreement to provide for the installation and maintenance by Ryerson of a plaque directing interested persons to the location of the Sam

Signage at 277 Victoria Street, the Agreement and plaque to be to the satisfaction of the Chief Planner and Executive Director of City Planning in consultation with the City Solicitor and the Manager, Heritage Preservation Services.

4. Direct City staff to examine funding sources for a "Toronto Music City" sign that would anchor the Sam Signage to the building and provide a visual link to a possible music related facility at 38 Dundas Street East.
5. Authorize the City Solicitor to prepare any necessary Bills for introduction in Council to implement the above recommendations, subject to such stylistic and technical changes as may be required.
6. Direct Real Estate Services and Economic Development & Culture Division staff to explore the temporary use of 38 Dundas Street East (formerly occupied by Hakim Optical), in conjunction with The Downtown Yonge BIA or other related organizations including Music Advisory Council, the Canadian Independent Music Association, or Ryerson University, as a possible "Toronto Music City" or other related facility for music development, promotion, tourism and export development and report back in 2015.

Financial Impact

277 Victoria Street in combination with 38 Dundas Street East represent a significant redevelopment site for City of Toronto as both sites are needed to create the critical land mass for any significant redevelopment opportunity for the City. Based on preliminary analysis, there are financial implications with installing the SAM the Record Man Sign (the "Sign") on the City Property.

Ryerson will be responsible for and pay all costs of installing the Sign in addition to all operational and maintenance costs associated with the Sign.

The potential financial implications to the City by having the Sign installed at 277 Victoria Street will become evident if the City sells or partners with a private developer to redevelop the 277 Victoria Street and 38 Dundas Street East sites. Any requirements to keep the Sign at the site post-redevelopment would lower the valuation the City would receive in any redevelopment scenario. Specifically, if the City tries to obligate the developer to reinstall the Sign or potentially impose requirements/restrictions onto the developer related to the Sign, the developer would perceive this as additional risk and cost to them and ask for a lower purchase price or higher return in a partnership. In addition, the Sign would lessen the revenue earning potential from advertisers to the City because the Sign would occupy space that could otherwise be rented. Such revenues are unknown at this point and will need further staff investigation in or to determine opportunity cost.

However the redevelopment of the property offers the potential for significant financial gains to the city on balance. The sign can be designed to be installed appropriately on any

new building.

It is also recommended that staff examine possible third party and/or appropriate City funding sources for an optional "Toronto Music City" sign element that would anchor the Sam Signage to the building, complementing the iconic Sam Signage. This element as reflected in Renderings 1 and 5 in Attachment 2 of this report will provide a visual linkage and make a statement about the Sam Signage and its importance to Toronto's Music History.

DECISION HISTORY

At its meeting held on October 8, 9, 10 and 11, 2013 City Council referred item TE26.34- "Proposed Amendments to Agreements between Ryerson University and the City of Toronto – Sam the Record Man Signage" to the Deputy City Manager, Cluster B for further consideration. Council directed that staff report back within one year on attempts made to find a culturally appropriate and relevant location for the Sam Signage.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.TE26.34>

At its meeting held on June 19, 20 and 22, 2007, City Council adopted Motion M76, whereby City Council stated its intention to designate the property at 347 and 349 Yonge Street (Sam the Record Man Sign) under Part IV of the *Ontario Heritage Act*. The owner of the property objected to the designation but prior to a hearing at the Conservation Review Board a settlement was reached.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2008.MM22.13>

ISSUE BACKGROUND

Sam Sniderman began selling records in his family's radio store in 1937. Following years of growing success, Mr. Sniderman re-named the business Sam the Record Man and moved the retail operation to Yonge Street. Sam the Record Man was famous for its Boxing Day sales and discounts, knowledgeable staff and selection, and for its iconic neon signage. The Yonge Street location was in operation until June 30, 2007 but closed due to growing competition and advancing technology in the music industry.

With the imminent closure of the site, there was concern over the loss of the store's distinct signage which included a backlit sign over each entry with a white background labeled "SAM" in red letters flanked by "YES THIS IS" and "THE RECORD MAN" in black lettering; an oversized neon sign in the shape of a disc that when illuminated appears to spin like a vinyl record and, along the flat roof over each unit, raised red letters spelling "SAM".

Ryerson University purchased the property in 2008 in order to construct a Student Learning Centre. Ryerson University entered into an Easement Agreement with the City on August

15, 2008, (registered as Instruments AT1886230, AT1868231 and AT1868232), in order to permit the removal of the neon signs from the site and to begin work on the building. As part of the Easement Agreement, Ryerson committed to the storage, restoration and re-installation of the two neon signs (each in the shape of a disc that, when illuminated, appear to spin like a vinyl record) on either the Ryerson's new Student Learning Centre or Ryerson's Gould Street Library. As a result, the City withdrew the Notice of Intention to Designate and Ryerson withdrew the Notice of Objection.

During the design process for the Student Learning Centre, Ryerson consulted with custom signage experts Gregory Signs & Engraving Ltd. to evaluate the feasibility of the restoration and re-installation of the signs on the new Student Learning Centre building. As the design of the Student Learning Centre progressed, Ryerson's Architects explored options to incorporate the Sam's sign on the building but felt that the evolving design would be incompatible with the sign.

Through the application review process, City Planning Staff gave serious consideration to the conflict with the design of the new building and the re-installation of the Sam's Sign and communicated in their October 12, 2011 Final Report Recommending the Zoning Amendment for the Student Learning Centre that:

"Staff acknowledges that it may not be appropriate given the proposed design of the Ryerson Student Learning Centre to reinstall the signs on the face of this building".

In November 2012, Ryerson outlined in a more fulsome way the inherent difficulty of satisfying the agreements as written (largely due to technology, design and safety) and they indicated their intention to formally request the City to release them from the existing obligation.

In October 2013, staff recommended a Commemoration Strategy developed by E.R.A. Architects Inc. as proposed by Ryerson as an alternative to the original agreement which, along with the accompanying motions, was referred to the Deputy City Manager by Council for further consideration. The link to the staff report can be found below:

<http://www.toronto.ca/legdocs/mmis/2013/te/bqrd/backgroundfile-60729.pdf>

COMMENTS

As a result of Council's Direction, extensive consultation's were held with a wide variety of stakeholders, including but not limited to representatives of: The Sniderman Family, Berkeley Events, Ryerson University, Jazz FM, Downtown Yonge BIA, The Markle Brothers Inc., Music Canada, Save Our Sign, StubHub, The Lalani Group and others.

Numerous proposals to restore and re-install the original signs on or near the original property were discussed and reviewed by staff including: installation on alternative buildings within the Ryerson Campus; installation on buildings owned by third parties; and installation on other City owned properties including in Yonge Dundas Square and in the

vicinity of Yonge Dundas Square.

Through the consultation period, three consistent messages were communicated to staff in considering a location for the Sam's Sign. These were that the signs be:

- 1) On or close to the original location
- 2) Visible from Yonge Street
- 3) Not immediately surrounded or cluttered by other signage

As a result of this consultation, City Staff recommends the location on top of 277 Victoria Street to be the most feasible location for the Sam Signage which will ensure the preservation of original iconic signs in a way that satisfies the consultation criteria and is located on a visually prominent intersection on one of the City's most important public squares.

City staff and representatives of Ryerson have been working co-operatively to determine both the physical and financial feasibility of installing the Sam Signage on the roof of 277 Victoria Street. Any determination by Ryerson to enter into a License Agreement offered by the City permitting the installation of the sign on 277 Victoria Street is subject to the physical and financial feasibility of doing so and the approval of Ryerson's Board of Governors, if required.

An optional projecting "Toronto Music City" sign element is being proposed by staff as a compliment to the iconic Sam Signage to provide a visual linkage and to make an important statement about the Sam Signage and its importance to Toronto's Music History. The project sign may also assist in branding Toronto as a Music City and make a physical connection to the possible reuse of 38 Dundas Street East as music related facility.

A plaque containing simple text and directional signage will be installed on the site of the Student learning Centre adjacent to where the original Sam Signage was located, in order to direct people to the new location of the Sam Signage atop 277 Victoria Street.

Proposed Amendment to Chapter 694

In the past, the Sam Signage has been displayed as a large illuminated wall sign facing Yonge Street. The Sam Signage includes three components: two wall signs displayed as spinning records, two wall signs located below the spinning records identifying 'Sam the Record Man', and two signs displaying "SAM" located above the spinning records (see Figure 1 below). These three components have overall dimensions of 15.15 metres wide by 10.9 metres tall.

The building where the Sam Signage is proposed to be located, 277 Victoria Street, is in the Downtown Yonge Street Special Sign District. This area of the City has been designated by Chapter 694 as a Special Sign District due to the Signage Vision for the Downtown Yonge Street Strip ("the signage vision") that was adopted by City Council in 2009, which applies exclusively to this area.

As well as describing an overall vision for signage in the Downtown Yonge Street Special Sign District, the signage vision lists seven locations along the boundaries of Dundas Square where 'Landmark Signs' are contemplated. The subject property is listed as one of these locations.

'Landmark Signs' are signs that are: located at key corners and view terminus sites, are of high architectural quality and design, or are located on sites appropriate for the tallest signage structures in the area, giving consideration to the context of the site.

The building at 277 Victoria Street is 11 storeys tall and currently does not display any signage similar to other buildings surrounding Dundas Square (See Figure 2 below). The addition of the Sam Signage (see Figure 3 below) to the roof of 277 Victoria Street will assist in further implementing the goals of the signage vision, as well as making the building more consistent with other buildings surrounding Dundas Square.

The proposed "Toronto Music City" sign will face west, project two metres off of the wall, be displayed 28 metres along the southern wall of the building, and extend an additional 10-12 metres above the roof line (see Figure 3 below). The "Toronto Music City" sign will be of a similar design and colour scheme as the Sam Signage, and has been designed to integrate the Sam Signage into the building.

Figure 1: The Sam Signage



Figure 2: 277 Victoria Street and the east side of Dundas Square without the Sam Signage



Figure 3: 277 Victoria Street and the east side of Dundas Square with the Sam Signage



Also, the addition of the Sam Signage to the building will not create a circumstance where the additional height of the building, as a result of the Sam Signage, will be out of context with the area. Directly to the south is a large media tower used by CityTV. When viewed from Dundas Square (to the west), the height of the Sam Signage and the associated projecting sign will be in keeping with the height of this media tower, and create a more consistent built form along the eastern boundaries of Dundas Square.

CONCLUSION

Through extensive consultation, including over thirty meetings with interested stakeholders, City staff believe the location on top of 277 Victoria Street to be the most appropriate to celebrate the Sam Signage and respond to Council's direction to provide a "culturally appropriate and relevant location for the Sam Signage." This location will be visible from Yonge Street, a visual terminus from Dundas Street and highly prominent when viewed from Yonge – Dundas Square, one of the City's most important gathering spaces.

CONTACT

James Parakh
Program Manager Urban Design
City Planning
Tel: 416-392-1139;
E-mail: jparakh@toronto.ca

Ted Van Vliet
Manager, Sign Bylaw Unit
Toronto Building,
Tel. 416-392-4235
E-mail: tvanvli@toronto.ca

SIGNATURE

Deputy City Manager, Cluster B

ATTACHMENTS

Schedule "1" – Terms and Conditions of the License
Attachment No. 1 – Photographs: Sam the Record Man
Attachment No. 2 – Renderings: 277 Victoria Street owned by City of Toronto

SCHEDULE 1 – TERMS AND CONDITION OF LICENSE AGREEMENT

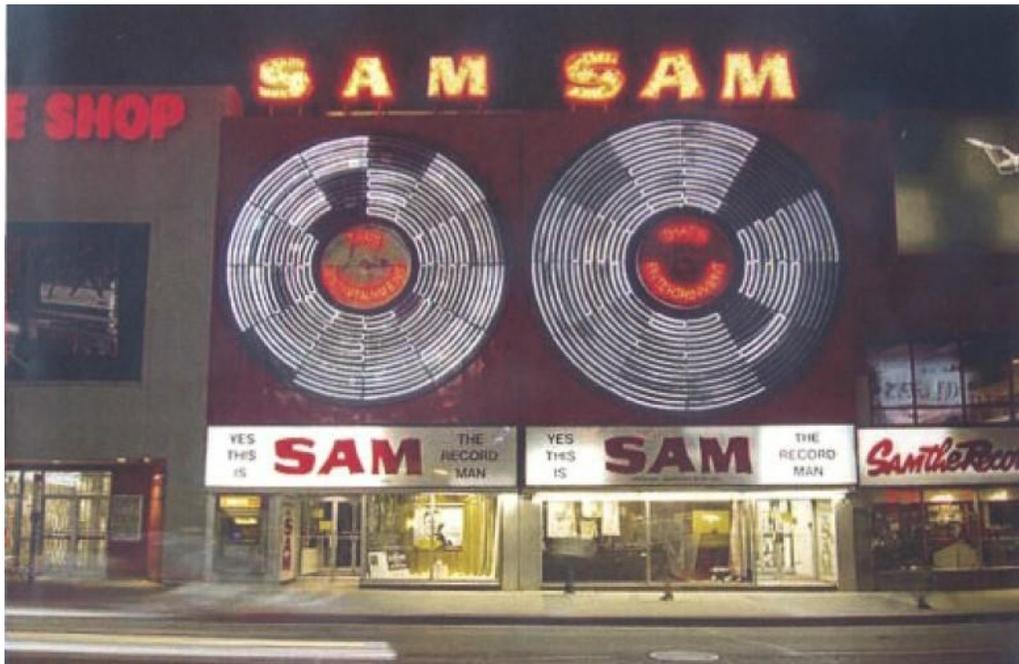
A)	Premises:	Rooftop of building located at 277 Victoria Street
B)	Term::	20 years non exclusive license plus further 10 year renewal
C)	Fee:	Nominal
D)	Utilities and associated operational and maintenance costs:	To be paid by Ryerson
E)	Sign Installation:	To be undertaken and paid by Ryerson to the satisfaction of City Building Department, including any costs to ensure the structural reinforcement required to the rooftop to accommodate the sign as certified by structural engineer, all at the cost of Ryerson
F)	Use:	Sign display, operation and maintenance and no other uses unless consented to by the City
G)	Taxes:	To be paid by Ryerson
H)	Permits & Approvals:	To be obtained by Ryerson and its cost
I)	Insurance:	To be provided by Ryerson
J)	Site Redevelopment	City to endeavor to have future developer re-install the sign and take over the sign obligations of Ryerson, failing which Ryerson to remove the sign
K)	Assignment:	No assignment of license without City consent



Sam the Record Man, June 2007



Original Sam the Record Man Signage - Day



Original Sam the Record Man Signage - Night



Rendering 1 - Sam the Record Man Signage during the Day looking east across Dundas Square



Rendering 2 – Looking East along Dundas Street at Bay Street at Night



Rendering 3 – View from Dundas Square at Night



Rendering 4 – Look East along Dundas Street at Night



Rendering 5 – View from Yonge Street at Night