

**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 Wall of the Building at 450 Bathurst Street**

Date:	October 31, 2011
Ward:	Ward 20 - Trinity-Spadina
File No.:	TP-11-00029
IBMS File No.:	11-241081

PURPOSE OF THE APPLICATION

This is an application by Strategic Media Outdoor for three variances to Chapter 694, Signs, General, in conjunction with a proposal to erect and display one illuminated third party wall sign with static copy on the northerly facing wall of an existing three storey house-form building located at the property municipally known as 450 Bathurst Street. The proposed third party wall sign is to be 6.70 metres wide by 6.70 metres long and at a height of approximately 10.07 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 44.89 square metres and located at an overall height of approximately 10.07 metres. The proposed third party wall sign will be:

- Illuminated;
- Erected within 100.0 metres of other lawful third party signs;
- Erected within 30.0 metres of a premises located in an R-Residential sign district;
- Not erected on a premise located within an area with site-specific area restrictions;
- The only third party sign located on the premises; and
- At a height of 10.07 metres, will contain only one sign face, said sign face measuring 6.7 metres long by 6.7 metres wide for a total sign face areas of 44.89 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 north. There is a third party wall sign at 464 Bathurst Street, approximately 35.0 metres to the north. There is a third party ground sign at 455 College Street, approximately 90.0 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 44.89 square metres.
694-25A(1)(e)	A third party wall sign is permitted provided the sign shall not be erected within 30.0 metres of any premises located within an R, RA, or OS sign district.	The proposed third party wall sign will be located approximately 20.0 metres from an R-Residential sign district, to the north and approximately 18.0 metres from an R-Residential sign district to the west.

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 third party wall sign to exceed 20 square metres in sign face area;
3. The Sign Variance Committee **approve** the variance requested from §694-25A(1)(e) to allow the third party wall sign to be erected and displayed within 30 metres of a premise located within a R-Residential sign district.

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 the variances. It is the Chief Building Official's position that each of the proposed variances meet 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; and
- A sketch of the northerly elevation of the existing building on the premises, with the proposed wall sign along with a photographic rendering of the building depicting the proposed sign.

Site Context

The subject property is located in Ward 20. The sign is proposed on the northerly facing wall of an existing three storey commercial/residential building located at 450 Bathurst Street which is on the west side of the street between College Street and Dundas Street West. The proposal describes the erection and display one third party illuminated wall sign measuring 6.70 metres wide by 6.70 metres long and at a height of 10.07 metres.

The subject property is bounded on the north by a surface parking lot operating for patrons of "The Beer Store," a large retail beverage outlet; on the south by another commercial building, on the west by a public lane and on the east by Bathurst Street.

The entire west side of Bathurst Street near the subject property is zoned for commercial and residential uses. It consists of mostly light industrial and commercial-residential uses. On the east side of the street, half of the street between the intersections is made up of older low-rise single-family or multiple unit residential buildings. The areas at the major intersections are developed as mid-rise institutional and low-rise commercial uses. The character of the street is predominantly commercial.

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 on the west side Bathurst Street between Dundas Street West and College Street. All the properties on the west side of and fronting Bathurst Street are located in a CR-Commercial Residential sign district and other properties in the area are designated as an R-Residential sign district. The land uses on the west side of Bathurst Street are predominately commercial and residential, with some light industrial uses. Some of the properties are surface parking lots and contain large third party advertising signs.

The third party wall sign is proposed to be located on the northerly facing wall of the building which abuts the large surface parking lot of the neighbouring retailer. The parking lot itself contains two third party "pedestal" ground signs along the frontage, facing and directed to Bathurst Street. Another property, shouldering the parking lot, to the north contains a large third party wall sign.

The subject wall on which the third party sign is proposed is plain, has no openings or architectural features and therefore, does not add any character to the space. It may, as the Applicant proposes, add interest to an otherwise vacant and underused space.

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 premises consists of a three storey brick commercial residential building, in a house-form. The front and rear portions of the building have been improved and renovated beyond the original construction of the original building. The building occupies nearly the entire lot and the north side of the building is fully exposed as there is only an open surface parking lot adjoining it.

The building on the subject premises generally possesses no distinctive style or character and its original design has been substantially altered.

The proposed third party sign is to be erected and displayed on said northerly facing wall. Since the character of this wall is not being compromised, the proposed sign can be utilized to enhance the exposure and "enliven" the space. The proximity of the wall of the building to other buildings and structures provides an acceptable backdrop for a large third party advertising sign.

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*

All the properties on the west side and fronting on Bathurst Street are in a Commercial Residential sign district while the rest of the lots surrounding this area are in the Residential sign district. The buildings on the west side of Bathurst Street are mostly a mix of commercial and residential uses along with some light industrial uses.

Based on all of the above, it would be a better proposition to approve the proposed third party wall sign than not to; especially when considering the appropriateness of the development of the premises, the visual improvement to the open space, the enhanced illumination, the nature of the development and scarcity of availability of a wall of this size for a new sign are all taken into context.

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 street has a strong commercial character which is attributed by uses of and the design of the buildings as well as the signs that adorn them. In addition to the first party wall and ground signs on other properties, there are some third party signs.

Based on the above, the essential character of the premises and the immediate neighbourhood does not change due to the proposed third party wall sign. The character of the area along with the presence of other signs justifies the approval of the proposed sign. The proposed sign will complete the symmetry of the open space it faces and it will be an appropriate addition to the existing setting.

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 can only enhance the visual effect of the adjacent property and it compliments the existing third party wall sign on the southerly wall of the next adjacent premises to the north, also facing the open parking lot.

The residential properties located on the east side of Bathurst Street are a distance away from the proposed third party wall sign and therefore, the sign's presence will not adversely affect these 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 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 Chief Building Official making a decision and a written Notice of the proposal is mailed out to the Ward Councillor and all property owners of all the properties and to the mailing addresses of residential and business tenancies within a 60 metre radius of the property. Sign bylaw 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.

Furthermore, the proposed third party wall sign is illuminated and therefore it is required to comply with the illumination provisions of §694-18, including:

- The sign shall not be up-lit,
- The light shall not project onto any adjacent premises located in an R, RA, CR, I, or OS sign district.
- The illumination shall not increase the light levels within 10.0 metres of all points of the sign face by more than 6.5 lux above the ambient lighting level;
- The illumination shall not exceed 5,000 nits during the period between sunrise and sunset; and
- The illumination shall not exceed 500 nits during the period between sunset and sunrise.

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 Bylaw Unit staff have reviewed the proposal and confirmed that the premises is located in the CR-Commercial Residential sign district and that third party wall signs are permitted in this 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 Bylaw Unit staff have confirmed that the proposed signage is not expressly prohibited by Chapter 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.

CONCLUSION

In consideration of the variances requested to Chapter 694, Signs, General, to erect and display one third party wall sign on the northerly facing wall of the existing three storey building at 450 Bathurst Street, it has been established that the proposal is in compliance with all of the 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

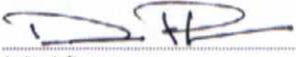
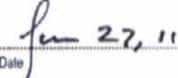
SIGNATURE

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

 Toronto Building Sign By-law Unit		<h2 style="margin: 0;">Sign Variance Application</h2>							
For Enquiries Dial 311 From Outside the City of Toronto (416) 392-CITY (2489)		Request Date <table border="1" style="margin: auto; border-collapse: collapse;"> <tr> <td style="padding: 2px;">23</td> <td style="padding: 2px;">6</td> <td style="padding: 2px;">2011</td> </tr> <tr> <td style="font-size: 8px; text-align: center;">Day</td> <td style="font-size: 8px; text-align: center;">Month</td> <td style="font-size: 8px; text-align: center;">Year</td> </tr> </table>	23	6	2011	Day	Month	Year	Folder No.
23	6	2011							
Day	Month	Year							
Sign Location									
Street No. 450	Street Name BATHURST STREET	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 reasons/justification for the request (Attach any supporting documentation or additional pages as required).									
Property Owner Information									
Last Name LOPEZ		First Name HECTOR							
Company Name (if applicable)		Area Code and Telephone No.							
Street No. & Name 277 AUGUSTA AVENUE		Apt./Unit No.	Area Code and Mobile / Pager No.						
City TORONTO	Province ON	Postal Code M5T 2M1	Area Code and Fax No.						
E-mail 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									
I, Last Name		First Name							
Company Name (if applicable) STRATEGIC OUTDOOR		Area Code and Telephone No. (416) 253-9988							
of Street No. and Name 555 RICHMOND ST W		Apt./Unit No. 600	Area Code and Mobile / Pager No.						
City TORONTO	Province ON	Postal Code M5V3B1	Area Code and Fax No. (416) 253-6206						
E-mail 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.									
<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 Pitoscia Print Name	 Date						
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 available to 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 771, 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: 416-392-8000									

For Enquiries Dial 311
From Outside the City of Toronto (416) 392-CITY (2489)

Request Date			Folder No.
23	6	2011	
Day	Month	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. 450	Street Name BATHURST STREET	Lot No.	Plot No.
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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):

Replace existing permitted mural sign (permit number 09 112254 SQN 00 SP) with an illuminated vinyl fascia sign measuring 22 ft. by 22 ft. on the north elevation wall.

Rationale

Decisions for all Sign Variance Applications are evaluated against criteria listed in Toronto Municipal Code Chapter 694-30 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 120 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 694-15B.

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

Sign Variance Application – 450 Bathurst Street

Rationale for Application

1. Approval of this application is appropriate. A sign permit is currently in place, permit number 09 112254 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.

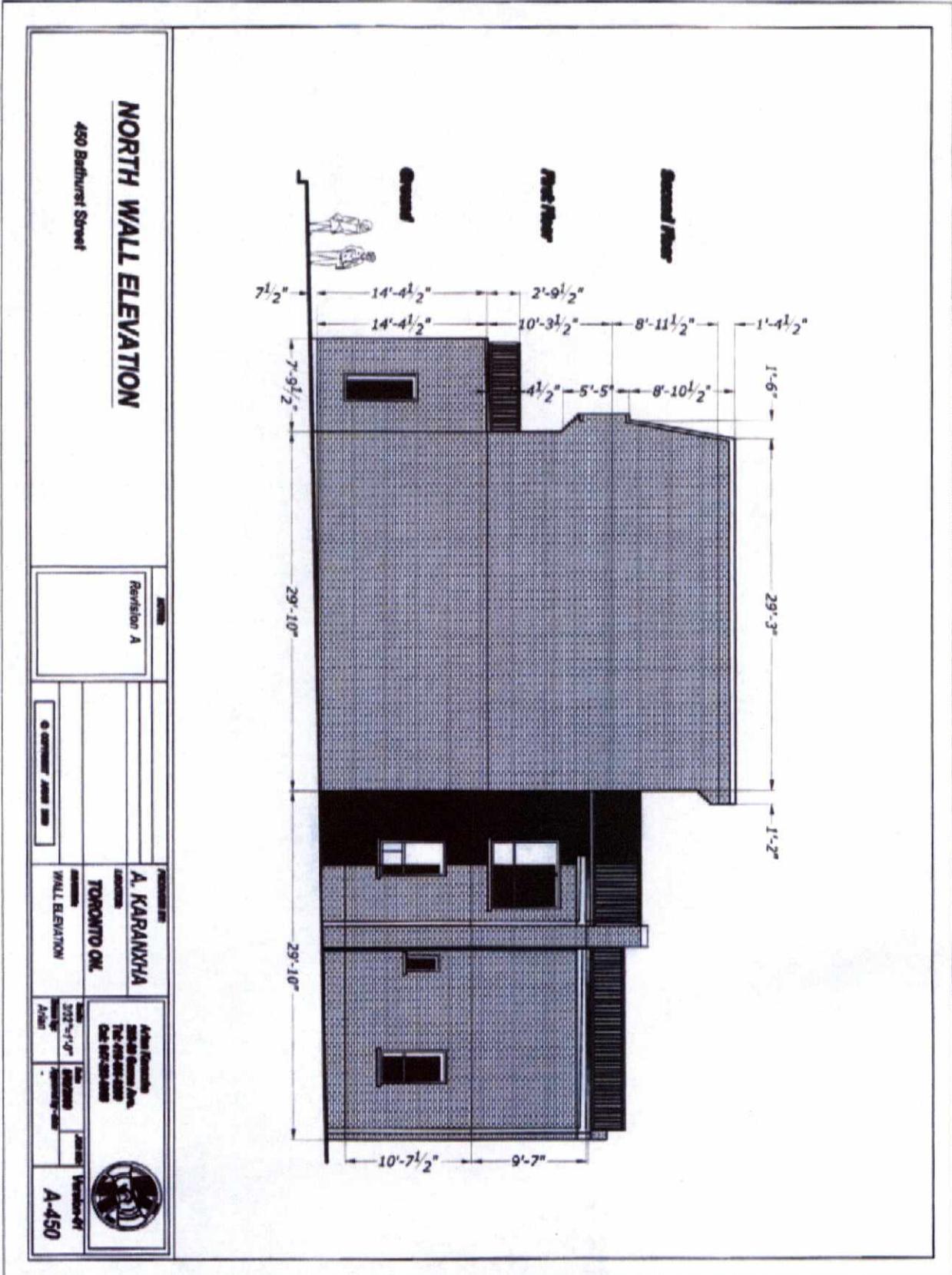
Vinyl signs are produced on strong, fire retardant material and the necessary artwork and printing is done in a safe manufacturing environment. The signs are then constructed in a way that allows them to be strung, by way of a simple cabling system attached to the wall (noting that the system is designed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

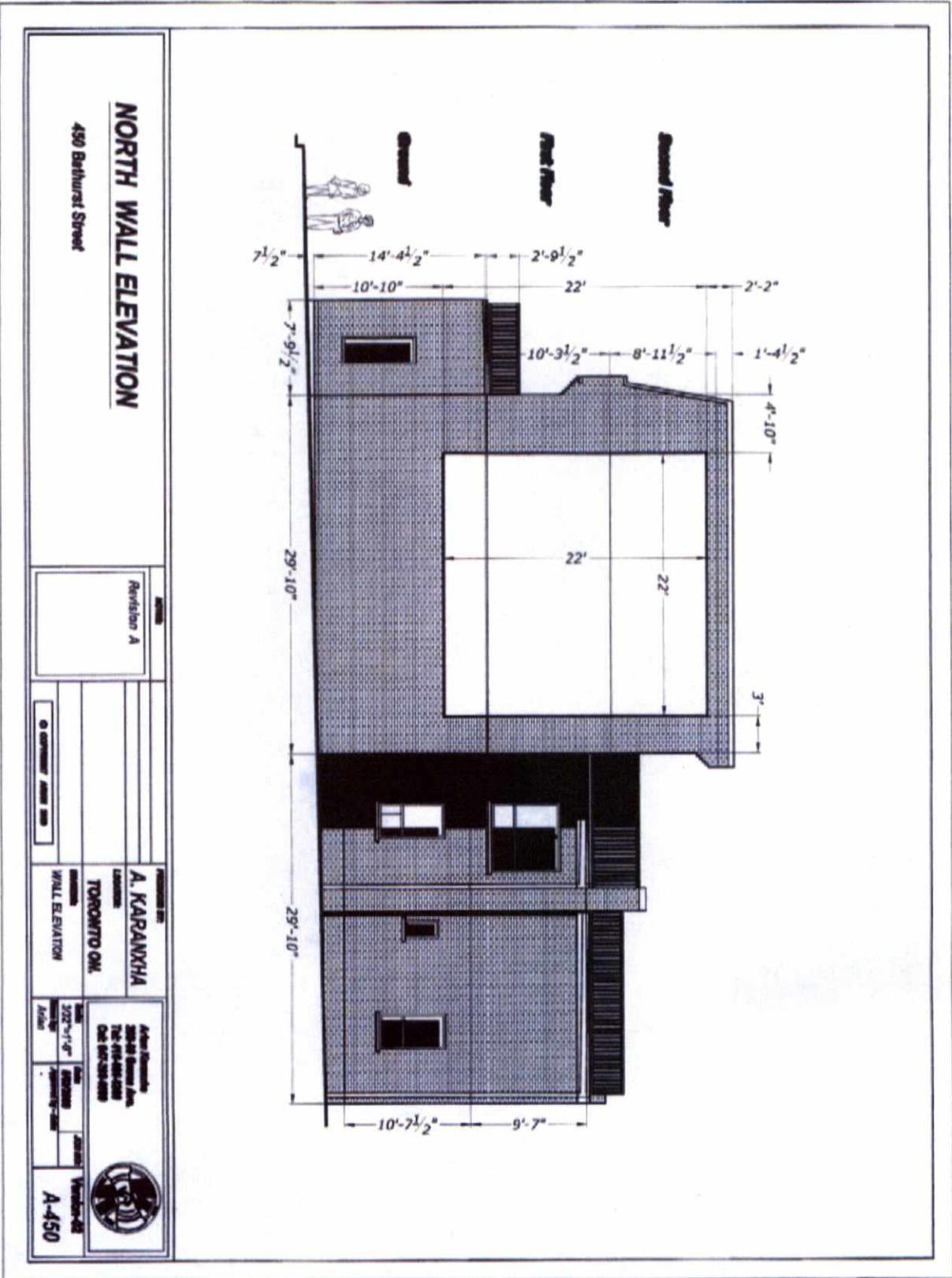
disposal. While this method minimizes potential harm to the passing public, it does involve exposing the workers to the chemicals needed for the process. In addition, there is a long-term potential for erosion of the building wall or cladding on the wall in question.

- 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.

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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 north elevation wall of a commercial building, adjacent a surface parking lot.
- 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. College Street 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 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 at this site.
- 9. The proposed sign location is not prohibited by the City's sign regulation.







ATTACHEMENT 2: EXCERPT – SIGN DISTRICT MAP

