

**ATTACHMENT 2:
STAFF REPORT**



**STAFF REPORT
ACTION REQUIRED**

**Application by Strategic Outdoor for Four Variances
with Respect to a Third Party Wall Sign Proposal at the
Westerly Facing Wall of the Premises at 869/871 Queen
Street West**

Date:	November 1, 2011
Ward:	Ward 19 – Trinity-Spadina
File No.:	TP-11-00028
IBMS File No.:	11-241416

PURPOSE OF THE APPLICATION

This is an application by Strategic Media Outdoor for four 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 westerly facing wall of an existing two storey mixed-use building located at the property municipally known as 869/871 Queen Street West. The proposed third party wall sign is to be 12.10 metres wide by 3.70 metres long and at a height of approximately 6.80 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 24.7 square metres and located at an overall height of 6.75 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;
- Erected within 30 metres of 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 premise;
- At a height of 6.80 metres, will contain only one sign face, said sign face measuring 3.7 metres long by 12.1 metres wide for a total sign face area of 44.77 square metres, and will display static copy.

REQUESTED VARIANCES

SECTION	REQUIREMENT	PROPOSAL
694-22D	A third party sign shall not be erected within 100 metres of any other third party sign.	There is a third party roof sign at 732 Queen Street West, 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 44.77 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 25.0 metres from the intersection of Queen Street West and Walnut Avenue. The proposed third party wall sign will be located approximately 22.0 metres from the intersection of Queen Street West and Bellwoods Avenue.
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 15.0 metres from an R-Residential sign district, to the south.

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)(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; and
4. 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 a variance. It is the Chief Building Official's position that, based on the previously noted recommendations, all of the proposed four 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:

1. A Sign Variance Application form, completed by the Applicant and signed and dated June 27, 2011;
2. A "Rationale for Application" prepared by the Applicant;
3. A Site Plan of Survey, prepared by H. Mitsche O.L.S. in 2008; and
4. Elevation drawings of the westerly facing building wall of the subject premises showing the existing wall and proposed third party sign location and dimensions, prepared by A. Karanxha.

Site Context

The subject property (refer to Attachment 2) is located in Ward 19 near the intersection of Queen Street West and Bellwoods Avenue. The subject property is located on Queen Street West between the major streets of Ossington Avenue to the west and Bathurst Street to the east within a CR-Commercial Residential sign district. This portion of Queen Street West is characterized by many two and three storey commercial-residential buildings with first storey commercial/retail uses and residential uses on the second and third storeys. Queen Street West is predominately commercial-residential, while there are residential properties on the minor streets near the proposed sign location and a park within the vicinity.

The westerly wall of 869/871 Queen Street West, on which the sign is proposed to be erected and displayed, faces a gas station. To the south of the subject property exists a R-Residential property containing a high-rise apartment building, while the properties to the north and east of the subject property contain commercial-residential uses.

Established Criteria

In order to review, consider and make recommendations on sign variance applications, criteria to evaluate an application for a variance are provided in Chapter 694. §694-30A states that an application for a variance from the provisions of Chapter 694 may only be granted where it is established that the proposed sign:

- (1) *Is warranted based on physical circumstances applicable to the property or premises;*
- (2) *Is consistent with the architecture of the building or development of the property;*
- (3) *Is consistent with buildings and other features of properties or premises within 120 metres of the location of the proposed sign;*
- (4) *Will not alter the essential character of the area;*
- (5) *Will not adversely affect adjacent properties;*
- (6) *Will not adversely affect public safety;*
- (7) *Is, in the opinion of the decision maker, not contrary to the public interest;*
- (8) *Is of a sign class or a sign type that is permitted in the sign district where the premises is located; and*

- (9) *Is not expressly prohibited by §694-15B.*

The Chief Building Official provides the following comments with respect to each of the criteria, all of which must be established for a variance to be granted:

- (1) *Physical circumstances applicable to the property or premises*

The subject property is located within a CR-Commercial Residential sign district and third party wall signs are permitted in this sign district. Typically third party wall signs are common in these districts because they reflect the retail and business nature of the area. Signs, window displays, and advertising are all prevalent since the majority of buildings in these areas have commercial/retail uses at the first storey.

This proposed third party wall sign will be erected and displayed on the westerly facing building wall which is currently bare and lacking aesthetic appeal. As well, the proposed sign faces a neighbouring gas station. The proposed sign is set back approximately 22 metres from the nearest intersection of Queen Street West and Bellwoods Avenue; however it has minimal visibility to this intersection and will only be visible to traffic travelling eastbound on Queen Street West, beyond the intersection as well as traffic at the intersection of Queen Street West and Walnut Avenue.

The proposed third party sign is set back approximately 25 metres from the intersection of Queen Street West and Walnut Avenue. Although this setback is less than the 30 metres required by Chapter 694, a setback is still provided and the variance request is thought to generally be minor in nature.

As the Applicant claims, the proposed third party wall sign will contribute to the promotion and animation of this immediate area of the neighbourhood.

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 previously mentioned, the proposed third party wall sign will be erected and displayed on the westerly facing building wall which is currently constructed of aluminum cladding. It's a bare wall generally lacking aesthetic appeal. There are no significant architectural elements of any relevance that would be negatively affected by the proposed sign. Again, the Applicant purports that the wall sign will contribute to animating and enlivening the plain building wall and surrounding area.

Conclusion: It is the Chief Building Official's opinion that it has been established that the proposed sign is consistent with the architecture of the building or development of the property.

- (3) *Consistency with buildings and other features of properties or premises within 120 metres of the location of the proposed signage*

The majority of properties within 120 metres of the subject location are also within the CR-Commercial Residential sign district and contain commercial, residential, business and office uses. Wall signs are common in this district and reflective of the retail and business nature of the area. There are also R-Residential, OS-Open Space, and E-Employment sign districts within 120 metres of the subject premises; however, due to the location and position of the proposed third party wall sign, it will have little or no visibility from most of these sensitive land uses.

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*

This section of Queen Street West is largely commercial in nature and is expected to absorb a substantial amount of an anticipated increase in retail, office and service employment in Toronto. Third party wall signs are permitted in this sign district subject to regulatory provisions provided for in Chapter 694. As such, permitting the erection and display of a third party wall sign will not alter the essential character of the area.

Conclusion: It is the Chief Building Official's opinion that it has been established that the proposed sign will not alter the essential character of the area.

- (5) *Adverse affect on adjacent properties*

The proposed third party wall sign will directly face a gas station and will thus result in no negative impact to this property. There is only one residential property within 30 metres of the proposed sign, which will be minimally impacted by the sign given that any view of the sign will be partially obstructed by the neighbouring commercial-residential building and due to the orientation and location of the proposed sign. Also, the proposed wall sign will comply with the illumination requirements outlined in Chapter 694 including illumination only between the hours of 7 a.m. and 11 p.m. and reducing the luminosity and brilliance of the sign, in relation to ambient light levels, at dusk and dawn. As such, there are no significant 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 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 hearing of the application by the Sign Variance Committee and written notice of the proposal is mailed out to the local Ward Councillor, the 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 proponent also intends to comply with the prescribed regulations related to the purchase and use of renewable energy to operate the proposed third party wall sign and with the illumination requirements including:

- Only illuminating the sign between the hours of 7 a.m. and 11 p.m.;
- Avoiding "up-lighting" the sign to mitigate impacts on birds and the night sky; and
- Reducing the luminosity and brilliance of the sign, in relation to ambient light levels, at dusk and dawn.

This specific proposal appears to be acceptable to 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 subject property is located within a CR-Commercial Residential sign district where third party wall signs are permitted.

Conclusion: It is the Chief Building Official's opinion that it has been established that the proposed sign is of a sign class or a sign type that is permitted in the sign district where the premises is located.

(9) *Express prohibitions as per subsection 694-15B*

Through a review of the proposal, Sign By-law Unit staff have confirmed that 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 four variances requested to Chapter 694, Signs, General, to allow the issuance of a sign permit authorizing the erection and display of one third party wall sign with one sign face containing static copy, on the westerly facing wall of the property municipally known as 869/871 Queen Street West, as described, 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, Variance, Tax & Permits,
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



Sign Variance Application

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

Request Date	Folio No.
23 Oct 2011	11-241416

Sign Location

Street No.	Street Name	Lot No.	Plan No.
869/871	QUEEN STREET WEST		

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/justification for the request (Attach any supporting documentation or additional pages as required):

Property Owner Information

Last Name	First Name	Area Code and Telephone No.
Company Name (if applicable) DOMINELLI SERVICE		Area Code and Mobile / Pager No.
Street No. & Name 153 DUFFERIN STREET	Apt./Unit No.	Area Code and Fax No.
City TORONTO	Province ON	Postal Code M5K 1Y9
E-mail address		

Attachments Required

- Sign Variance Data Sheet
- Copies of any supporting documents
- All necessary plans and specifications required to verify the nature of the Sign By-law Variance(s) requested

Applicant's Declaration and Information

Last Name	First Name	Area Code and Telephone No.
Company Name (if applicable) STRATEGIC OUTDOOR		(416) 253-9988
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
- the Property Owner as stated above
 - an officer/employee of _____, which is an authorized agent of the owner.
 - the owner's authorized agent
 - an officer/employee of _____, which is the Property Owner's authorized agent.
- That statements contained in this application are true and made with full knowledge of all relevant matters and of the circumstances connected with this application.
 - That the plans and specifications submitted are prepared for the sign variance(s) described and are submitted in compliance with copyright law.
 - That the information included in this application and in the documents filed with this application is correct.
 - That statements contained in this application are true and made with full knowledge of all relevant matters and of the circumstances connected with this application.

Applicant's Signature:  Daniel Pitocia Date: Jan 22, 11

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 primarily 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, for variance, 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, 12th Floor, East Tower, Toronto, ON, M5H 2G2, Telephone: 416-392-8000

Sign Variance Application – 869/871 Queen Street West

Rationale for Application

1. Approval of this application is appropriate. A sign permit is currently in place, permit number 08 204672 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.

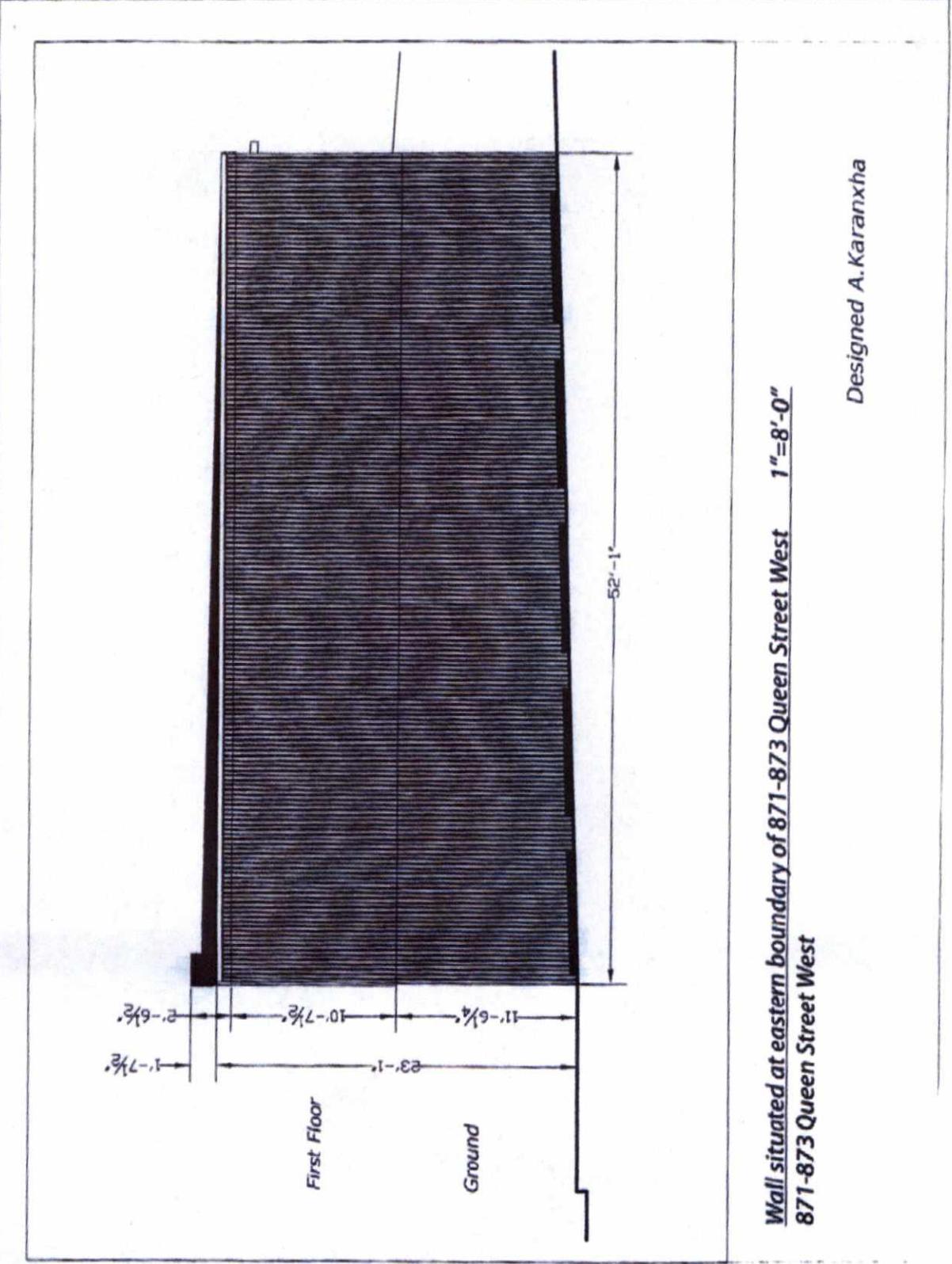
Vinyl signs are produced on strong, fire retardant material and the necessary artwork and printing is done in a safe manufacturing environment. The signs are then constructed in a way that allows them to be strung, by way of a simple cabling system attached to the wall (noting that the system is designed 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 can be cost-prohibitive to the smaller and start-up companies who wish to purchase advertising space in their communities.
- d. The removal and/or replacement of vinyl advertising signs can be done very quickly, in a number of hours rather than days.

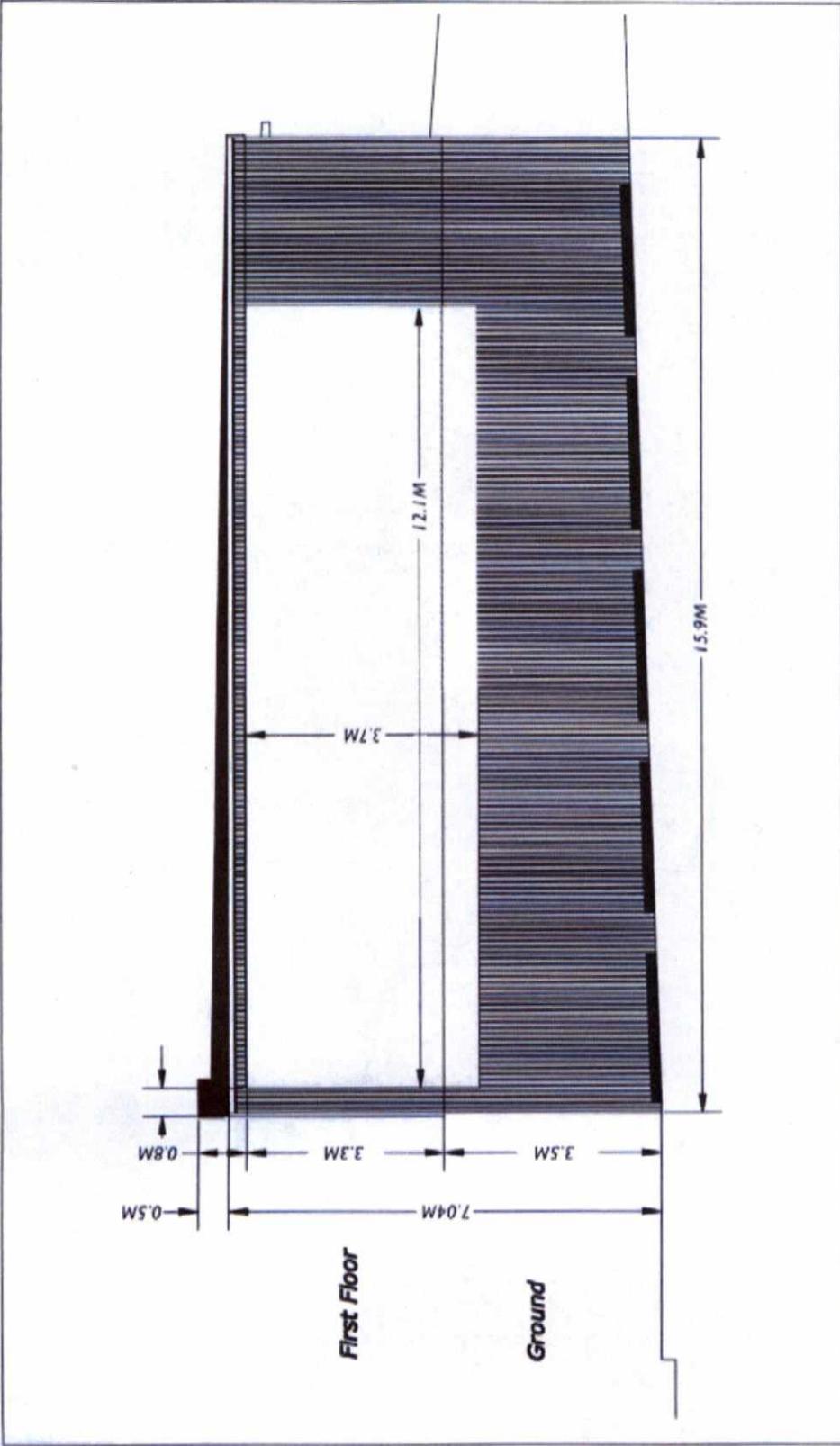
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- 3. I note that we are a new Toronto-based company that began our business here, and our head office remains here, notwithstanding the incredible presence of other large outdoor advertising companies in Toronto. In order to remain competitive and viable as a business, we need to take advantage of new production processes and offer our customers a quality product at a competitive price.
- 4. The sign is proposed to be installed on the west elevation wall of a commercial building. This section of College Street is a high-density commercial area, and the building is immediately adjacent to a gas station and convenience store.
- 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. Although the area immediately off the College Street corridor is residential in nature, the proposed sign will be located on the northernmost portion of the building wall 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.
- 10. The proposed sign location is not prohibited by the City's sign regulation.



Wall situated at eastern boundary of 871-873 Queen Street West 1"=8'-0"
 871-873 Queen Street West

Designed A. Karanxha



Wall situated at and within eastern boundary of 871-873 Queen Street West 1"=8'-0"
 871-873 Queen Street West

Designed A. Karanxha

ATTACHMENT 2: EXCERPT – SIGN DISTRICT MAP

