

**ATTACHMENT 2:  
STAFF REPORT**



**STAFF REPORT  
ACTION REQUIRED**

**Application by Strategic Outdoor for Two Third Party Sign Variances with Respect to a Third Party Sign Proposal on the Westerly Facing Wall of the Building on the Premises at 352 Adelaide Street West**

<b>Date:</b>	October 30, 2011
<b>Ward:</b>	Trinity-Spadina (20)
<b>File No.:</b>	TP-11-00024
<b>IBMS File No.:</b>	11-241469

**PURPOSE OF THE APPLICATION**

This is an application by Strategic Media Outdoor for two 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 three storey warehouse building located at the property municipally known as 352 Adelaide Street West. The proposed third party wall sign is to be 7.31 metres wide by 6.10 metres long and at a height of approximately 9.45 metres. This current proposal is in keeping with the legacy permit issued in August 2010, under the jurisdiction of Chapter 297 of the former City of Toronto Municipal Code (the former City of Toronto Sign By-law) for a painted mural on the westerly facing wall of the building and for the purposes of advertising, 62.05 square metres in sign face area and at a height of 9.27 metres. The proposed third party wall sign will be:

- Illuminated;
- Erected within 100.0 metres of other lawful third party signs;
- Not erected within 30 metres of the intersection of a major street with another street;
- Not erected within 30 metres of an R, RA or OS sign district;
- 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 9.45 metres, will contain only one sign face, said sign face measuring 6.10 metres long by 7.31 metres wide for a total sign face area of 44.59 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 wall sign and a third party ground sign at 331-333 Adelaide Street West and 345 Adelaide Street West, respectively, approximately 17 metres to the south. There is a third party wall sign at 81 Peter Street, approximately 95 metres to the southeast. There is a third party ground sign at 355 Adelaide Street West, approximately 65 metres to the southwest. There is a third party wall sign at 108 Peter Street, approximately 40 metres to the northeast. There is a third party wall sign at 118 Peter Street, approximately 75 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 is 44.59 square metres.

## RECOMMENDATIONS

**The Chief Building Official and Executive Director, Toronto Building, recommends that:**

1. The Sign Variance Committee **approve** the variance requested from §694-22D to allow the proposed third party sign to be erected and displayed within 100 metres of another third party sign; and
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.

## 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 two variances. It is the Chief Building Official's position the each of the proposed two variances meets the criteria and should be approved.

### Applicant's Submission

The Applicant's submission package is provided as Attachment 1 to this report. Attachment 1 contains:

- 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 20 within a CR-Commercial Residential sign district. The subject property is located on the north side of Adelaide Street West between Spadina Avenue and Peter Street and is bounded on the west by a surface parking lot, on the east by a three storey office building, on the north by a commercial building and on the south by Adelaide Street West. The entire area surrounding the subject property is also within a CR-Commercial Residential sign district.

Toronto's Official plan designates the land in area where the subject property is located as *Regeneration Areas*. These areas are "unique" and are intended to "[open up] to a wide array of uses to help attract investment, re-use buildings, encourage new construction and bring new life to the streets."

The subject property is also located in the Entertainment District BIA. This district is "an area with layers of history and experience. In addition to being a centre for nightlife, dining, live entertainment, comedy, film and professional sports the Entertainment District is a workplace and neighbourhood." Furthermore, "the District has a vibrant business community located in elegantly designed office towers as well as transformed and preserved historic manufacturing warehouses, office lofts and artists' studios."

### 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 Applicant is proposing to replace the existing painted mural for the purposes of advertising with an illuminated third party wall sign, smaller in sign face area and lower in height than what was previously approved and permitted. The intent is to bring the proposed third party wall sign under the jurisdiction of and in compliance with the regulatory regime and the provisions of Chapter 694.

The Applicant claims that:

Painted mural signs require the artists who paint them on the walls to work laboriously on temporary scaffolds and to be exposed to fumes for several hours at a time and at times for days on end. After several applications of paint, the need for removal of the paint build-up arises and this can be achieved only through the use of chemicals that are considered hazardous. When this procedure is repeated several times, it damages the surface of the wall and causes it to deteriorate, leading to building-related problems and repairs.

The applicant also contends that studies conducted have shown that walls with painted murals and other advertising media are less likely to be defaced by graffiti than are walls without these types of coverings.

In light of all of the above, the proposed change to the existing sign is warranted based on the potentially positive effect the proposed sign has to the subject premises.

**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 subject premises has been improved with a three storey brick warehouse building. The front façade has been improved through the years, beyond the original construction. The building occupies practically the whole of the premises and the west side of the subject building is fully exposed to views from Adelaide Street West because of an adjacent surface parking lot.

The proposal generally contemplates a change in the substrate displaying the sign from a painted mural to a vinyl wall sign. The proposed third party wall sign will be smaller in sign

face area and lower on the wall, compared to the original permit issued under the jurisdiction of Chapter 297 of the former City of Toronto Municipal Code (the former City of Toronto Sign By-law). The Applicant claims that a third party wall sign erected and displayed on the otherwise bare easterly wall of the building on the premises will not negatively affect any architectural features of the subject building and will contribute to animating and enlivening the building on the premises. Sign By-law Unit staff are generally in agreement.

**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*

There are other third party signs in the vicinity of the one proposed. The area, within the Entertainment District BIA, is a wide mixture of building typologies and land uses; ranging from mid-rise heritage warehouse buildings to high-rise glass and concrete condominium buildings along with light industrial, commercial/office, residential and arts-based uses. This diverse mixture provides a canvas to display advertising signs and, as noted in the variances sought in respect of this application, a sign such as the one proposed would be in keeping with the buildings and other features of properties in the immediate 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*

The proposed third party wall sign will not alter the essential character of the area. As mentioned, the area contains a mixture of uses and building types. It is located in the City's Downtown; a dense, inter-active and vibrant place. Permissions were granted under the authority of Chapter 297 of the former City of Toronto Municipal Code (the former City of Toronto Sign By-law) for a painted mural for the purpose of advertising. The subject sign contemplated possesses similar attributes and, as such, the essential character of the area will not be altered through this current application.

**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 Applicant claims that there will be no substantial change to the advertising sign that currently exists on the westerly wall of the subject building and therefore, no adverse effect on the adjacent property. Permission has already been obtained to erect and display an advertising sign on the westerly facing building wall. The adjacent property to the west has not undergone land or building improvements other than a surface parking lot.

The proposed third party wall sign cannot be viewed from the adjacent property to the east of the subject premises and therefore there are no perceived adverse affects emanating from this proposal

**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 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.

The proposed sign is an illuminated sign and therefore it is required to comply with the illumination provisions of Chapter 694, listed below:

- 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.

In consideration of these illumination requirements and in consideration of the proximity of the wall sign to any sensitive land uses, the proposed sign is not contrary to public interest.

**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*

Through a review of the proposal, Sign Bylaw Unit staff have confirmed that the proposed signage is not expressly prohibited by §694-15B of Chapter 694, Signs, General.

**Conclusion: It is the Chief Building Official's opinion that it has been established that the proposed sign is not expressly prohibited by § 694-15B.**

## CONCLUSION

In consideration of the variances requested to Chapter 694, Signs, General, to erect and display one third party wall sign on the westerly facing wall of the existing warehouse building at 352 Adelaide Street West, it has been established that the proposal is in compliance with all of the applicable criteria and 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](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

# 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			Folder No.
23 Day	6 Month	2011 Year	

### Sign Location

Street No. 352	Street Name ADELAIDE STREET WEST	Lot No.	Plan No.
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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:
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Please provide the reasons/justification for the request (Attach any supporting documentation or additional pages as required):

### Property Owner Information

Last Name		First Name	
Company Name (if applicable) DYNATEX TEXTILES INC.			Area Code and Telephone No.
Street No. & Name 20 CHAMPLAIN BLVD.		Apt./Unit No.	Area Code and Mobile / Pager No.
City TORONTO	Province ON	Postal Code M3H 2Z1	Area Code and Fax No.
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	
Company Name (if applicable) STRATEGIC OUTDOOR			Area Code and Telephone No. (416) 253-8988
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 Fitoscia  
Print Name

June 27, 11  
Date

The personal information on this form is collected under the authority of ss. 8 and 119 of the City of Toronto Act, 2006, and Chapter 894, 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 894, Signs, General, issuance, denial and revocation of permits under Chapter 894, Signs, General, processing applications for variances from and amendments to Chapter 894, Signs, General, creating aggregate statistical reports, enforcement of City of Toronto Municipal Code Chapter 894, 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<sup>th</sup> Floor, East Tower, Toronto, ON, M5H 2N2, Telephone: 416-332-8000



## Sign Variance Application – 352 Adelaide Street West

### Rationale for Application

1. Approval of this application is appropriate. A sign permit is currently in place, permit number 10 143996 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.

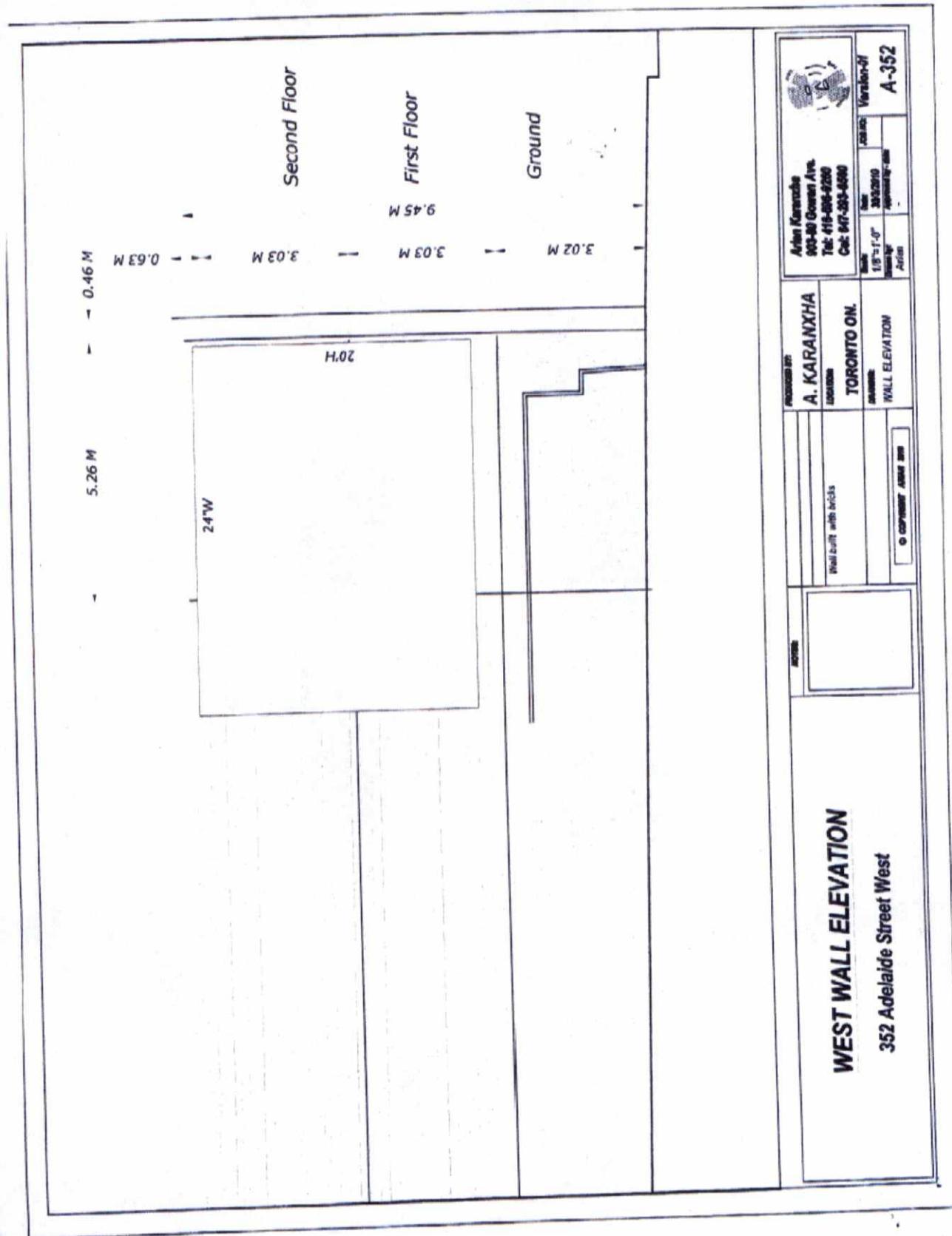
- b. As noted above, advertising copy may be changed frequently. In the case of a mural sign, this means repeatedly painting over the building walls, resulting in thick layers of paint that eventually must be removed with chemical applications.

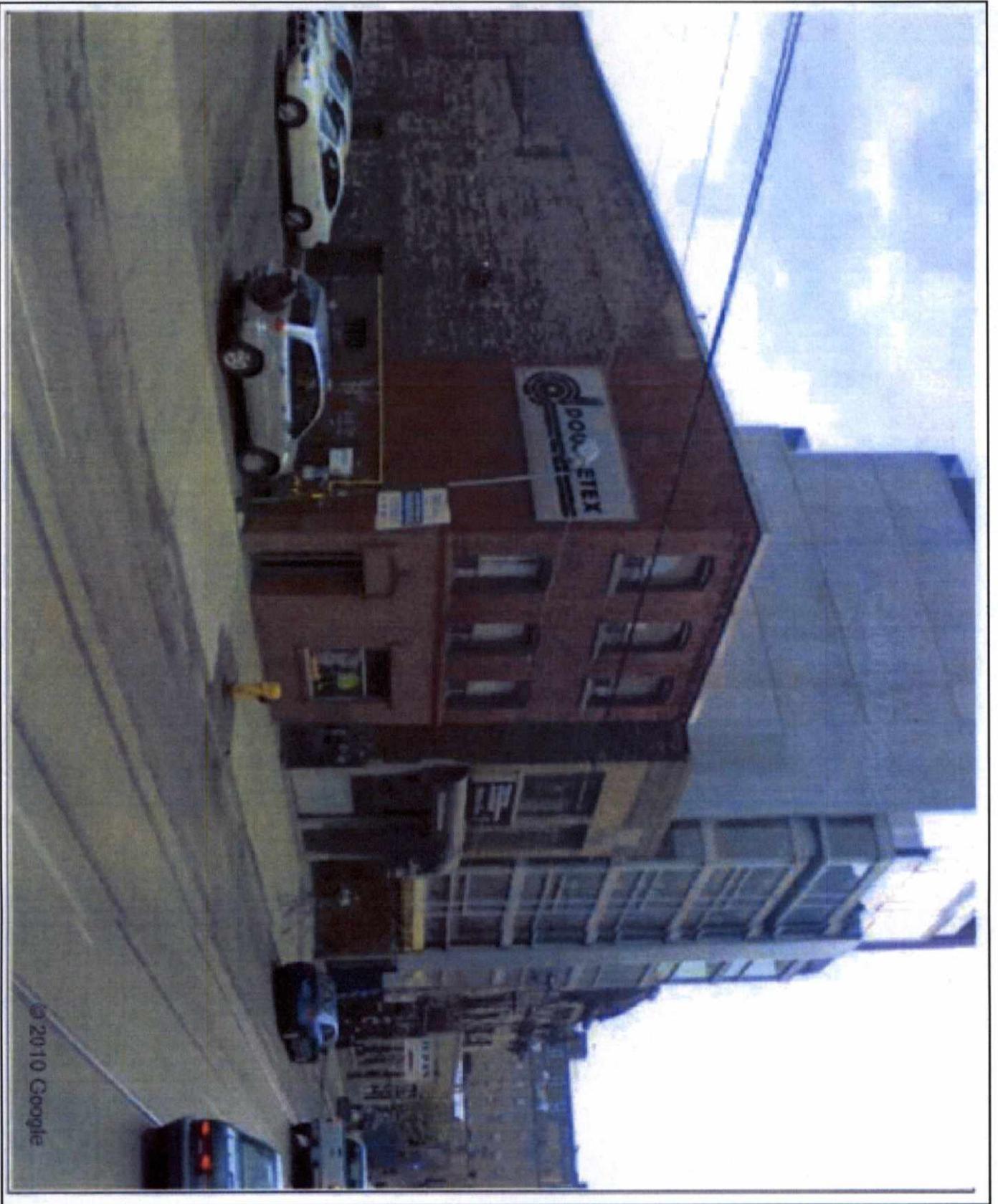
The application of the paint directly onto the wall, and the occasional removal of layers of paint also creates a potentially harmful situation since the materials used to remove the paint can be hazardous and must be collected at the base of the building wall and removed for proper disposal. While this 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 Adelaide Street West is a high-density commercial professional and light manufacturing 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. This section of Adelaide Street West is also 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.





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ATTACHMENT 2: EXCERPT – SIGN DISTRICT MAP

