

**ATTACHMENT 2:
STAFF REPORT**



STAFF REPORT THIRD PARTY SIGN VARIANCE

Application by Strategic Outdoor for Two Variances with Respect to a Third Party Wall Sign Proposal at the Southerly Facing Wall of the Building on the Premises at 118 Peter Street

| | |
|-----------------------|---------------------------|
| Date: | October 31, 2011 |
| Ward: | Ward 20 – Trinity-Spadina |
| File No.: | TP-11-00009 |
| IBMS File No.: | 11-241466 |

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 southerly facing wall of an existing three storey mixed use commercial building located at the property municipally known as 118 Peter Street. The proposed third party wall sign is to be 7.32 metres wide by 6.10 metres long and at a height of approximately 10.65 metres. The proposed third party wall sign is intended to replace an approved but not yet issued permit for a non-illuminated painted mural sign for the purposes of advertising, having a sign face area of 41.6 square metres and at an overall height of 9.44 metres.

The proposed third party wall sign will be:

- Illuminated;
- Erected within 100 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 an OS sign district;
- The only third party sign located on the premises;
- Not erected and displayed on the premises located within an area with site-specific area restriction; and
- At an overall height of approximately 10.65 metres, will contain only one sign face, said sign face measuring 7.32 metres wide by 6.10 metres long for a total sign face area of 44.65 square metres, and will display static copy.

REQUESTED VARIANCES

| SECTION | REQUIREMENT | PROPOSAL |
|---------------|---|---|
| 694-22D | A third party sign shall not be erected within 100 metres of any other third party sign. | There is a third party roof sign at 128 Peter Street, approximately 40 metres to the north. There is a third party roof sign at 134-138 Peter Street, approximately 65 metres to the north. There is a third party wall sign at 326 Adelaide Street West, approximately 97 metres to the southeast. There is a third party wall sign at 331-333 Adelaide Street West, approximately 92 metres to the southwest. |
| 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 44.65 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 wall 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 a variance. It is the Chief Building Official's position that the proposed 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:

1. A Sign Variance Application form completed by the Applicant, signed and dated June 27, 2011;
2. A "Rationale for Application" prepared by the Applicant;

3. Elevation drawings of the southerly facing building wall of the subject premise showing the wall with the proposed third party sign, prepared by A. Karanxha; and
4. One photograph and two rendered photograph of the southerly 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

A Sign District Map excerpt is provided as Attachment 2 to this report. The premises, municipally known as 118 Peter Street, is located in Ward 20 and is in a CR- Commercial Residential sign district. The premises, consisting of a three-storey building with service retail uses at the ground floor, is located south of Richmond Street West and north of Adelaide Street West, on the west side of Peter Street. It is located within the City's Entertainment District Business Improvement Area and within an area zoned as an RA-Re-investment Area in the former City of Toronto's Zoning By-law. The area is experiencing a surge in and a variety of redevelopment activities.

The premises is surrounded by a range of building types including: two and three-storey house-form buildings; large, re-purposed warehouse buildings; and, taller office and residential condominium buildings. To the immediate north and attached to the subject premises is a three-storey house-form building containing service retail uses. South of the subject premises is a commercial surface parking lot which is "book-ended" on the south by a three storey nightclub. To the east, across Peter Street is a nine-storey office building and a three-and-a-half storey re-purposed warehouse building operating as a nightclub. West of the subject premises is a commercial surface parking lot and beyond are warehouse buildings re-purposed as professional offices.

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 proposal describes the erection and display of an illuminated third party wall sign, which will replace the previously applied for third party painted mural sign (under the jurisdictional authority of Chapter 297, Signs, of the former City of Toronto Municipal Code). Chapter 297, Signs, of the former City of Toronto Municipal Code defines a mural sign as a sign that is required to be painted directly on the wall of a building. The applicant has argued, in the submission, that the process of painting directly on the wall of the building is very time consuming and generally expensive. The proposed wall sign will be located at the same location, with the same attributes respecting, height, sign face area and method of copy display as of the previously applied for painted mural. The proposed wall sign is not facing a street and it will be erected on the southerly facing, bare wall of the building which faces into a commercial surface parking lot.

The southerly-facing wall of the building contains no substantial architectural qualities or features. In fact, the neighbouring property owner has provided comments with respect to this application citing the poor condition of the existing wall. A third party wall sign, as proposed by the Applicant, would aesthetically enhance the look of the wall and might otherwise reduce its unsightly current appearance.

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*

Based on the sign permit applied for and which has not yet been issued, there is no substantial change reflected in terms of the sign type, the sign class or the location on the southerly facing wall of the building. As previously cited, the southerly facing wall of the subject building is bare brick wall. A third party wall sign will contribute and enliven the bare wall and the adjacent parking lot as well as potentially mitigate the walls unsightly appearance.

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 subject premises is located in Entertainment District BIA. This immediate area consists of large variety of entertainment-type uses including bars, restaurants and nightclubs. Third party advertising is prevalent in the immediate area with many third party signs possessing

similar attributes to the one proposed in this application. The proposal is therefore deemed to be consistent with the buildings and features of other properties or premises within 120 metres.

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 area is a dynamic and bustling neighbourhood, within the Entertainment District Business Improvement Area, containing a plethora of commercial activity, along with significant re-development. As the premises is located in a CR-Commercial Residential sign district where third party wall signs are permitted subject to the provisions contained in Chapter 694, the proposed 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*

This new proposal will require that the third party wall sign comply in all respects with the regulations provided in Chapter 694, Signs, General, aside from the regulations for which variances are being sought. These regulations include, but are not limited to:

- Time-of-day restrictions, limiting the sign to only be illuminated between the hours of 7:00 a.m. to 11:00 p.m.;
- Five years expiration of the sign permit and removal of the sign where it is no longer consistent with the surrounding area and signage regulation pertaining thereto;
- The requirement to affix a unique identifier on the sign; and
- The use of renewable energy to power the sign.

In consideration of these new regulations, the impact of these typically large and prominent signs is mitigated. As such, there is deemed to be no 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 requires 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 it has been established 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 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, comments have been received from the immediately neighbouring property owner. The concerns expressed in the comments relate to the perceived substandard quality of the wall. In respect of this concern, a third party wall sign may contribute to enhancing the aesthetic appeal of the wall.

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 proposal appears to be consistent with 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 premises is located within a CR-Commercial Residential sign district and third party wall signs are permitted in the CR-Commercial residential sign 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 By-law 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.

CONCLUSIONS

In consideration of the variances requested to Chapter 694, Signs, General, to allow the issuance of a sign permit authorizing the erection and display of one illuminated third party wall sign with one sign face containing static copy on the southerly wall of the premises, having a sign face area of 44.65 square metres, the Chief Building Official recommends that the Sign Variance Committee approve the two variances requested.

CONTACT

Robert Bader, Supervisor
Sign By-law Unit, Toronto Building
Tel: (416)392-4113; E-mail: rbader@toronto.ca



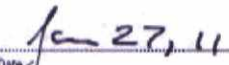
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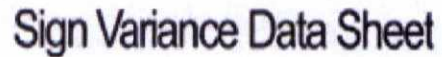
Ted Van Vliet
Manager, Sign By-law Unit

ATTACHMENTS

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

ATTACHMENT 1: APPLICANT'S SUBMISSION PACKAGE

| | | | | | | | |
|---|-----------------------------|--|---|--------------|------------|---|--|
|  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) | | <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Request Date</td> <td style="text-align: center;">Folder No.</td> </tr> <tr> <td style="text-align: center;"> <div style="display: flex; justify-content: space-between;"> 23 Day 6 Month 2011 Year </div> </td> <td></td> </tr> </table> | | Request Date | Folder No. | <div style="display: flex; justify-content: space-between;"> 23 Day 6 Month 2011 Year </div> | |
| Request Date | Folder No. | | | | | | |
| <div style="display: flex; justify-content: space-between;"> 23 Day 6 Month 2011 Year </div> | | | | | | | |
| Sign Location | | | | | | | |
| Street No. 118 | Street Name PETER 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 | | 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 | | | | | | | |
| <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 | | | | | | | |
| Last Name | | First Name | | | | | |
| | | | | | | | |
| Company Name (if applicable) STRATEGIC OUTDOOR | | Area Code and Telephone No. (416) 253-6988 | | | | | |
| 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 <div style="display: flex; align-items: center;"> <input type="checkbox"/> the Property Owner as stated above <input checked="" 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. </div> | | | | | | | |
| <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: 416-392-6000 | | | | | | | |



| | |
|---------------------------------|-------------------------------|
| Request Date | Folder No. |
| <div>23</div> <div>Day</div> | <div>6</div> <div>Month</div> |
| <div>2011</div> <div>Year</div> | |

Sign Location

| | | | |
|-------------------|-----------------------------|---------|----------|
| Street No. 118 | Street Name PETER STREET | Lot No. | Plan No. |
|-------------------|-----------------------------|---------|----------|

| | | |
|---------------------------------|---|-------------------------------|
| 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): | | |

Please describe the land uses, buildings and sign districts surrounding the proposal (use additional pages if necessary):

North:

South:

East:

West:

Please describe in detail what is being proposed (use additional pages if necessary):

To install a 24 foot by 20 foot vinyl fascia sign on the south elevation wall.

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 694-156.

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

Sign Variance Application – 118 Peter Street

Rationale for Application

1. Approval of this application is appropriate. A sign permit is currently in place, permit number 393633, allowing a mural on the south 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. 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.

- 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 south elevation wall of a commercial building. This section of Peter Street is a very high-density commercial area located just south of King Street West.
- 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. Peter Street is located in the entertainment district which is extremely busy and well-lit. Current technology allows the illumination of the proposed sign to be directed specifically at the sign and set on timers which will turn the lights off daily at 11 p.m.
- 7. There are no other third party signs within 100 meters of the proposed location for this sign. The City's objective to avoid the saturation of advertising in more sensitive areas, where residential uses are nearby, is satisfied in this case.
- 8. Given all of the above, we believe that the proposed sign will in no way alter the essential character of the area, nor will it adversely affect adjacent properties or public safety. In fact, as stated, we believe it may have the beneficial effect of deterring graffiti if only at this particular site.
- 9. The proposed sign location is not prohibited by the City's sign regulation.

118 Peter Street

[illegible]





Strategic Outdoor – 2 Third Party Sign Variances – Wall Sign at 118 Peter Street

ATTACHMENT 2: EXCERPT – SIGN DISTRICT MAP

