

**ATTACHMENT 2:
STAFF REPORT**



STAFF REPORT ACTION REQUIRED

Application by Strategic Outdoor for Two Variances with Respect to a Third Party Sign Proposal at 452 Richmond Street West

Date:	November 3, 2011
Ward:	Ward 20 - Trinity-Spadina
File No.:	TP-11-00015
IBMS File No.:	11-240994

PURPOSE OF THE APPLICATION

This is an application by Strategic Media Outdoor for three 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 easterly facing wall of an existing three storey mixed-use building located on the property municipally known as 452 Richmond Street West. The proposed third party wall sign is to be 7.30 metres wide by 6.10 metres long and at a height of approximately 9.7 metres. The proposed third party wall sign is intended to replace a previously approved mural sign for the purposes of advertising, having a sign face area of 68.75 square metres and located at an overall height of 9.54 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 9.7 metres, will contain only one sign face, said sign face measuring 6.10 metres long by 7.30 metres wide, for a total sign face area of 44.53 square metres, and will display static copy.

REQUESTED VARIANCES

SECTION	REQUIREMENT	PROPOSAL
694-22D	A third party sign shall not be erected within 100.0 metres of any other third party sign.	There is another third party wall sign at 452 Richmond Street West, immediately to the west. There is a third party roof sign at 431 Richmond Street West, approximately 45 metres to the southeast. There is a third party roof sign at 126 Spadina, approximately 85 metres to the east.
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 44.53 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 third party wall sign to be erected within 100.0 metres of other existing third party signs;
2. The Sign Variance Committee **approve** the variance requested from §694-25A(1)(a) to allow the sign face area of the third party wall sign to exceed 20.0 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 proposal 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 July 4, 2011.
- A "Rationale for Application" prepared by the Applicant;
- Elevation drawings of the easterly 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 easterly 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 on Richmond Street West, west of Spadina Avenue and east of Portland Street. Immediately to the east of the subject property is an 11 storey residential condominium building with retail use at the first storey. The buildings directly across the street on Richmond Street West, along with the property directly to the west of the subject property, are used for commercial purposes.

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 wall has an area of 150.02 square metres and can easily accommodate a sign with a sign face area of 44.53 square metres. There currently is an approved sign permit for a painted mural for the purpose of third party advertising on the subject wall that would allow for an advertising sign with a sign face area of 68.80 square metres to be displayed at the same location as the proposed sign. The subject wall is an otherwise stark and blank wall and, as the Applicant suggests, a sign at this location would animate the street and the immediate area. Richmond Street West, at the intersection with Spadina Avenue, bears north and then west in a curvilinear fashion. The intent for the Applicant is to have the proposed sign viewed as easily as possible and therefore the requested variances are being sought.

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 painted mural which is currently permitted to be erected and displayed at the subject premises is significantly larger in size than the proposed sign; therefore, the proposed sign will not alter the overall look and character of the subject building.

In Toronto's Official Plan, the subject property is designated as a *Regeneration Area*. Section 4.7 of the Official Plan states that these unique areas of the city are open to a wide range of uses in order to attract investment, re-use buildings, encourage new construction and bring life to the streets. The sign proposal brought forth by Strategic Media Outdoor is consistent with the Official Plan's vision for the subject property and neighbourhood.

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 building located to the west of the subject property at 460 Richmond Street West currently has one third party wall sign displayed at the easterly facing fifth, sixth, and seventh storey walls, which has been erected and displayed for similar purposes as this subject proposal. The proposed sign is of a similar size and material as the existing third party wall sign at 460 Richmond Street West. The proposed sign is consistent with buildings and other existing third party wall signs in the 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*

If approved, it is the intent of the Applicant to replace the painted mural, which is 24.27 square metres larger in sign face area than what is contemplated in this subject proposal. The painted mural does not alter the essential character of the area and since this subject sign is significantly smaller in sign face area, it also does not alter the essential character of the subject building and general 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 sign will be erected and displayed on the easterly wall of the subject building, which does face an 11-storey residential condominium building. The sign that is erected and displayed on the easterly wall of the building to the west of the subject property at 460 Richmond Street West is displayed higher than the proposed sign and is also illuminated. To date, no complaints have been received from the residents of the condominium building to the east of 460 Richmond Street West regarding the existing illuminated third party wall sign.

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*

Traffic on Richmond Street flows one way, in a westerly direction, and the proposed sign faces east and lies in the field of vision for drivers travelling along Richmond Street West. The sign is not located within 30 metres of the intersection of two street lines and is not intended to disrupt the flow of traffic. The method of copy display on the sign face of the proposed third party wall sign is static, further mitigating any potential distraction for passing drivers, cyclists, and pedestrians.

Furthermore, 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.

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*

The proposed signage 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 variances requested in the third party sign variance application to obtain variances to Chapter 694, Signs, General, required to allow Strategic Media Outdoor to erect and display one third party wall sign on the easterly wall of an existing three storey mixed-use building located on the premises, as described, it has been established that the proposal is in compliance with all of the criteria described in §694-30A. 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

ATTACHEMENT 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 Oct	6 Month
2011 Year	

Sign Location

Street No. 452	Street Name RICHMOND 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) 1123266 ONTARIO LTD.		Area Code and Telephone No.	
Street No. & Name 55 BRIDGELAND AVE.		Area Code and Mobile / Pager No.	
City TORONTO	Province ON	Postal Code M5A 1Y8	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

I, Last Name		First Name	
Company Name (if applicable) STRATEGIC OUTDOOR		Area Code and Telephone No. (416) 253-9988	
Street No. and Name 555 RICHMOND ST W		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 Pitocchia
Print Name: _____
Date: July 4, 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 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, 12th 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	8	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. 452	Street Name RICHMOND STREET WEST	Lot No.	Plan 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):

To replace a permitted mural sign (Sign Permit No. 10 137702 SCN 00 SP) with an illuminated vinyl fascia sign measuring 20 feet by 24 feet on the east 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 – 452 Richmond Street West

Rationale for Application

1. Approval of this application is appropriate. A sign permit is currently in place, permit number 10 137702 SGN 00 SP, allowing a mural on the east 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

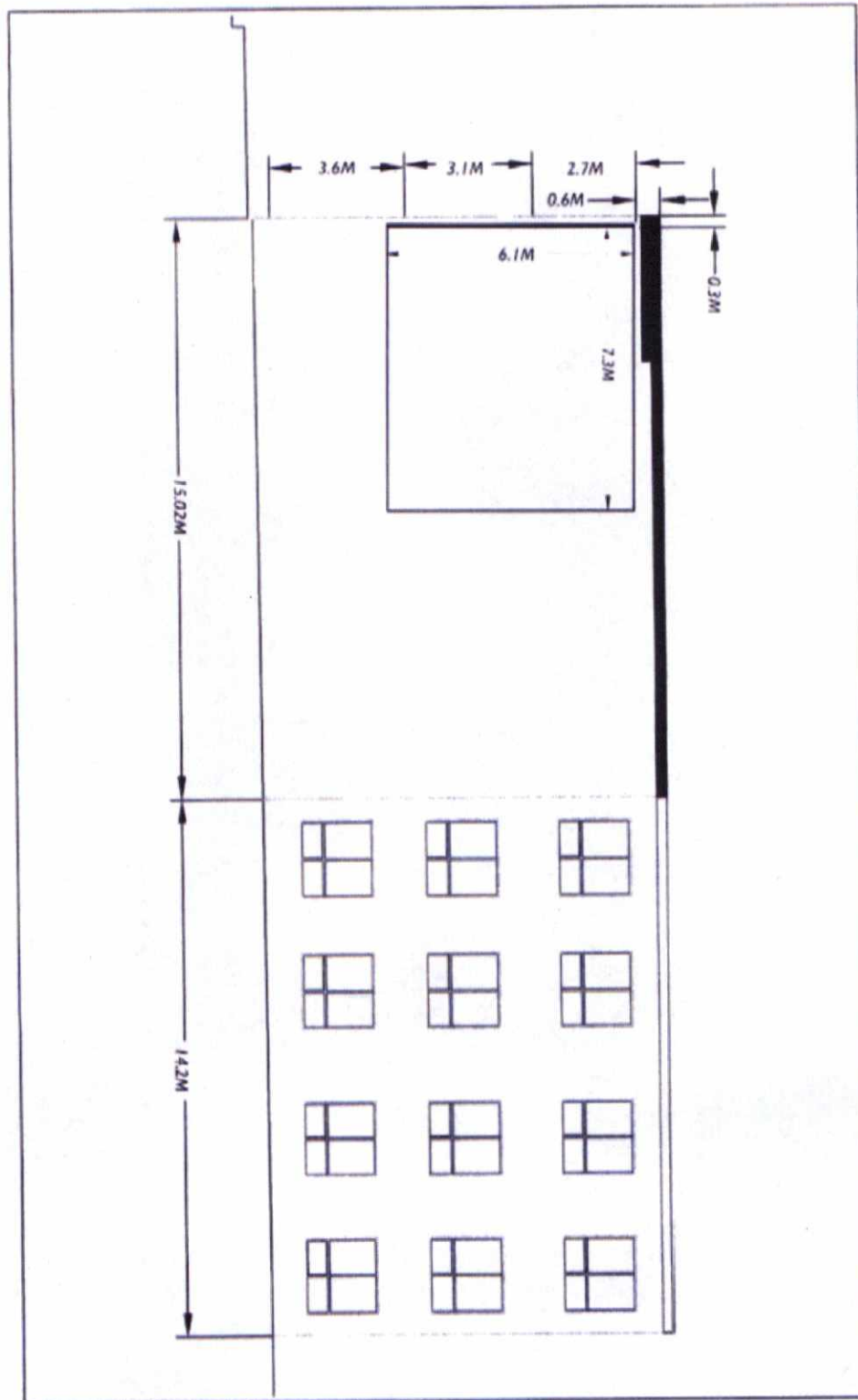
disposal. While this method minimizes potential harm to the passing public, it does involve exposing the workers to the chemicals needed for the process. In addition, there is a long-term potential for erosion of the building wall or cladding on the wall in question.

- 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.

- 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 east elevation wall of a Commercial/Office/Manufacturing Building. This section of Richmond Street West is a high-density mixed commercial and 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. Richmond Street West 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 metres 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.

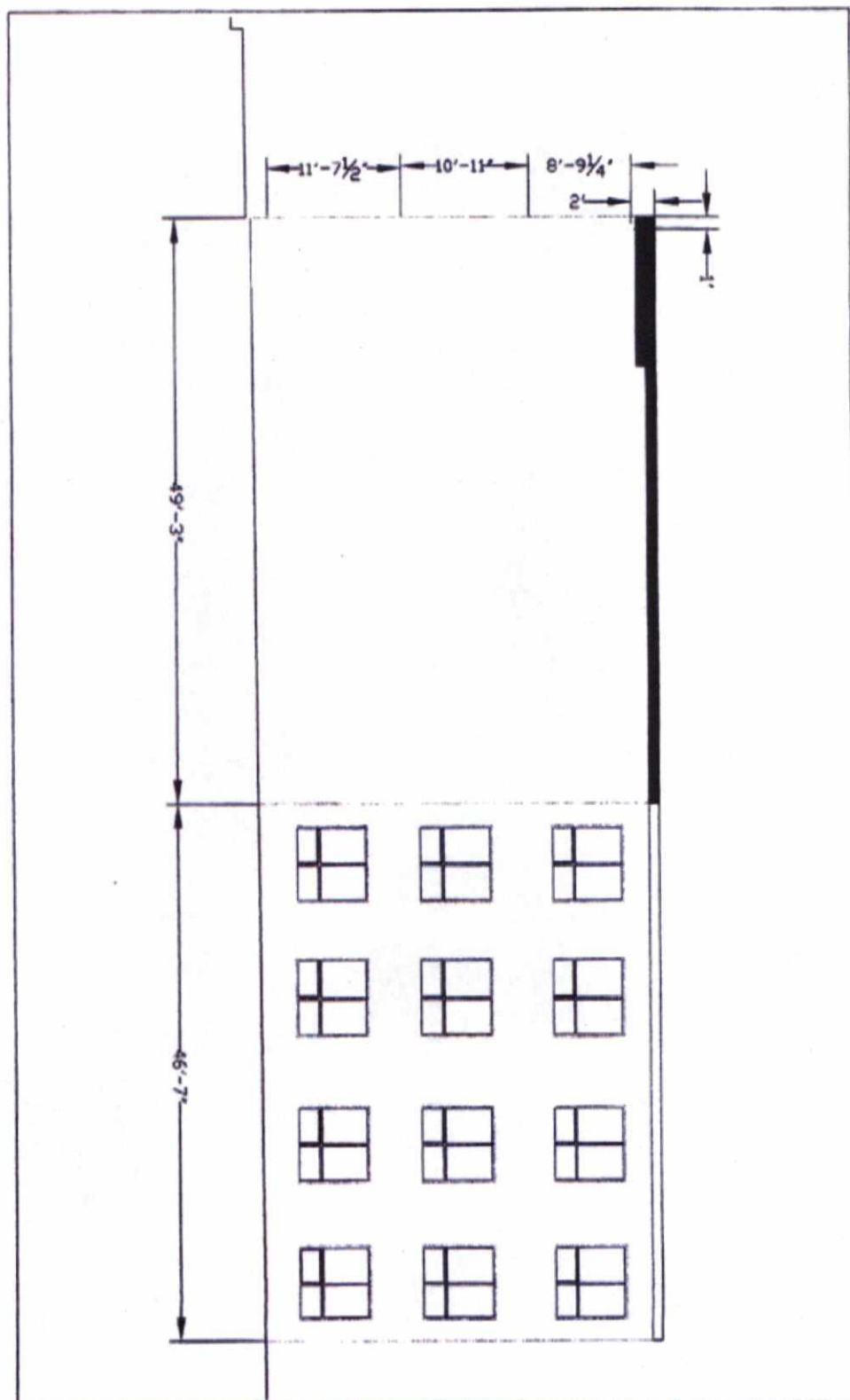
EAST ELEVATION OF WALL SPACE
452 Richmond St. West

Designed A. Karanxha



EAST ELEVATION OF WALL SPACE 1/16"=1'-0"
452 Richmond St. West

Designed A. Karanxha





Strategic Outdoor – Two Third Party Sign Variances – Wall Sign 452 Richmond Street West

ATTACHMENT 2: EXCERPT – SIGN DISTRICT MAP

