

**ATTACHMENT 2:
STAFF REPORT**



STAFF REPORT ACTION REQUIRED

Application by Strategic Media Outdoor for Three Variances with Respect to a Third Party Sign Proposal on the Northerly Facing Wall of the Building on the Premises at 174 Spadina Avenue

Date:	November 4, 2011
Ward:	Ward 20 – Trinity-Spadina
File No.:	TP-11-00017
IBMS File No.:	11-241431

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 at the northerly facing wall of an existing six-storey mixed-use warehouse building located at the property municipally known as 174 Spadina Avenue. The proposed third party wall sign is to be 5.5 metres wide by 7.9 metres long and at a height of approximately 21.5 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 OS sign district;
- One of two third party signs 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 21.5 metres, will contain only one sign face, said sign face measuring 5.5 metres wide by 7.9 metres long for a total sign face area of 43.45 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 another third party wall sign on the southerly facing wall of the existing building on the subject premises. There is a third party roof sign at 170 Spadina Avenue, approximately 28.0 metres to the south. There is a third party wall sign at 388 Queen Street West, approximately 85.0 metres to the south. There are two third party wall sign at 195 Spadina Avenue, approximately 45.0 metres and 52.0 metres, respectively, to the northeast. There is a third party roof sign at 198 Spadina Avenue, approximately 65.0 metres to the north. There is a third party roof sign at 204 Spadina Avenue, approximately 90.0 metres to the north.
694-25A(1)(a)	A third party wall sign is permitted provided the sign face area shall not exceed 20.0 square metres.	The sign face area of the proposed third party wall sign will be 43.45 square metres.
694-25A(1)(b)	A third party wall sign is permitted provided the height shall not exceed 15.0 metres.	The height of the proposed third party wall sign will be 21.5 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 within 100 metres of any other third party sign;
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 20.0 square metres; and
3. The Sign Variance Committee **approve** the variance requested from §694-25A(1)(b) to allow the proposed third party wall sign have a height exceeding 15.0 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 northerly facing building wall of the subject premise showing the wall and the wall with the proposed third party sign, prepared by A. Karanxha; and
- A photograph and a rendered photograph of the northerly facing building wall of the building on the subject premises showing the wall and the proposed third party sign on the wall.

Site Context

The subject property (refer to Attachment 2) is located in Ward 20 on Spadina Avenue, east of Cameron Street and north of Queen Street West. This section of Spadina Avenue is a mix of high-density office, professional and commercial uses within an area commonly known as Chinatown. The area historically developed as the City's "Garment District" and the legacy of the built-form remains in place. Large, multi-storey warehouse buildings re-purposed for commercial and professional office uses are prevalent in the area. The northerly wall of 174 Spadina Avenue, on which the third party wall sign is proposed to be erected and displayed, faces a commercial surface parking lot and a high-rise mixed-use residential apartment building beyond. Behind the subject premises, to the west, is a large multi-unit residential housing development commonly known as Alexandra Park. South of the subject premises is a row of two-storey commercial buildings, stretching down to the intersection of Queen Street West and Spadina Avenue.

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 contain commercial and retail uses.

This proposed third party wall sign will be erected and displayed on the northerly facing building wall which is currently bare and lacking aesthetic appeal. Also, the proposed sign faces into a commercial surface parking lot and the bare wall of an adjacent residential apartment building. The proposed sign does not face a street and there is a sufficient set back provided from any intersection. The Applicant states that the proposed third party wall sign will contribute to the promotion and animation of this immediate area of the neighbourhood and Sign By-law unit staff agree.

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 proposed third party wall sign, containing a sign face area of 43.45 square metres, will be erected and displayed on a portion of the northerly facing wall which has an area of 140.08 square metres. This portion of the wall is bare and lacks aesthetic appeal. There are no architecturally significant features on this portion of the wall. As stated above, 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*

Spadina is a broad Avenue; one of the widest in the downtown core. Northbound and southbound traffic along Spadina is bisected by dedicated streetcar lines. The development of the buildings along Spadina provides for a tall and consistent building wall which frames the street on either side. This nature of development provides for an ideal opportunity to display

third party advertising signs. The signs are viewed by many passers-by travelling along the street where they are erected and displayed in the "cracks" in the building wall. This characteristic of development makes third party advertising signs a common feature. The sign, as proposed is consistent with the building and features 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*

The area is a vibrant and eclectic mixture of buildings and uses. Signage, both for the purposes of identification and for the purposes of advertising, contributes visually to the character of the area. Chinatown, an area proliferating with signage and categorized as a special sign district in Chapter 694, is located just north of the subject premises. As previously mentioned, the area already contains a significant amount of third party signs and 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*

The proposed third party wall sign will not directly face into any sensitive land uses, including residential, residential apartment and open space. The sign is intended to be erected well above the grade-level commercial surface parking lot which it faces into. The bare wall of the adjacent high-rise residential apartment building is not anticipated to be negatively impacted by the proposed sign.

Also, the proposed third party wall sign will comply with the illumination requirements outlined in Chapter 694 which includes illumination only between the hours of 7 a.m. and 11 p.m. thereby mitigating any potential visual impacts at night.

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 sign does not directly face the street and is perpendicular to Spadina Avenue. This proposed orientation allows for drivers to view the proposed sign without having to avert their attention from the road ahead and thereby mitigating any potential distraction the sign may cause.

As well, 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 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 subject property is located in the 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*

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 application to obtain variances to Chapter 694, Signs, General, required to allow Strategic Media Outdoor to erect and display one illuminated third party wall sign with static copy on the northerly facing wall of an existing six storey mixed-use warehouse building located on the premises, as described, it has been established that the proposal is in compliance with all of the established criteria. Therefore, the Chief Building Official recommends that the Sign Variance Committee approve the requested variances.

CONTACT

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



SIGNATURE

Ted Van Vliet
Manager, Sign By-law Unit

ATTACHMENTS

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

ATTACHEMENT 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 (2486)		Request Date 23 Jan 8 March 2011	Paper No.
Sign Location Street No. 174 Street Name SPADINA AVENUE 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 extension of an existing sign, please provide the following: Existing sign dimension Location:			
Please provide the reason(s) justification for the request (Attach any supporting documentation or additional pages as required):			
Property Owner Information Last Name First Name Company Name (if applicable) 174 SPADINA REALTY Area Code and Telephone No. Street No. & Name 174 SPADINA AVENUE Apt./Unit No. 500 Area Code and Mobile / Page No. City TORONTO Province ON Postal Code M5T 2C2 Area Code and Fax No. E-mail address:			
Attachments Required <ul style="list-style-type: none"> • Sign Variance Data Sheet • Copies of any supporting documents • All necessary plans and specifications required to verify the nature of the Sign By-law Variance(s) requested 			
Applicant's Declaration and Information I, Last Name First Name Company Name (if applicable) STRATEGIC OUTDOOR Area Code and Telephone No. (416) 253-8836 Street No. and Name 355 RICHMOND ST W Apt./Unit No. 900 Area Code and Mobile / Page No. City TORONTO Province ON Postal Code M5V 3B1 Area Code and Fax No. (416) 253-8208 E-mail address: DANIEL@STRATEGICOUTDOOR.CA			
do hereby declare the following: That I am <input type="checkbox"/> the Property Owner as stated above, which is an authorized agent of the owner. <input type="checkbox"/> an officer/employee of <input type="checkbox"/> the owner's authorized agent <input type="checkbox"/> 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 Pitre First Name	July 4, 11 Day
<small>The personal information on this form is collected under the authority of ss. 8 and 112 of the City of Toronto Act, 2006, and Chapter 604, Signs, General, of the City of Toronto Municipal Code, and will be used specifically for the purpose of issuing and maintaining a record available to the general public concerning signs and permit information, evaluation of applications made under Chapter 604, Signs, General, the same, denial and renewal of permits under Chapter 604, Signs, General, processing applications for variance from and amendments to Chapter 604, Signs, General, creating aggregate statistical reports, enforcement of City of Toronto Municipal Code Chapter 604, Signs, General, Chapter 711, Taxation, Third Party Sign Tax, and any other applicable sign by-law of the City of Toronto, and contacting permit holders or authorized agents. 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 2B2. Telephone: 416-392-8000.</small>			

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

Request Date			Forward By:
23	8	2011	
Jan	Sept	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. 174	Street Name SPADINA AVENUE	Lot No.	Plot No.
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Site and Building Data

Lot Area:	Lot Frontage:	Lot Depth:
Number of Buildings on the lot:	Date of Construction of Building(s) if known:	
Building Height(s):	Number of Storeys:	Building(s) Gross Floor Area:
Building Use(s):		

Site Context

Please describe the land uses, buildings and sign details 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. 07-203581) with an illuminated vinyl letter sign measuring 18 feet by 36 feet located on the north elevation wall

Rationale

Decisions for all Sign Variance Applications are evaluated against criteria listed in Toronto Municipal Code Chapter 694-90 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 site;
- 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 694-110.

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

Sign Variance Application – 174 Spadina Avenue (north elevation)

Rationale for Application

1. Approval of this application is appropriate. A sign permit is currently in place, permit number 97 393951, allowing a mural on the north elevation wall. The proposed sign will be a vinyl fascia sign which will be built on the same elevation wall and will replace the mural sign. We have advised City staff that we will forfeit our mural sign permit if this application is permitted and a fascia sign permit is issued. We also note that the City's sign tax by-law does not apply to signs permitted before the passage of the current sign by-law. As a result, there are no sign taxes payable based on the current permit, but sign taxes would apply to the proposed new sign, should this variance be allowed.
2. The current sign permit allows a mural sign that must be painted directly onto the building wall. There are aspects of this form of "installation" that are problematic, and are resolved by the use of vinyl signs, as proposed in this application, as follows:
 - a. Painting directly onto the wall requires an extensive number of hours of work by one or two individuals who are exposed to the fumes and spray of the paint while working from temporary scaffolds up to four stories high, and usually over adjacent concrete surfaces, near sidewalks and vehicle traffic. This process presents many opportunities for safety hazards including the exposure of workers to fumes and spray, and the potential for injury to workers or passers-by as a result of human error; falls, equipment or materials dropped, etc. I also note that this process must be repeated each time the advertising copy is changed, presenting the same risks over and over again.

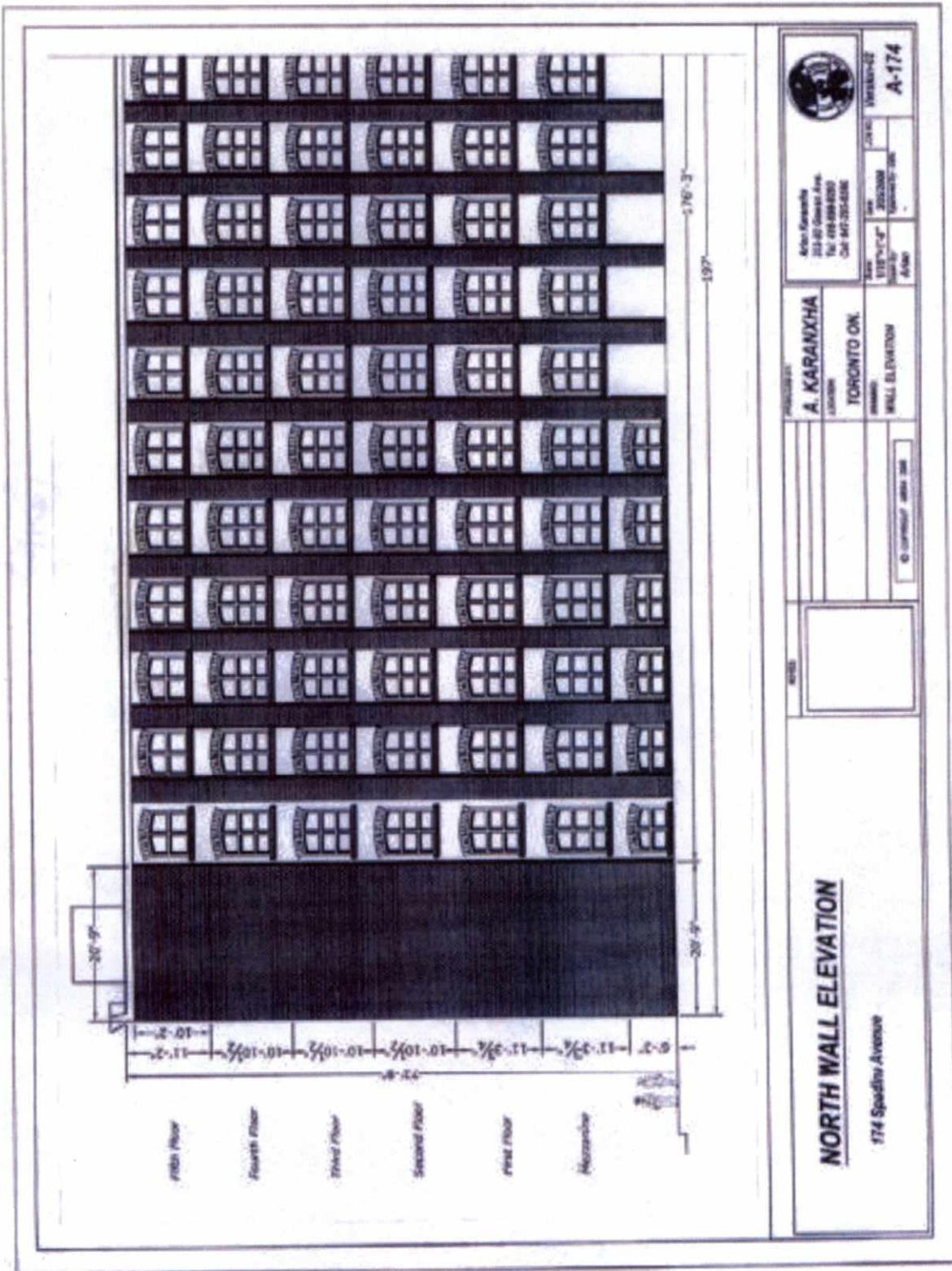
Vinyl signs are produced on strong, fire retardant material and the necessary artwork and printing is done in a safe manufacturing environment. The signs are then constructed in a way that allows them to be strung, by way of a simple cabling system attached to the wall (noting that the system is designed by a professional engineer and each installation is overseen by a professional engineer on-site). The cabling system can be installed within a short number of hours using a "cherry picker" vehicle to access the building wall. It then takes a short time to suspend the sign material to the cabling system and the installation is complete. Signs may then be removed and re-installed on the same cabling system.
 - b. As noted above, advertising copy may be changed frequently. In the case of a mural sign, this means repeatedly painting over the building walls, resulting in thick layers of paint that eventually must be removed with chemical applications. The application of the paint directly onto the wall, and the occasional removal of layers of paint also creates a potentially harmful situation since the materials used to remove the paint can be hazardous and must be collected at the base of the building wall and removed for proper disposal. While this method minimizes potential harm to the passing public,

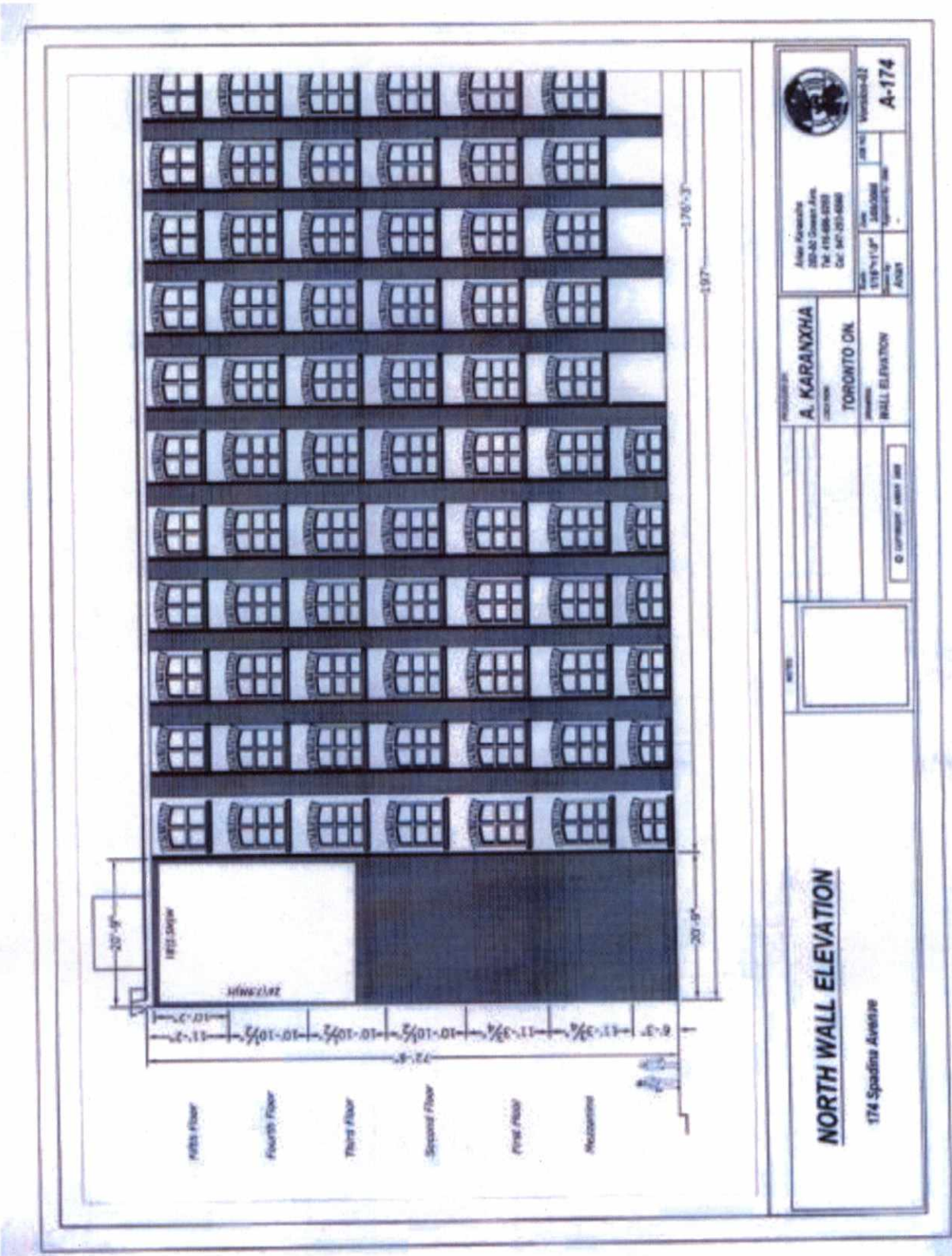
it does involve exposing the workers to the chemicals needed for the process. In addition, there is a long-term potential for erosion of the building wall or cladding on the wall in question.


- c. The installation of individually painted mural signs is extremely expensive and 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 north elevation wall of a mixed-use commercial, manufacturing and professional building. This section of Spadina Avenue is a very high-density office, professional and commercial area and is located immediately south of Chinatown.
- 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. Spadina 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.
- 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 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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Alter Karanxha 220-22 Queen Ave Tel: 416-485-1000 Fax: 416-485-1000			
A. KARANXHA ARCHITECT		TORONTO ON BALL ELEVATION	
174 Spadina Avenue		174 Spadina Avenue	
174 Spadina Avenue		174 Spadina Avenue	





ATTACHMENT 2: EXCERPT – SIGN DISTRICT MAP

