

**ATTACHMENT 2:**  
**STAFF REPORT**



## **STAFF REPORT ACTION REQUIRED**

### **Application by Strategic Outdoor for Four Variances with Respect to a Third Party Wall Sign Proposal at 185 Avenue Road**

<b>Date:</b>	October 31, 2011
<b>Ward:</b>	Ward 27 – Toronto Centre-Rosedale
<b>File No.:</b>	TP-11-00027
<b>IBMS File No.:</b>	11-241406

#### **PURPOSE OF THE APPLICATION**

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This is an application by Strategic Media Outdoor for four variances to Chapter 694, Signs, General, in connection with a proposal to erect and display one illuminated third party wall sign with static copy on the northerly facing wall of an existing two storey mixed-use building located at the property municipally known as 185 Avenue Road. The proposed third party wall sign is to be 9.14 metres wide by 4.27 metres long and at a height of approximately 7.47 metres. The proposed third party wall sign will be:

- Illuminated;
- Erected within 100.0 metres of other lawful third party signs;
- Erected within 30 metres of the intersection of a major street with another street;
- Erected within 30 metres of an R-Residential sign district;
- Not erected on a premise located within an area with site-specific area restrictions;
- The only third party sign located on the premises; and
- At a height of 7.47 metres, will contain only one sign face, said sign face measuring 4.27 metres long by 9.14 metres wide for a total sign face area of 39.03 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 a third party wall sign at 165 Avenue Road, approximately 95 metres to the south. There is a third party wall sign at 148 Avenue Road, approximately 60 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 39.03 square metres.
694-25A(1)(d)	A third party wall sign is permitted provided the sign shall not be erected within 30.0 metres of the intersection of a major street with any other street.	The proposed third party wall sign will be located approximately 20.0 metres from the intersection of Avenue Road and Pears Avenue.
694-25A(1)(e)	A third party wall sign is permitted provided the sign shall not be erected within 30.0 metres of any premises located within an R, RA, or OS sign district.	The proposed third party wall sign will be located approximately 26.0 metres from an R-Residential sign district, to the east.

## 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;
2. The Sign Variance Committee **approve** the variance requested from §694-25A(1)(a) to allow the third party wall sign to exceed 20 square metres in sign face area;
3. The Sign Variance Committee **approve** the variance requested from §694-25A(1)(d) to allow the third party wall sign to be erected and displayed within 30 metres of the intersection of a major street with any other street;
4. The Sign Variance Committee **approve** the variance requested from §694-25A(1)(e) to allow the third party wall sign to be erected and displayed within 30 metres of a premise located within a R-Residential sign district.

## COMMENTS

Chapter 694, Signs, General, of the City of Toronto Municipal Code came into force and effect on April 6, 2010. Chapter 694, Signs, General, delegates decision-making powers respecting third party sign variance applications to the Sign Variance Committee. As such, this report outlines the position of the Chief Building Official concerning whether the proposed variances meet the criteria set out in §694-30A to permit the granting of a variance. It is the Chief Building Official's position that each of the proposed four 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;
- An elevation drawing of the existing northerly facing building wall of the subject premise showing the existing wall, prepared by A. Karanxha;
- A "Rationale for Application" prepared by the Applicant; and
- A photo rendering of the northerly facing building wall of the subject premises describing the impact of the proposed third party wall sign.

### Site Context

The subject property (refer to Attachment 2) is located in Ward 27 near the intersection of Avenue Road and Pears Avenue. The subject property is located on Avenue Road between the major streets of Davenport Road to the south and Dupont Street to the north within a CR-Commercial Residential sign district. This portion of Avenue Road is characterized by many two and three storey commercial-residential buildings with first storey commercial/retail uses and residential uses on the second and third storeys. The immediate area is predominately commercial-residential with residential properties on the minor streets nearby and a park in the vicinity.

The northerly wall of 185 Avenue Road, on which the sign is proposed to be erected and displayed, faces a commercial parking lot. To the east of the subject property are commercial-residential and residential properties, while all the properties to the south and west of the subject property contain commercial-residential uses.

### Established Criteria

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

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

- (8) *Is of a sign class or a sign type that is permitted in the sign district where the premises is located; and*
- (9) *Is not expressly prohibited by §694-15B.*

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

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

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

This proposed third party wall sign will be erected and displayed on the northerly facing building wall which is currently bare and lacking aesthetic appeal. Also, the proposed sign faces an adjacent parking lot. Although the proposed sign is only setback approximately 20 metres from the nearest intersection, there is still a reasonable setback provided. The Applicant claims that the proposed third party wall sign will contribute to the promotion and animation of this immediate area of the neighbourhood.

**Conclusion: It is the Chief Building Official's opinion that it has been established that the proposed sign is warranted based on the physical circumstances applicable to the premises.**

- (2) *Consistency with the architecture of the building or the development of the property*

As previously mentioned, the proposed third party wall sign will be erected and displayed on the northerly facing building wall which is currently bare and lacking aesthetic appeal. There are no significant architectural elements of any relevance that would be negatively affected by the proposed sign. The wall sign will contribute to animating and enlivening the plain building wall and surrounding area.

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

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

The majority of properties within 120 metres of the subject location are also within the CR-Commercial Residential sign district and contain commercial-residential uses. Wall signs are common in this district and reflective of the retail and business nature of 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*

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

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

(5) *Adverse affect on adjacent properties*

The proposed third party wall sign will directly face a commercial parking lot and will thus result in no negative impact to the property. There is only one residential property within 30 metres of the proposed sign which will be minimally impacted by the sign given that the view of the sign will predominately be obstructed by neighbouring commercial-residential buildings. Also, the proposed wall sign will comply with the illumination requirements outlined in Chapter 694 including illumination only between the hours of 7 a.m. and 11 p.m. and reducing the luminosity and brilliance of the sign in relation to ambient light levels at dusk and dawn. As such, there are no significant adverse impacts on adjacent properties.

**Conclusion: It is the Chief Building Official's opinion that it has been established that the proposed sign will not adversely affect adjacent properties.**

(6) *Adverse affect on public safety*

The proposed third party wall sign will require both a building permit and a sign permit to be erected. A building permit is only issued once the City is satisfied that the sign complies with the applicable provisions of the Ontario Building Code which ultimately ensures public safety.

**Conclusion: It is the Chief Building Official's opinion that the proposed sign will not adversely affect public safety.**

(7) *Public interest*

The third party sign variance application process prescribed in Chapter 694 is a public process. The proponent is required to post a notice on the property for no less than 30 days prior to the hearing of the application by the Sign Variance Committee, and written notice of the proposal is mailed out to the local Ward Councillor, the owners of all properties and to the mailing addresses of residential and business tenancies within a 120 metre radius of the

property. Sign By-law Unit staff have confirmed that a notice has been posted on the property and, to the date of this report, no comments have been received from the public.

Chapter 694 also expresses, through the provisions contained therein, many of the City's goals and objectives including but not limited to:

- The promotion of energy efficiency; and
- The establishment of a city with beautiful, comfortable, safe and attractive streets (the Beautiful City principle).

The proponent also intends to comply with the prescribed regulations related to the purchase and use of renewable energy to operate the proposed third party wall sign and with the illumination requirements including:

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

This specific proposal appears to be acceptable to the City's defined goals and objectives in terms of the environment and City beautification.

**Conclusion: It is the Chief Building Official's opinion that it has been established that the proposed sign is not contrary to the public interest.**

(8) *Sign class, sign type and sign district permissions*

Sign By-law Unit staff have reviewed the proposal and confirm that the subject property is located within a CR-Commercial Residential sign district where third party wall signs are permitted.

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

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

Through a review of the proposal, Sign By-law Unit staff have confirmed that the proposed sign is not expressly prohibited by §694-15B of Chapter 694, Signs, General, of the City of Toronto Municipal Code.

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



## **CONCLUSION**

In consideration of the four variances requested to Chapter 694, Signs, General, to allow the issuance of a sign permit authorizing the erection and display of one third party wall sign with one sign face containing static copy on the northerly facing wall of the property municipally known as 185 Avenue Road, as described, it has been established that the proposal is in compliance with all of the applicable criteria. Therefore, the Chief Building Official recommends that the Sign Variance Committee approve the four 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: 23 Oct 2011  
Folder No: 11-241466

### Sign Location

Street No.: 185 Street Name: AVENUE ROAD 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 reason/justification for the request (Attach any supporting documentation or additional pages as required):

### Property Owner Information

Last Name: First Name:  
Company Name (if applicable): FA HOLDINGS INC. Area Code and Telephone No.:  
Street No. & Name: 185 AVENUE ROAD Apt./Unit No.:  
City: TORONTO Province: ON Postal Code: M5R 2J2 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) 253-9088  
Street No. & 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) 253-6208  
E-mail address: DANIEL@STRATEGICOUTDOOR.CA

### do hereby declare the following:

- That I am ☐ the Property Owner as stated above, which is an authorized agent of the owner.  
☒ an officer/employee of the owner's authorized agent, which is the Property 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:

Print Name: Daniel Piloscia

Date: Jan 27, 11

The personal information on this form is collected under the authority of ss. 8 and 110 of the City of Toronto Act, 2006, and Chapter 694, Signs, General, of the City of Toronto Municipal Code, and will be used 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<sup>th</sup> Floor, East Tower, Toronto, ON, M5H 2N2, Telephone: 416-392-8000



Request Date	Folder No.
23 Day	11-241466
6 Month	
2011 Year	

### Sign Location

Street No. 185	Street Name AVENUE ROAD	Lot No.	Plan No.
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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 \_\_\_\_\_

To install an illuminated vinyl fascia sign measuring 30 feet by 14 feet on the north elevation wall

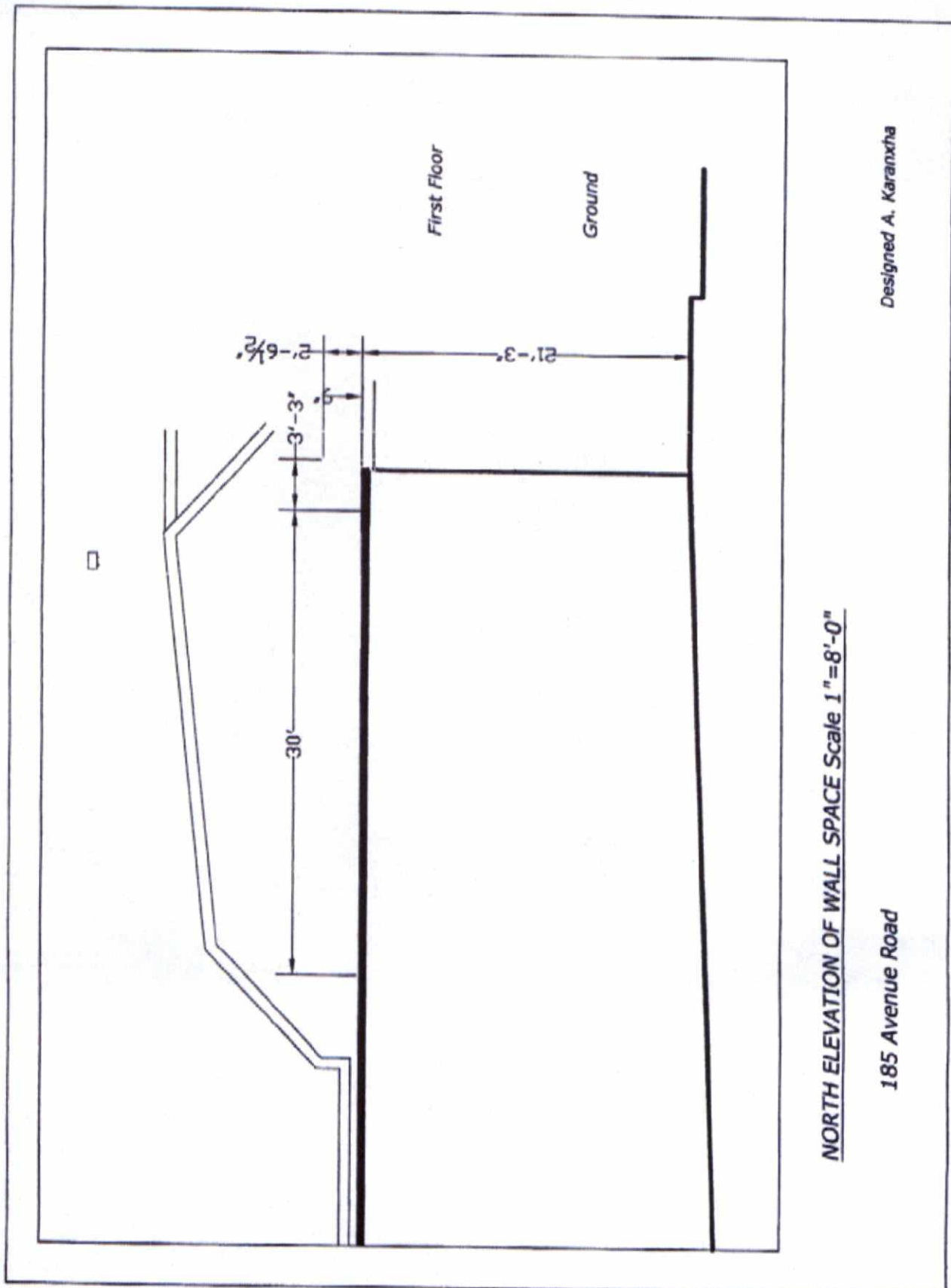
Decisions for all Sign Variance Applications are evaluated against criteria listed in Toronto Municipal Code Chapter 694-30 A. The criteria are that the variance:

- 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 694-15(8).

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

This image shows a single sheet of white paper with horizontal blue ruling lines. The lines are evenly spaced and run across the width of the page. There is no handwriting or other markings on the paper.





Designed A. Karanxha

185 Avenue Road

NORTH ELEVATION OF WALL SPACE Scale 1"=8'-0"

## Sign Variance Application – 185 Avenue Road

### Rationale for Application

1. We believe that the approval of this application is appropriate.
2. The applicant is 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.
3. The sign is proposed to be installed on the north elevation wall of a commercial building.
4. 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.
5. This property is in the near vicinity of Avenue Road and Davenport Road. The area is 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.
6. 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 is satisfied in this case.
7. 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.
8. The proposed sign location is not prohibited by the City's sign regulation.





Strategic Outdoor – 4 Third Party Sign Variances –Wall Sign at 185 Avenue Road



## ATTACHMENT 2: EXCERPT – SIGN DISTRICT MAP

