

**ATTACHMENT 2:
STAFF REPORT**



STAFF REPORT ACTION REQUIRED

Application by Strategic Outdoor for One Variance with Respect to a Third Party Sign Proposal on the Southerly Facing Wall at 14 Sheppard Street

Date:	November 3, 2011
Ward:	28 Toronto Centre-Rosedale
File No.:	TP-11-00010
IBMS File No.:	11-241480

PURPOSE OF THE APPLICATION

This is an application by Strategic Media Outdoor for one variance 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 eight storey automobile parking garage located at the property municipally known as 14 Sheppard Street (commonly known as 22 Sheppard Street). The proposed third party wall sign is 11.5 metres wide by 6.0 metres long and a height of 13.79 metres. The proposed third party wall sign is intended to replace a previously approved non-illuminated mural sign for the purposes of advertising, having a sign face area of 69.0 square metres and located at an overall height of 13.79 metres. The proposed third party wall sign will be:

- Illuminated;
- Not erected within 100.0 metres of other lawful third party signs;
- Not erected within 30.0 metres of the intersection of a major street with another street;
- Not erected within 30.0 metres of an R, RA or an 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 13.79 metres, will contain only one sign face, said sign face measuring approximately 6.0 metres long by 11.5 metres wide, for a total sign face area of 69.0 square metres, and will display static copy.

REQUESTED VARIANCES

SECTION	REQUIREMENT	PROPOSAL
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 69.0 square metres.

RECOMMENDATIONS

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

1. The Sign Variance Committee **approve** the variance requested from 694-25A(1)(a) to allow the proposed third party wall sign to exceed 20 square metres in sign face area.

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 June 27, 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, prepared by A. Karanxha; and
- A rendered photograph of the easterly facing building wall of the building on the subject premises showing the third party wall sign.

Site Context

The subject property (refer to Attachment 2) is located in Ward 28 and is on the west side of Sheppard Street, south of Richmond Street West and north of Adelaide Street West. To the north, on Queen Street West is a hotel and conference centre commonly known as the Sheraton Centre. Apart from the Sheraton Centre, the subject property is surrounded by high-rise office towers. The subject property is located within the City's downtown core.

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 portion of the southerly facing wall of the subject premises on which the sign is proposed to be erected has an area of 315.33 square metres which can easily accommodate a sign with a sign face area of 69.0 square metres. There currently is an existing sign permit for a non-illuminated painted mural for the purpose of advertising, issued under the jurisdiction of Chapter 297 of the former City of Toronto Municipal Code (the former City of Toronto Sign By-law), with similar attributes respecting purpose, sign face area and height. The wall of the parking garage structure is bare and contains no architectural elements which might animate it. A third party wall sign, as the Applicant claims, would "present a visual interest in an otherwise blank building wall" and will provide a "beneficial effect of deterring graffiti."

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 aforementioned and previously issued sign permit allowed for a painted mural for the purpose of advertising on the southerly facing building wall of the subject building and had similar attributes to this current proposed sign; therefore, the proposed sign will not alter the overall look and character of the subject building.

Toronto's Official Plan designates this property and the surrounding area as a *Mixed Use Area* that does permit and will anticipate a broad array of residential, office, retail and service, institutional, entertainment, recreation and cultural uses and activities. Section 4.5 of the Official Plan indicates that a goal for these areas is to make them more animated and attractive. The proposal brought forth by Strategic Media Outdoor in this third party sign variance application is consistent with the Official Plan's vision for the development and growth of *Mixed Use Areas*.

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

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

There are no third party signs within 120 metres of the subject property. On the east side of Sheppard Street, and to the north of the subject property there is a temporary wall sign for the purpose of sales and marketing of a new development. This sign is similar in attributes to the subject sign and is erected on a building that is similar in size and height to that of the subject building. The material used and the display technology is also similar to the one proposed. As well, due to the fact that it is non-illuminated, it is quite consistent with the features of properties and 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 located in downtown Toronto, at the periphery of the Financial District. The essential character of the area is not anticipated to be altered, substantially or otherwise, through the approval of this third party wall sign. There are no other third party signs in close proximity to the one that is proposed, at least within 100 metres. The sign is located on a building that is within a dense, built-up, urban environment which contains a plethora of land uses.

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 be erected and displayed on the southerly facing wall of the subject premises and will not be visible from any residential buildings as the properties surrounding the subject property consist of non-residential uses. The proposed sign faces into a surface parking lot.

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 is located on Sheppard Street, which is not a major street, and on which high-volume vehicular traffic is not an issue. The sign is not located within 30 metres of the intersection of two street lines and therefore will not disrupt or interrupt the flow and movement of vehicular traffic.

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 variance requested in the third party sign variance application to obtain a variance to Chapter 694, Signs, General, required to allow Strategic Outdoor to erect and display one third party wall sign at the southerly facing wall of an existing eight storey parking garage located on the premises, as described, it has been established that the proposal is in compliance with all of the 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

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 2011	

Sign Location

Street No.	Street Name	Lot No.	Plan No.
14	SHEPPARD STREET		

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) OXFORD PROPERTIES GROUP			
Area Code and Telephone No.			
Street No. & Name 120 ADELAIDE STREET WEST		Apt./Unit No. 1903	
Area Code and Mobile / Pager No.			
City TORONTO	Province ON	Postal Code M5H 1T1	Area Code and Fax No.
E-mail address			

Attachments Required

- Sign Variance Data Sheet
- Copies of any supporting documents
- All necessary plans and specifications required to verify the nature of the Sign By-law Variance(s) requested

Applicant's Declaration and Information

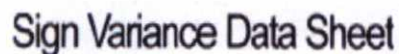
Last Name		First Name	
Company Name (if applicable) STRATEGIC OUTDOOR			
Area Code and Telephone No. (416) 253-9588			
Street No. & Name 555 RICHMOND ST W		Apt./Unit No. 600	
Area Code and Mobile / Pager No.			
City TORONTO	Province ON	Postal Code M5V3B1	Area Code and Fax No. (416) 253-6206
E-mail address 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 	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, 12th Floor, East Tower, Toronto, ON, M5H 2N2, Telephone: 416-392-8100



From Outside the City of Toronto (416) 392-CITY (2489)

Request Date	Folder No.
23 Day	
6 Month	
2011 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. 14	Street Name SHEPPARD STREET	Lot No.	Plan No.
------------------	--------------------------------	---------	----------

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:

Results

East

West

Proposal

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

Replace a mural sign authorized by sign permit (approved but not issued) by a 12.1 m by 9.1 m illuminated vinyl fascia sign on the south elevation

Rationale

Decisions for all Sign Variance Applications are evaluated against criteria listed in Toronto Municipal Code Chapter 894-30 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 – 14 Sheppard Street

Rationale for Application

1. Approval of this application is appropriate. A sign permit has been issued 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. 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.

**

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.

3. The sign is proposed to be installed on the south elevation wall of a purpose built parking garage building. In addition, the lot immediately adjacent to the sign location is currently used as a surface parking lot. This section of Sheppard Street is located between Adelaide and Richmond Streets West in a high-density commercial/professional area.
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 section of Adelaide Street West is also busy and well lit. Current technology allows the illumination of the proposed sign to be directed specifically at the sign and set on timers which will turn the lights off daily at 11 p.m.
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 in more sensitive areas, where residential uses are nearby, 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 if only at this particular site.
8. The proposed sign location is not prohibited by the City's sign regulation.



EXCERPT – SIGN DISTRICT MAP

