

**ATTACHMENT 2:  
STAFF REPORT**



## STAFF REPORT ACTION REQUIRED

### Application by Strategic Outdoor for Three Variances with Respect to a Third Party Sign Proposal at 235 Danforth Avenue

<b>Date:</b>	November 4, 2011
<b>Ward:</b>	Ward 30 - Toronto-Danforth
<b>File No.:</b>	TP-11-00018
<b>IBMS File No.:</b>	11-240908

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

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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 westerly facing wall of an existing four storey medical building located at the property municipally known as 235 Danforth Avenue. The proposed third party wall sign is to be 7.30 metres wide by 6.10 metres long and at a height of approximately 15.70 metres. The proposed third party wall sign is intended to replace a previously approved non-illuminated mural sign for the purpose of advertising, having a sign face area of 42.74 square metres and located at an overall height of 15.0 metres.

The proposed third party wall sign will be:

- Illuminated;
- Erected within 100.0 metres of other lawful third party signs;
- Not erected within 30.0 metres of the intersection of a major street with another street;
- Not erected within 30.0 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 15.70 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 metres of any other third party sign.	There is a third party ground sign at 242 Danforth Avenue, approximately 80 metres to the northeast. There is a third party roof sign at 165-167 Danforth Avenue, approximately 95 metres to the west.
694-25A(1)(a)	A third party wall sign is permitted provided the sign face area shall not exceed 20.0 square metres.	The sign face area of the proposed third party wall sign will be 44.53 square metres.
694-25A(1)(b)	A third party wall sign is permitted provided the height of the sign shall not exceed 15.0 metres.	The proposed third party wall sign will be approximately 15.7 metres high.

## 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; and
3. The Sign Variance Committee **approve** the variance requested from §694-25A(1)(b) to allow the third party wall sign to be erected higher than 15.0 metres above grade.

## 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, sign and dated June 27, 2011;
- A "Rationale for Application" prepared by the Applicant;
- A "Survey Sketch" of the subject premises;

- Elevation drawings of the westerly 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 rendered photograph of the westerly 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 30 on Danforth Avenue, west of Logan Avenue and east of Broadview Avenue. The properties along Danforth Avenue, surrounding the subject property, generally consist of two and three storey commercial residential buildings containing retail use on the ground floor. There are mature established low-density residential neighbourhoods off of Danforth Avenue, both on the north and the south.

### 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 474.71 square metres and can easily accommodate a sign with a sign face area of 44.53 square metres, which is less than one-tenth the total area of the wall. As mentioned, there currently exists a permit for a painted mural sign for the purpose of advertising. The subject wall is an otherwise bare wall containing no significant architectural characteristics or features. A large format advertising sign of this nature, the Applicant claims, would be beneficial in enlivening and animating the otherwise bare wall. The

Applicant further claims that variance requested to increase the sign face area of the sign is to ensure that it is capable of being viewed by passers-by. Sign By-law Unit staff have visited the subject premises and confirm the Applicant's claims.

**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 mentioned, the westerly-facing wall of the building is bare. The wall serves no purpose for the medical uses that occur within the building. A third party sign, such as the one proposed, provides the ability to enhance the bare wall and contribute to enliven and animate the street. A permit exists for a painted mural for the purpose of advertising. The sign permitted is of a similar size and height to the 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 neighbourhood as a *Mixed Use Area* that envisions an area with a broad array of residential uses, offices, retail and services, institutions, entertainment, recreation and cultural activities, and parks and open spaces. 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*

Danforth Avenue is a busy, colourful and vibrant main street in Toronto. There are a variety of retail and commercial buildings which are operated and patronized by a diverse population, typical of the City's broad cultural appeal. Signage, operated by these retail and commercial businesses, is an integral component to the economic viability and success of these businesses. The signage also contributes to enhance and reflect the character of the area. The proposed third party wall sign, although larger than most of the signage displayed for the purpose of identification, still manages to be consistent with the colourful and vibrant street.

**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*

As the premises is located in a CR-Commercial Residential sign district where third party wall signs are permitted subject to provisions contained in Chapter 694, the proposed third party wall sign will not alter the essential character of the area. The area consists of a dense, high-traffic, retail environment. Existing third party signs do occupy space along this portion of Danforth Avenue but they do not dominate or clutter the street and the public realm.

**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 westerly facing wall of the subject premises and is not directly visible from any residential uses located along Danforth Avenue. Further, the proposed third party wall sign is buffered from residential uses occurring to the south by the existing buildings fronting Danforth Avenue, a public laneway and a row of tall mature trees.

The proposed third party wall sign will be subject to the illumination provisions prescribed in Chapter 694 thereby minimizing any potential impacts and effects of the sign being displayed on the subject wall.

**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 face the street and is perpendicular to Danforth Avenue. This orientation provides on-lookers to view the proposed sign without having to avert their attention from the road ahead, thereby reducing and perceived distraction the sign may create. The sign is not located within 30 metres of the intersection of two street lines and therefore is not intended to disrupt the flow of 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, a few comments have been received from the public.

Generally, the comments provided speak to concerns over the appropriateness of the proposed sign on a physically and visually dominant building. Additional comments speak to the degree of sign clutter in the vicinity of the proposed sign. There is a concern that third party advertising signs are "proliferat[ing] along Danforth...creating confusion for drivers detracting from public safety."

Notwithstanding the objections raised by some of the local residents, there are other interests which this proposal considers, including the protection of sensitive land uses and the promotion of energy efficiency. The proponent will comply with the prescribed regulations related to the purchase and use of renewable energy to operate the proposed third party wall sign and will also comply with the illumination requirements prescribed in Chapter 694, 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 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*

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 at the westerly wall of an existing four storey medical building located on the premises, as described, it has been established that the proposal is in compliance with all of the criteria set out 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](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

 <p><b>Toronto Building</b> Sign By-law Unit</p>	<h2 style="margin: 0;">Sign Variance Application</h2>																
<p><b>For Enquiries Dial 311</b> From Outside the City of Toronto (416) 392-CITY (2489)</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Request Date</td> <td style="text-align: center;">Folder No.</td> </tr> <tr> <td style="text-align: center;">23 Dec</td> <td style="text-align: center;">6 March 2011 Year</td> </tr> </table>	Request Date	Folder No.	23 Dec	6 March 2011 Year												
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23 Dec	6 March 2011 Year																
<p><b>Sign Location</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Street No. 235</td> <td style="width: 40%;">Street Name DANFORTH AVE.</td> <td style="width: 15%;">Lot No.</td> <td style="width: 15%;">Plan No.</td> </tr> </table> <p>Describe the variance being applied for:</p>		Street No. 235	Street Name DANFORTH AVE.	Lot No.	Plan No.												
Street No. 235	Street Name DANFORTH AVE.	Lot No.	Plan No.														
<p><small>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:</small></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;">Existing sign dimension</td> <td style="width: 50%;">Location:</td> </tr> </table> <p><small>Please provide the reason/justification for the request (Attach any supporting documentation or additional pages as required):</small></p>		Existing sign dimension	Location:														
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<p><b>Property Owner Information</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;">Last Name</td> <td style="width: 20%;">First Name</td> <td style="width: 20%;">Company Name (if applicable) NORTHWEST HEALTHCARE PROPERTIES</td> <td style="width: 20%;">Area Code and Telephone No.</td> </tr> <tr> <td colspan="2">Street No. &amp; Name 284 KING ST E</td> <td>Apt./Unit No. 100</td> <td>Area Code and Mobile / Pager No.</td> </tr> <tr> <td>City TORONTO</td> <td>Province ON</td> <td>Postal Code M5A 1K4</td> <td>Area Code and Fax No.</td> </tr> <tr> <td colspan="4">E-mail address</td> </tr> </table>		Last Name	First Name	Company Name (if applicable) NORTHWEST HEALTHCARE PROPERTIES	Area Code and Telephone No.	Street No. & Name 284 KING ST E		Apt./Unit No. 100	Area Code and Mobile / Pager No.	City TORONTO	Province ON	Postal Code M5A 1K4	Area Code and Fax No.	E-mail address			
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<p><b>Attachments Required</b></p> <ul style="list-style-type: none"> <li>• Sign Variance Data Sheet</li> <li>• Copies of any supporting documents</li> <li>• All necessary plans and specifications required to verify the nature of the Sign By-law Variance(s) requested</li> </ul>																	
<p><b>Applicant's Declaration and Information</b></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 40%;">Last Name</td> <td style="width: 20%;">First Name</td> <td style="width: 20%;">Company Name (if applicable) STRATEGIC OUTDOOR</td> <td style="width: 20%;">Area Code and Telephone No.</td> </tr> <tr> <td colspan="2">Street No. &amp; Name 555 RICHMOND ST W</td> <td>Apt./Unit No. 600</td> <td>Area Code and Mobile / Pager No.</td> </tr> <tr> <td>City TORONTO</td> <td>Province ON</td> <td>Postal Code M5V3B1</td> <td>Area Code and Fax No.</td> </tr> <tr> <td colspan="4">E-mail address DANIEL@STRATEGICOUTDOOR.CA</td> </tr> </table> <p><b>do hereby declare the following:</b></p> <p>That I am</p> <p><input type="checkbox"/> the Property Owner as stated above.</p> <p><input type="checkbox"/> an officer/employee of _____, which is an authorized agent of the owner.</p> <p><input checked="" type="checkbox"/> the owner's authorized agent</p> <p><input type="checkbox"/> an officer/employee of _____, which is the Property Owner's authorized agent.</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• That the plans and specifications submitted are prepared for the sign variance(s) described and are submitted in compliance with copyright law.</li> <li>• That the information included in this application and in the documents filed with this application is correct.</li> <li>• 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.</li> </ul>		Last Name	First Name	Company Name (if applicable) STRATEGIC OUTDOOR	Area Code and Telephone No.	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.	E-mail address DANIEL@STRATEGICOUTDOOR.CA			
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City TORONTO	Province ON	Postal Code M5V3B1	Area Code and Fax No.														
E-mail address DANIEL@STRATEGICOUTDOOR.CA																	
 Applicant's Signature	<p style="text-align: center;">Daniel Pitoscia</p> <hr/> <p style="text-align: center;">Print Name</p>	<p style="text-align: right;">Jan 27, 11</p> <hr/> <p style="text-align: right;">Date</p>															
<p><small>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, for variance, 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</small></p>																	



Sign Variance Application – 235 Danforth Avenue

Rationale for Application

1. Approval of this application is appropriate. A sign permit is currently in place, permit number 10 140430 SGN 00 SP, allowing a mural on the west 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

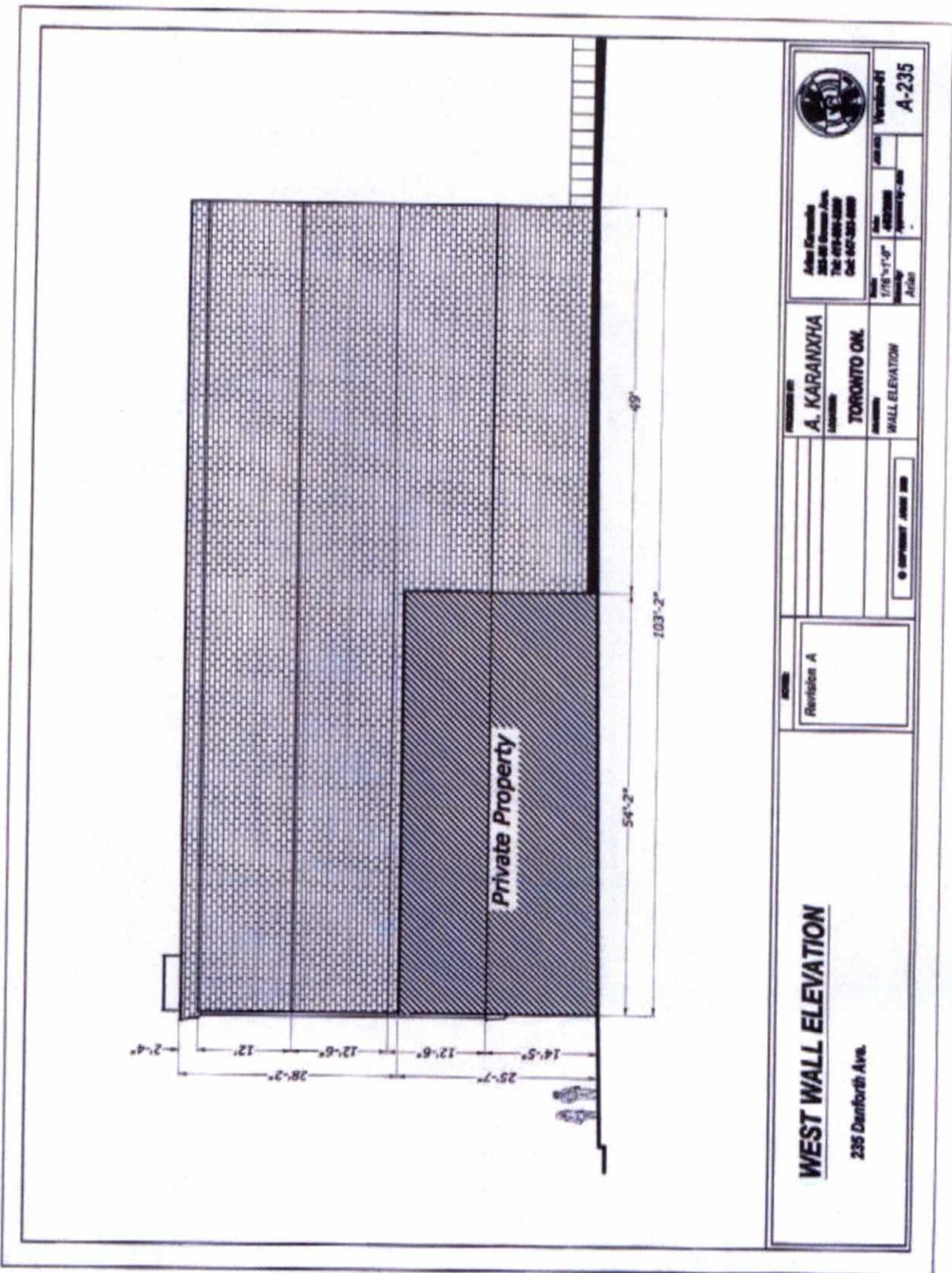
disposal. While this method minimizes potential harm to the passing public, it does involve exposing the workers to the chemicals needed for the process. In addition, there is a long-term potential for erosion of the building wall or cladding on the wall in question.

- 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.

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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 west elevation wall of a Medical Office Building. This section of Danforth Avenue is a high-density commercial 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. You can see from our application photographs that the westerly blank building wall of the building immediately west of 235 Danforth Avenue has been defaced with graffiti.
- 6. Although the area immediately off the Danforth Avenue corridor is residential in nature, the proposed sign will be located on the northernmost 25% of a building wall which is over 100 feet in length and is further separated from the residential area by a public lane.
- 7. Danforth 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.
- 8. 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.
- 9. 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.
- 10. The proposed sign location is not prohibited by the City's sign regulation.





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Scale: 1/8" = 1'-0"  
 Date: 02/20/08  
 Project: 08-001-001

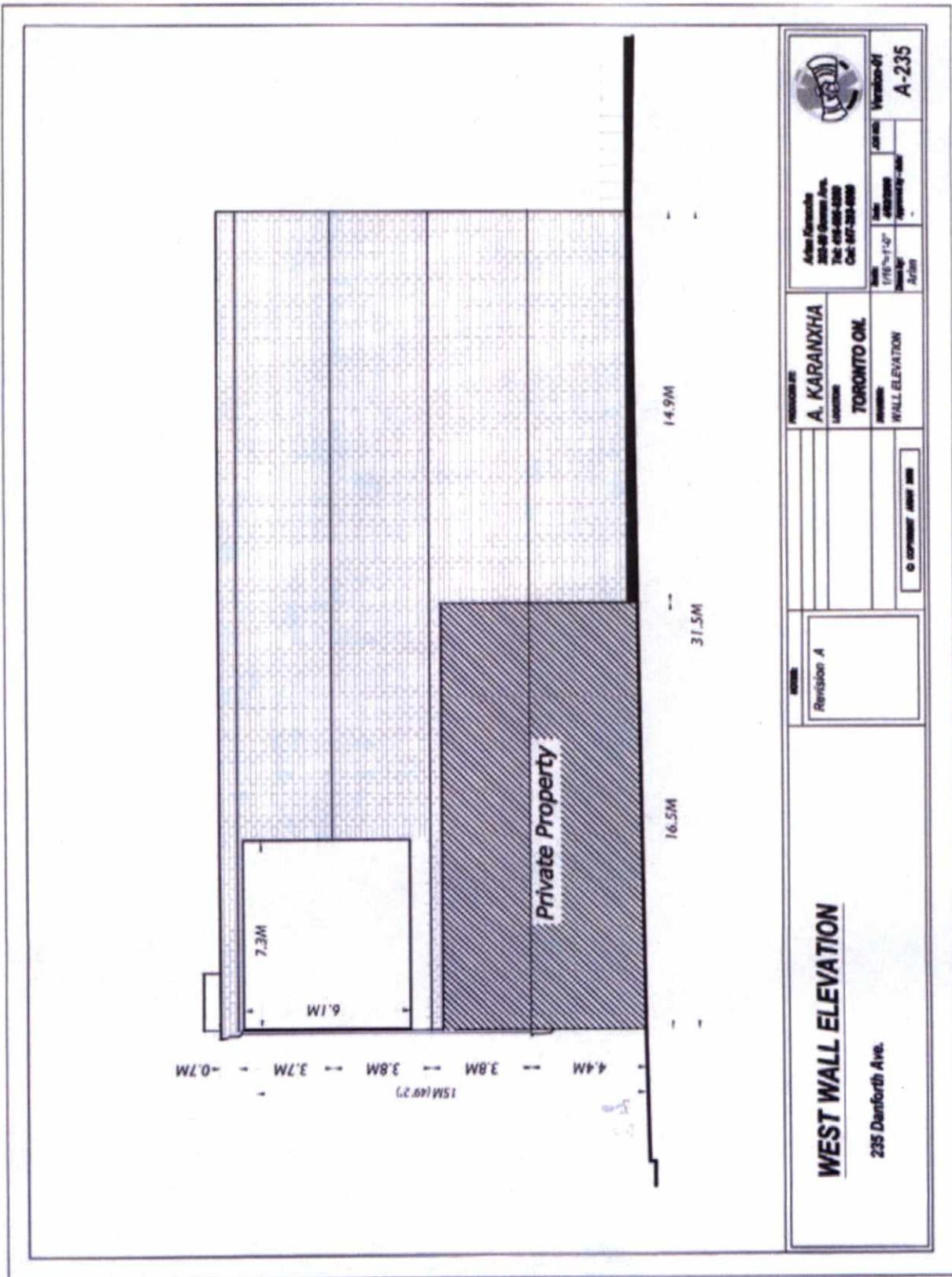
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**A. KARANXHA**  
 ARCHITECT  
 TORONTO ONT.  
 WALL ELEVATION

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Revision A

**WEST WALL ELEVATION**  
 235 Danforth Ave.



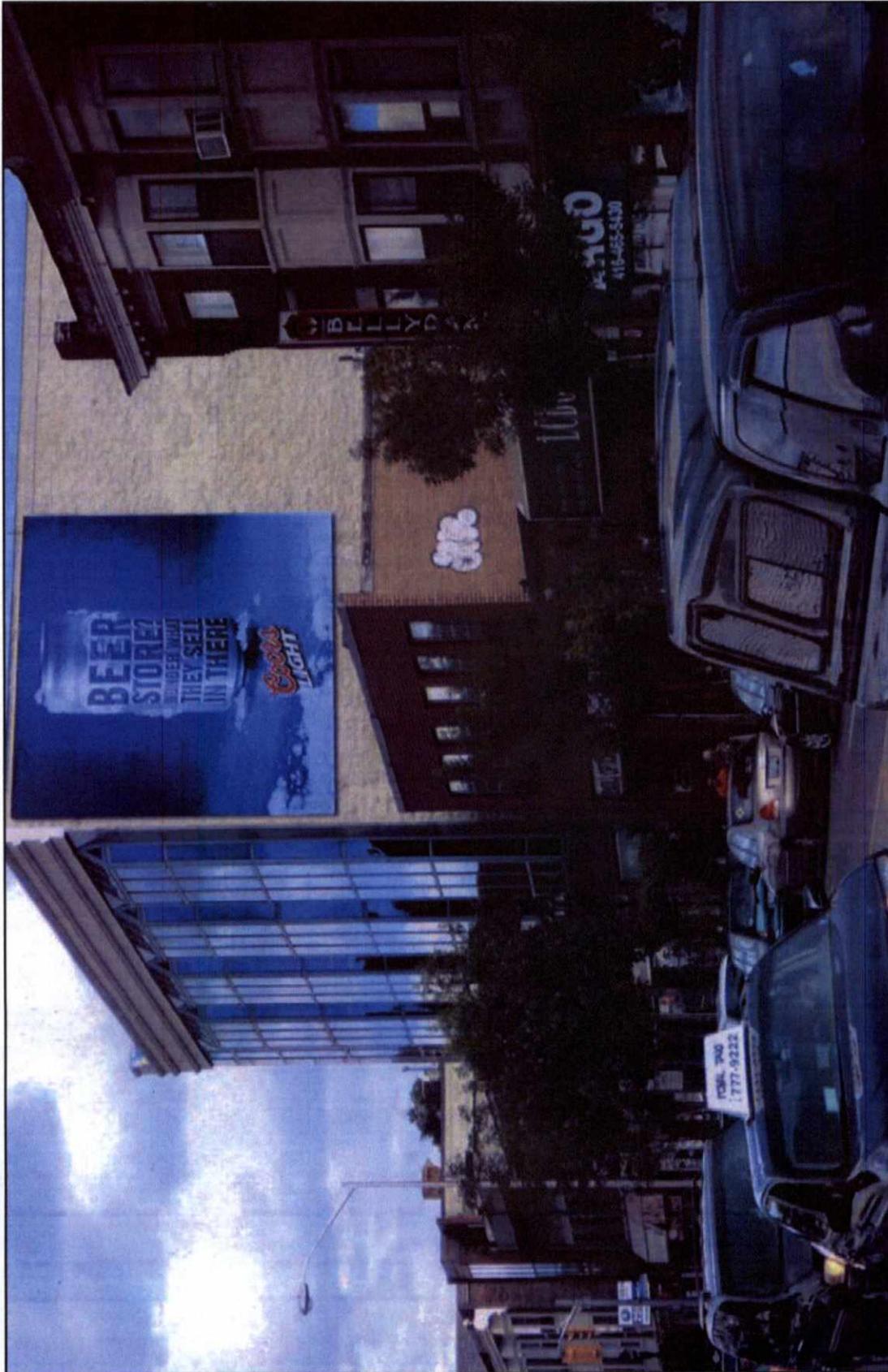
  
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**A. KARANXHA**  
 ARCHITECTS  
**TORONTO ONT.**  
 WALL ELEVATION

Revision A  
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**WEST WALL ELEVATION**  
 235 Danforth Ave.

Version-01  
**A-235**



Strategic Outdoor – Three Third Party Sign Variances – Wall Sign at 235 Danforth Avenue

## ATTACHMENT 2: EXCERPT – SIGN DISTRICT MAP

